

## **A MUST READ! Marriage and the New Muslim Sister**

### **Al-hamdulillah, you are a new Muslimah!**

It often seems that the first words you hear from other Muslims after you've taken your shahada is, "Are you married?" Many, many new sisters report that they feel frustrated with the intense attention paid to their marital status. Often you will hear things like, "Marriage is half your deen," "It is the Sunnah," "You must help keep the brothers from committing unlawful sexual intercourse," and "That's what Muslim women do."

### **Slam on the Breaks! Wait a Minute!**

It is true that marriage and family life are important, the building blocks of the Islamic community.

However, I think it is unfair for people to expect new sisters to turn around and get married right away. As a new Muslimah, you are going to find pressure from your family, friends, and co-workers, and you will find yourself stumbling through a new culture and lifestyle. In a way, it's like being a baby, having to learn everything over again, and there will be a lot of frustration.

Although you may be eager to run out and get married right away, I have to ask you to check yourself, and really think deeply about how well you can handle a commitment like marriage, when you've just made your first step in making a commitment to Allah ta'ala. If the brother is on some sort of deviancy, or isn't really practicing, or treats you in a horribly cruel manner, this will only serve to drive you away from Islam before you have had the opportunity to really study it. Staying single within the Muslim community for a little while will also afford you the opportunity to observe married couples, get to know other sisters, and observe the conduct of men within your community. It will also give you time to build up a reputation according to your Islamic practices, and not the fact that you're just the latest news.

### **Marriage in Islam: An Overview of Rights**

As you may know, courtship and marriage are conducted in a radically different manner than you may be used to. No more dating, no more holding hands, no more going out for dinner, or hanging out at each other's house. Obviously, there is no pre-marital intimacy allowed. This doesn't mean that you don't choose your spouse [that's right, you still get to choose...] for reasons other than pleasant companionship, similar interests, and similar mannerisms. What it means is that you get to know each other, often in a short period of time, through chaperoned meetings, phone calls, and letters, rather than just "hanging out."

In Islam, marriage is looked at as a partnership [despite outside opinions to the contrary], and it is the foundation upon which an Islamic society is built. And yes, Islam holds a "traditional" view of the male/female dynamic within that marriage. Each spouse has certain rights over the other, and each spouse has certain responsibilities towards the other.

Responsibilities incumbent upon both spouses include, foremost, that mutual respect and appreciation is present in the most everyday and mundane dealings. Rigid rules of behavior and unrealistic expectations only serve to undermine the position of both spouses. Secondly, each spouse is responsible for their own diyn, or religion. You can't blame your husband's laziness for you not making morning prayers. Likewise, he can't blame your cooking (which is probably superb!) for his going out and eating or drinking haram foods.

### **Responsibilities of the Husband**

#### **The dowry (mahr):**

This is his absolute obligation and your absolute right under Islamic law. The man MUST offer a dowry of some sort, although you do have the right to waive the mahr. The marriage is not valid without a mahr being stipulated and either waived or agreed upon in the contract. The purpose of the mahr is to safeguard the economic status of the woman in the event that she is divorced or widowed, or the husband loses work. The husband must comply with the wedding contract in the amount of the mahr, whether it is real estate, money, jewels, or something else.

Nowadays, many women specify that they would like a car, computer, or capital to start their own business. The mahr can be paid immediately before the marriage, or deferred until later after the marriage. If the husband later makes it clear that he has no intention of paying the mahr, the marriage is invalidated and the husband is deemed to have committed a great sin. If you divorce before the marriage is consummated, then half the dower is due to you (2:237), and you have the right to remit that also. Once the marriage is consummated, the husband has no right whatsoever to ask for any portion of the mahr.

Too many American sisters waive their rights to a mahr, or accept "tokens" as their dowry. While this is fine for those who are really, truly in love [for instance, those who have known their spouse-to-be for many years], the fact is, the ignorance of many new Muslim women on the subject of mahr has made them unwitting targets of men who are reluctant to fulfill this duty. The dowry isn't a "nicey nice" gesture, it is part of your economic safeguard should your husband die, or divorce you, or lose work. The scholars of Islam have generally said that a year's maintenance is an acceptable dowry. American Muslimahs are known for their willingness to accept extremely small dowries (\$10) or token dowries (a set of hadith translations, a few nice dresses) which the husband would most likely provide after marriage anyway. [For instance, it is his obligation to provide you with clothing, not his favor.]

Jeffrey Lang\*, in his book *Struggling to Surrender\**, mentions:

"Interestingly, I am often asked by young foreign Muslim men if I know any American Muslim women who are interested in getting married. When I advise them that it may be easier to find someone in their home country, I am frequently told that American women ask for much smaller dowries. Personally, I am not comfortable with introducing my friends to men who wish to take advantage of their unfamiliarity with this institution."

<http://www.muslimedia.com/ARCHIVES/book99/usislambk.htm><http://www.biblio.com/isbn/0915957264.html>

### **Maintaining the Household:**

This means he is responsible for all (that's right, all) household expenses. This is obligatory on him. The wife is not obliged to provide anything of her needs, no matter how rich or poor she is. The husband must provide for her clothing appropriate for each season, food, and shelter. The obligation of maintenance is a must upon the husband even if the wife and he are living in separate quarters (the wife living separately with his consent-- say for instance, one goes overseas for school).

### **Residence:**

The husband must at least provide for the wife a home where no other relatives reside. It is her right to agree to live with his family members and waive the right to private residence. If this is the case, he should provide her with a private area which is accessible to her only, where she can keep her personal belongings.

### **Overseeing the Islamic education of the wife and the children:**

In Islam, the husband is the head of the family, and is responsible for ensuring that both his wife and his children have access to appropriate Islamic educational materials. This means ensuring that his wife has access to Qur'an, Tasfir (exegesis, explanatory commentary of Qur'an), hadith, scholarly texts, halaqas,

whatever. Usually, it is the wife and mother who becomes the children's main educator and it is in everyone's best interests for the husband to uphold this responsibility with rigor.

### **Conjugal Relations:**

The wife is entitled to sexual relations at least once every four nights (since this is as many wives as he can have), and / or enough to keep her from falling into any type of haram behavior. It is also expected that the man satisfy the wife to the degree where she is not tempted to commit zina, or adultery. It is absolutely forbidden for him to expect her to have sex in the presence of a cognizant third party (such as other adults).

A wife should expect that her husband will approach her gently and with concern for her feelings also. The Prophet (sallallahu aleyhi wa salaam) told his Companions not to approach their wives like a camel approaches a she-camel (that is, without any intimate and affectionate behaviors beforehand).

There are other hadith where the Prophet (sallallahu aleyhi wa salaam) advises them to joke and cuddle with their wives, and to make sure that she receives her pleasures as well. For more on intimate marital relations, please read "The Muslim Marriage Guide" by Ruqayyah Waris Maqsood. (Links provided in last paragraph under "Final Word".)

### **Justice:**

The husband must abstain from using -- rather, abusing -- his rights in a cruel or unjust manner. Kindness to wives is repeated throughout the Qur'an and the Hadith.

### **Responsibilities of the Wife**

#### **Conjugal Relations:**

The first and foremost responsibility of a wife towards her husband is his right to enjoy conjugal relations with his wife. It is obligatory for you to "go to your husband" when he asks you if you are at home, can physically endure it (i.e., you're not ill or injured), and have received your mahr. It is absolutely forbidden for a man to have intercourse with his wife during her menses (although other intimacies are allowed), during post-natal bleeding, or during daylight hours in the month of Ramadan. Anal sex is also forbidden, and you are not obligated to participate in this practice. If the husband permits the wife to engage in voluntary fasting throughout the year, then he has waived his right to have sex with her during the daylight hours of the day that she is fasting.

#### **Guarding the Rights of the Husband:**

In his absence, you are obligated to protect both your chastity, his children (be they yours or not), his secrets, and his property. It is better not to let people into the house without his knowledge or permission, or to let people into the house whom he dislikes. [For instance, the plumber comes over and he doesn't know about it.] In this day and age, this is also a practical safety measure for yourself.

#### **Management of the Household:**

The wife should keep the home, meaning preparing the meals, cleaning and decorating the home, managing the household budget, and taking the primary responsibility of rearing the children. Although it is usually agreed that the wife isn't Islamically obligated to cook or clean, at this point in time most men are simply unable to afford hiring a housekeeper. Doing these things while not being obligated to is certainly a kindness that a wife can hope to receive reward for if she performs it for the sake of Allah.

#### **Obedience to the Husband:**

This is often one of the most misunderstood aspects of married life in Islam. Obedience to your husband does not mean that you wait on him hand and foot, or that you curtsy to him and never turn your back to him. He's your husband, not the emperor. In an Islamic marriage, obedience to your husband concerns two matters: (1) that you comply with him when he desires marital relations which are within the boundaries of the Qur'an and Sunnah (see above), (2) that you comply with him on Islamic matters if his opinion is not one which is deviant or outright un-Islamic. One reason that Muslim women can not marry non-Muslim men is because of this obedience, and the nature of the husband's responsibility of being in charge his family's Islamic education. In Islam, the man is responsible for seeing to it that the family is adhering to Islam, especially the children. A non-Muslim man can not only not take on this massive responsibility, but he is pre-disposed, by the very nature of his being a non-Muslim, to fight against it, whether he consciously admits that or not.

Nushuz, or rebellion, of the wife towards the husband is a very serious thing, and is a cause for divorce, although the man is advised to go through certain steps before seeking a divorce. The most common types of nushuz are the refusal of a wife to go to her husband's bed, apostasy (leaving Islam), and adultery. Nushuz does not mean that you cooked macaroni and cheese when he asked for chicken and broccoli. Admonition (i.e. encouraging the wife to repent, and to return to Allah ta'ala) is the first step the husband is required to take in dealing with nushuz. Refusing the bed or marital relations [cold shoulder] is the second. If the wife has actually committed some form of gross rebellion (i.e. adultery) it is lawful for the man to lightly and symbolically (ie, with a toothbrush) strike her, but not to bruise, break bones, wound, or strike her in the face, after he has taken the above steps over an unspecified amount of time (ie, he doesn't take all of these steps in one hour, one day, or two days). He may only do this if he thinks that such a light strike will encourage her to return to the Straight Path, and after he has exhausted the other steps. Above all, the husband should follow the example (Sunnah) of the Prophet (sallallahu aleyhi wa salaam), who never raised his hand against a woman.

### **How to Go About Getting Married in Islam**

According to most scholars of Islam\*, no unmarried woman can draw up her own contract under Islam, whether she is a virgin or not, never married, or divorced / widowed. The resulting marriage would not Islamically valid without a wali, or guardian for the woman. The guardianship is a fact of life, and the key isn't to view it as some burden on your path to wedded bliss, but as a protection and resource for you to take advantage of. (\*The exception to this is scholars of the Hanafi school of law, where the presence of a wali is not strictly necessary for contracting every valid marriage. Don't get married without consulting a knowledgeable Imam or scholar).

The guardian must be: male, legally responsible, Muslim, upright in character, and of sound judgment. The guardian may not be a woman, a child, an insane person, a non-Muslim, or a corrupt person. Also invalid is the one whose judgment has been affected by old age or disease, or someone who suffers from a severe illness or physical ailment that would keep him from being fully responsible for the woman.

As converts, your parents are [most likely] not Muslim, and this probably goes for your brothers and uncles as well. Thus, the guardianship falls upon the local Islamic authority, in this case, the local Imam or Alim. He may either act as the wali himself or appoint a knowledgeable and upstanding person within the community to discharge the duty.

I can't stress the importance of the fact that you should be actively involved in choosing your wali. Don't let an imam you barely know appoint a man you don't know to be in charge of your future. Get to know the wives in the community, as they can often tell you who would make a responsible wali. When you do have a wali, make sure that you get to know him and his wife. Make sure that they know all of your requirements for a spouse, as well as your likes and dislikes, your personality and taste. Choose someone whom you feel will be concerned for your wellbeing -- there are too many tales of walis marrying women

off to their buddies, or the first person who asks, without regards to either person's status, diyn (religious life), or personality.

As an independent American or Canadian woman, who is used to being able to make her own choices, go wherever she pleases, talk with whom she wishes, the issue of guardianship may be a hard one to come to terms with initially. But the fact of the matter is that not only will your marriage be Islamically invalid without a guardian, it is also an advantage for you to have one who is "on your side." The wali is the person that all brothers interested in marrying you MUST contact. This means you don't have to worry about awkward situations, and "letting him down easy," the wali does it for you. You certainly know by now that you simply do not have access to the social world of Muslim brothers... but your wali does. He is the one who knows how a brother seeking your hand relates to other men, how he is viewed by other men in his religious, social, and financial dealings. He is able to "get to know" any man interested in you, and compare your personalities and preferences.

It is also important, when considering marriage to a foreign born man, to have a wali. I have heard too many stories of new shahadas unknowingly duped into fraudulent marriages by brothers who have told them they don't need a wali, or that his brother can be her wali, etc. In this day and age when green card marriages are a reality (a very ugly one), having someone "on your side" is terribly important. The wali is required to check the brother out completely, and this includes dealing with people in other countries who would not be so receptive to you calling them up on the phone. He is required to make sure that the brother isn't hiding a wife and children somewhere while he "gets his g.c." The wali may also be a go-between for you and the in-laws. Which brings us to the next topic...

### **The Green Card Marriage**

No matter how much we try to have an ideal view of Muslims and their behavior, the fact of the matter is, there are men out there who deliberately seek out American converts to Islam in order to enjoy the benefits of your birthright--- citizenship. (I do not know if this situation is the same in Canada or other Western countries). The Green Card Marriage is a very real thing, and a very real threat to the woman. Most born citizens are ignorant about immigration laws and visas, and are often easily duped into fraudulent marriages. Know that I am not a lawyer, and am offering the following advice based on talking to other sisters, and researching immigration law myself. If you are going to marry someone who does not already have a green card, you should consult a reputable immigration attorney. It is money well spent. (See "Finding Free Legal Assistance"\*). <http://uscis.gov/graphics/lawsregs/advice.htm>

In past years, it was relatively "easy" for two people to get married for the sake of the G.C. However, even before the post-September 11th laws restricting immigration, Congress had enacted more rigorous rules for those married to non-citizens. Green card marriages are no longer an easy thing to get away with, something to romanticize in Hollywood movies.

Do not think that you can marry a man just to help him secure a green card and get away with it.

Breaking the laws of the country you live in is a grave sin in Islam, as is fraud. Even if you do not have to answer to the INS (See Announcement about transition of INS to Department of Homeland Security\* (<http://uscis.gov/graphics/othergov/roadmap.htm>) (INS now known as USCIS\* (<http://uscis.gov/graphics/index.htm>) or U.S. Citizenship and Immigration Services; Toll Free Number: 1-800-375-5283) and the Department of Justice for your fraud, you will have to answer to Allah subhannahu wa ta'ala. The INS and Department of Justice have clamped down on these sorts of fraudulent marriages, and the penalties for both spouses are severe. Conversely, if a man thinks that he can marry you just for a green card, without letting you know if this intention, he is seriously mistaken if he thinks that it will be easy.

The INS requires that marriages of a citizen (or permanent resident) to a non resident alien (those without green cards) last for a period of about five years. The non resident alien spouse (that's him) usually

receives his working papers after 90 days (if he was here illegally), and a conditional green card within 18 mos to 2 years. The condition is that you must remain married for a period of 2 or 3 years AFTER he receives this green card. If you divorce or separate during this time, the INS is free to revoke his permanent residency and deport him.

During this five year period, you must demonstrate to the INS that you are maintaining a shared residence (you live together), joint bank accounts, and filing joint tax returns. If your spouse does not have legal working papers (ie, he is an illegal immigrant or his visa does not allow him to work), you must demonstrate that you are able to support him until he obtains legal work authorization. If the INS has doubts about the validity of your marriage, you can expect them to visit your home and your workplace, and to ask questions of your neighbors, family members, and co-workers. This means that unless your marriage is real, you either have to put up a really good front for five years or you have to involve quite a lot of people in your deception.

Finally, know this. Most men pay American women anywhere from \$3,000 to \$6,000 for a green card marriage. Considering the fact that you are now unable to marry anyone else for a period of five years (hope you don't meet Mr. Right), and that you must maintain an elaborate show for the INS in order to avoid severe penalties, this is a very, very puny compensation.

If the INS suspects fraudulent marriage, they may send both spouses (yes that includes you) back to the foreign born spouse's country of origin during the investigation. If the ruling is that your marriage is fraudulent, the American spouse (born citizen or naturalized) is subject to heavy fines and imprisonment. That means being a convicted felon. The foreign born spouse is subject to fines, imprisonment, deportation, and refusal of entry into the US (even as a tourist) for periods of no less than ten years, or a lifetime. The marriage is also annulled. If you, as an American citizen or permanent resident, feel that he married you under fraudulent circumstances, you are allowed to report this to the INS with no penalty on yourself. As the petitioner, you have the right to refuse to petition for anyone else.

If you intend to marry someone who is not presently living in the United States, you MUST be able to demonstrate to the INS that you have met in person at least one time in order for him to be eligible for a K-1 (fiance) visa. This usually means that you have to make a trip overseas to meet the brother. Mail order and arranged marriages will not work with this situation.

Expect to have your life come under heavy scrutiny by the INS. The INS may employ home visits, and requires you to visit their offices or an embassy (if you are overseas) for at least one interview. They may nose around and ask your neighbors and relatives about you and your comings and goings. You must also be prepared for the possibility that his entry or conditional residence will be restricted to the point where he is not given a work permit, thereby requiring you to go out and work while he is at home, although this usually doesn't happen.

When petitioning for the K-1 visa, you may also petition for a K-2, which is a dependents visa. Beware of those who want to bring over "dear old mother" and a few siblings on a K-2 visa right away. It is my understanding that as the sponsor, you will be legally responsible for all those dependents who are on a K-2 visa. This includes his children from any previous marriages, his mother, his younger brother, his cousin, whoever.

Finally, when marrying someone who does not have papers, and who will gain them through you, take the time and trouble to find out whether or not he has a wife and family back home. It may cost you money and it may take you some time, but it can save you a lot of heartache in the end. This is another time when a trustworthy wali comes in handy.

## **Culture Clash**

Many female converts to Islam marry brothers who were born and raised as Muslims. Almost all of these brothers are from another culture, usually Arabic, Iranian, or Indo-Pakistani. A lot of sisters have a dreamy romantic picture of an exotic cross-culture marriage. The reality can be stressful and confusing. While brothers from these countries are often somewhat (though not overly) familiar with American culture, American women are often completely unfamiliar with their new husband's culture, what is expected of women, what is expected of men, and so on. In addition, while many foreign-born brothers are somewhat familiar with our culture(s), most of their knowledge likely comes from movies and television. It's been my experience that foreign born brothers have precious little interaction with Americans in a non-work/non-school setting. There's nothing wrong with this, but it does mean that they can carry a very shallow and stereotypical view of what American family life is like, and what American women are like. When you marry a man from another culture, the package comes with both good and bad elements. You may not get an opportunity to avoid negative things in the person's culture, especially if you have not educated yourself about them first.

It is also a fact that sometimes, men from these countries (ie, born and raised Muslim in Muslim countries) may not be practicing Muslims or even very good people. A man's religious practice, not his ethnic or national origin, or the religion of his parents and family, should be your highest consideration when you are meeting someone for marriage.

If you are considering marrying someone from another culture, you might want to find out if there are other Western Muslimahs in your area married to men from that country. You might also find e-mail support lists for American/Western Muslimahs married to Arabs, Indo-Paks, Iranians, and so on. My general advice is that you don't take advice from non Muslim women who have divorced men from another culture. Stick to the advice and listen to the experiences of Muslim women who are married or have been married to men from that country.

Although it might sound cheesy, you can also go to your library and try to find travel books, memoirs, novels, and non-fiction books about your potential husband's culture (although you should be appropriately wary of anything written by non Muslim Western journalists). If it is possible, visit sisters from his country and learn how they conduct themselves. Your potential husband might know that he is marrying an American, but he may expect you to conduct yourself according to his culture later, especially when his parents are around.

Cross-cultural marriages can be very loving and beneficial, but the couple has to make Islam the foundation of their marriage, and the "resolver" of their conflicts. Go into the marriage expecting to hit rough spots, eat food that grosses you out, and get into awkward social situations. If you keep your 'imaan and your sense of humor about you, you'll both pull through it fine, insha'Allah.

### **Final Word**

Whether you're marrying someone from California or Qatar, I highly recommend the book by Hidayat (Hedaya) Hartford (Hartford), **"Islamic Marriage."** **Note: Currently out of stock except for a couple of the first release secondhand copies found here: <https://www.amazon.com/Islamic-Marriage-Hedaya-Hartford/dp/1592390129>**

Another good, realistic book is Ruqayyah Waris Maqsood's **"Muslim Marriage Guide"** (Available for purchase online at <http://www.amazon.com/Muslim-Marriage-Guide-Ruqayyah-Maqsood/dp/091595799X>.) (Or downloadable in PDF at <http://al-islamforall.org/Misc/MarriageGuide.pdf>)

When it comes to marriage, remember to keep your wits about you. Don't be pressured into a marriage you don't want, and don't let the excitement of other sisters at finally having someone to fix up sweep you into a marriage you're not ready for. Take the time to write a small journal about what you expect from a marriage, what you think you can offer to marriage, what you need to work on, what you are looking for in

a husband, and so on. Always keep "an open line" with Allah subhanaahu wa ta'ala, praying and asking for guidance on this matter, and you'll be fine, insha'Allah.

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### **Short Biography of Ruqaiyyah Waris Maqsood**

Ruqaiyyah is the author of around forty books on Islam and other subjects. She gained her honours degree in Theology in 1963 and Post Graduate Teaching Certificate in 1964, with distinctions in theory and practice.

Her professional life was spent as Head of Religious Studies at various UK inner city secondary schools, until she retired in 1996, to concentrate on writing and lecturing.

Ruqaiyyah grew up a devout Christian, but converted to Islam in 1986. Already established by then as an author of books on Christian and educational topics, she has since devoted her time to writing on Islam and doing dawah work to both Christian and Muslim audiences.

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