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## **Translator's Introduction**

In the name of Allah, Most Compassionate, Most Merciful. All praises are due to Allah; we praise Him; we seek His help; we seek His forgiveness; and we seek His guidance. We seek refuge in Allah from the evil in our souls and the badness of our deeds. For whomever Allah guides, there is none to lead him astray. And for whomever He allows to go astray, there is none to guide him. I bear witness that there is none worthy of worship except Allah, for whom there is no partner. And I bear witness that Muhammad is His servant and Messenger.

In this work, the author has done an excellent job of concisely mentioning the most important aspects of the different fiqh topics he discussed. Furthermore, he has discussed many issues that are not greatly discussed in the English literature, such as the rules concerning bequests and endowments. Hence, this work was chosen to be translated as a welcomed addition to the available English literature.

It should be noted that this work was first written with the intention that it would be translated as a basic and introductory work on fiqh for the Islamic republics that formerly formed part of the U.S.S.R. To meet that goal, the author was forced to keep this book free of details and arguments over different fiqh opinions. Therefore, he had the unenviable task of presenting his conclusions without stating his evidence or reasoning.

For the greater portion of this book, the fiqh opinions expressed are generally agreed upon and non-controversial. Obviously, there are going to be some other points concerning which there is difference of opinion. On these points, many of Dr. al-Sadlaan's conclusions may be criticized or questioned by some readers. (Some readers may even note that in this

translator's own writings, he disagrees with the author on various points.) One may even come across some points that seem very odd or unheard of. However, one must keep in mind that Dr. Saalih al-Sadlaan is one of the most well-read scholars today and he has never obliged himself to follow a particular *madhhab* (school of fiqh). Hence, at the very least, the views expressed in this work are the conclusions of a well-respected scholar who is a specialist in the field of fiqh. Furthermore, upon study, one can find that all of the views mentioned by Dr. al-Sadlaan in this work are held by at least one or more of the famous scholars in the history of Islam. Again, due to the nature of this work, he does not mention which of the famous scholars held these same opinions. Furthermore, he does not state why he felt that such was the strongest or correct opinion. But that is the nature of this type of work. If the author had gone into those details, it would have defeated the purpose of the work.

Due to the points made above, much debate was held over whether or not a work of this nature needs to or should be published at this time, even though the disputed points are actually relatively small in number. It was finally concluded that the book should be published as its publication would entail many benefits. First, it was decided that it may be very good to expose people to different fiqh opinions. Knowledge and awareness is a definite key in avoiding some of the disputes—and even hatred—that are occurring among Muslims. There is a disturbing trend among some Muslims today to think that their fiqh opinion is the only opinion and no other opinion has any worth to it whatsoever. Other opinions are sometimes even ridiculed and not tolerated in any way. In reality, though, there may be many other opinions that have some evidence for them—even though one may conclude that

they are weaker opinions.<sup>1</sup> Furthermore, there are well-known scholars who have come to those conclusions. Hence, those opinions are worthy of some respect and of understanding between the people who hold different opinions. This is a very important point as people are going to differ on fiqh matters. Allah, in His wisdom, did not make every fiqh issue definitive with no room for scholarly judgment and reasoning. This is an undeniable fact and, therefore, one has to accept that others may come to different conclusions. The result of these differences of opinion should not be division and hatred. There has to be some room for tolerance and discussion. In fact, through discussion and exploration one often finds that what he believed to be the strongest opinion without doubt turns out to be the weaker opinion.

Second, it was decided to publish this book because it can be excellent as a textbook for workshops and schools, as well as a primer for new Muslims. There is definitely a need for such books in English. The fundamental, agreed upon points are presented clearly for the teacher and the students. Teachers and Imams may expound on the evidence for the positions that Dr. al-Sadlaan holds and discuss the issues in greater detail. Hence, it may lay the foundation for a much better understanding of the essential topics that Dr. al-Sadlaan has chosen to discuss in this introductory work.

Throughout the translation, this translator has kept his comments to a minimum. At times, though, one will find words added to the text in brackets; this was only resorted to when it was felt that the text in itself may still be unclear to some readers or if something was obviously inadvertently left out by the author.

Finally, thanks must be expressed to Shaikh Dr. Saalih al-Sadlaan for his kind permission to translate this work that

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<sup>1</sup> The causes of differences of opinion, acceptable and non-acceptable differences, and how to deal with differences in opinion will be dealt with by this author in a future work, Allah willing.

he prepared for a very noble cause. May Allah reward him handsomely. Thanks and appreciation must also go to Sr. Imaan for her editing and proofreading of the work. And, last but not least, thanks must also be extended to my wife for her efforts and proofreading of the work. May Allah grant them all Paradise.

Jamaal Zarabozo  
Boulder, CO  
Dec. 1, 1999

## Introduction

Verily, all praises are to Allah; we praise Him, seek His help and seek His guidance. We seek refuge in Him from the evil of our souls and the sinfulness of our deeds. Whomever Allah guides, there is none to lead astray; and whomever He lets stray, there is none who can guide him. I bear witness that there is none worthy of worship except Allah, alone, who has no partners. And I bear witness that Muhammad is His servant and messenger.

يَا أَيُّهَا الَّذِينَ آمَنُوا اتَّقُوا اللَّهَ وَقُولُوا قَوْلًا سَدِيدًا يُصْلِحْ لَكُمْ  
أَعْمَالَكُمْ وَيَغْفِرْ لَكُمْ ذُنُوبَكُمْ وَمَنْ يُطِيعِ اللَّهَ وَرَسُولَهُ فَقَدْ  
فَازَ فَوْزًا عَظِيمًا

“O you who believe! fear Allah, and (always) say a word directed to what is right that He may make your conduct whole and sound and forgive you your sins: he who obeys Allah and His Messenger attains the highest achievement” (*al-Ahzaab* 70-71).

May the blessings and peace of Allah be upon our leader Muhammad, His servant and Messenger, he who was sent by his Lord with guidance and the true religion so that it may prevail over all religions. By him, the blessing was completed and he was made pleased by Islam as a way of life.

To proceed:

In the religion of Islam, fiqh (Islamic jurisprudence) is the scale for the deeds of a person, with respect to determining them to be permissible, forbidden, sound or non-valid. By his nature, a Muslim is eager to know what is permissible and what is forbidden as well as what is sound or not sound from

his deeds. This is true, regardless if the deed is concerning his relation with his Lord or if it is with respect to his interaction with others. The laws for such are found in the science of fiqh. This science emanates fundamentally from adhering to the clear texts of the Book of Allah and the sunnah of His Messenger as well as in the derivation of further laws from those two sources, and by the supporting of its principles and fundamentals. These principles and fundamentals have a very strong connection with the principles of ethics and behavior—all of that without the influence of desires or personal whims—in accord with the basic logic that seeks to know what Allah wants from us and orders us to do and what Allah has prohibited us from doing. [The result of that fiqh is] the distinguishing features of the excellence of the laws and principles of Islam being made clear, with respect to their comprehensiveness, flexibility and profoundness.

وَمَا كَانَ الْمُؤْمِنُونَ لِيَنفِرُوا كَافَّةً فَلَوْلَا نَفَرَ مِن كُلِّ فِرْقَةٍ  
مِنْهُمْ طَائِفَةٌ لِّيَتَفَقَّهُوا فِي الدِّينِ وَلِيُنذِرُوا قَوْمَهُمْ إِذَا رَجَعُوا  
إِلَيْهِمْ لَعَلَّهُمْ يَحْذَرُونَ

“Nor should the believers all go forth together: if a contingent from every expedition remained behind, they could devote themselves to studies in religion, and admonish the people when they return to them, that thus they (may learn) to guard themselves (against evil)” (*al-Taubah* 122).

Studying and understanding the religion is one of the greatest ways to get closer to Allah. Similarly, spreading the laws of the Shareeah is also one of the greatest ways to get closer to Allah, especially those matters related to fiqh, so that the people may be following clear guidance with respect to their acts of worship and worldly matters which form the basis of their well-being in both this life and the Hereafter. The Messenger of Allah (peace and blessing of Allah be upon him)

said,<sup>1</sup> “For whomever Allah desires good, He gives him an understanding of the religion.”<sup>2</sup> “Verily, knowledge is only through learning.”<sup>3</sup> “Certainly, the prophets— may Allah’s blessings and peace be upon them— did not leave behind gold or silver coins; they only left behind knowledge. Whoever takes it, takes abundant good.”<sup>4</sup>

This book comprises the topics that are of concern to Muslims who live in non-Arab societies. It covers the fiqh topics that are in accord with the clear statements of the Book of Allah, authentic sunnah and what the Muslim scholars and nation have agreed to. It remains away from the differences of opinion among the schools of fiqh as well as the differences concerning detailed issues that are only of interest to specialized researchers. All of this has been presented in an easy-to-understand language so that it may reach the reader in a fresh way. In that way, it will be an incentive for him to try to increase his understanding and turn more towards knowledge.

This research is comprised of three main parts as follows: part one concerns acts of worship; part two discusses interpersonal transactions; part three deals with matters related to the family.

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<sup>1</sup> This translator could not find the following entire statement recorded as one hadith of the Prophet (peace be upon him). It seems, Allah knows best, that the author has combined a number of different hadith into one statement. Hence, each portion of his quote will be dealt with separately in the forthcoming footnotes.—JZ

<sup>2</sup> The words in this portion of the above quote were recorded by al-Bukhari and Muslim.—JZ

<sup>3</sup> There is a slight mistake in the wording of the printed text of al-Sadlaan’s work. The translation above is based on the correct wording from *Sabih al-Bukhari*. These words were recorded by al-Bukhari in *mualaqa* form (that is, without its complete chain). According to al-Albaani, it is recorded by al-Daaraqutni in *al-Afraad* and by al-Khateeb al-Baghdaadi in *Tareekh Baghdaad*. Al-Albaani has graded it to be *basan*. See Muhammad Naasir al-Deen al-Albaani, *Sabeeb al-Jaami al-Sagheer* (Beirut: al-Maktab al-Islaami, 1986), vol. 1, p. 461.—JZ

<sup>4</sup> Recorded by Ahmad, al-Tirmidhi, Abu Dawood, ibn Maajah and al-Daarimi. According to al-Albaani, it is *sabih*. See al-Albaani, *Sabeeb al-Jaami*, vol. 2, p. 1079.—JZ