

Shaykh Mashhūr Hasan Āl Salmān
(hafīdhahullāh)

ON THE RULING ON 'MISYĀR' MARRIAGE¹

This brother asks:

“What is the ruling on Misyār Marriage?”

Answer from Shaykh Mashhūr:

You should know, may Allāh teach us and you, and grant both us and you success, that the Sharee'ah does not mention anything called 'Misyār Marriage'. All that is within the Sharee'ah is marriage with conditions, every agreement between a man and woman has to be based on conditions. Every liaison with complete conditions in place, then such a liaison is Divinely Legislated, and if [the conditions] are not complete then such a liaison is prohibited. Misyār marriages are conducted in a variety of manifestations some of which are Divinely Legislated and some of which are prohibited. If the woman is wealthy and has granted some allowance in regards to nights designated for her and in regards to her due maintenance, and there is *ijābah* [an offer] and *qubūl* [acceptance], which has also been presented to the one in charge of the woman's affairs, and there is advertising and announcement of the marriage, then there is no problem in this and this is an accurate marriage.

It has been authenticated in Saheeh Muslim that the Prophet (*sallallāhu 'alayhi wassallam*) wanted to divorce Sawdah bint az-Zam'ah (*radi Allāhu 'anhā*) and she said: “O Messenger of Allāh, keep

¹ From our Shaykh's Q & A session dated 25th January 2014 at Masjid Maraj ul-Hamām, Ammān, Jordan:

<http://www.youtube.com/watch?v=9fFppuMifYI>

also: www.mashhoor.net

me within your protection until the Day of Judgement for I will hand over my designated nights to 'Ā'ishah". Sawdah knew that 'Ā'ishah (*radi Allāhu 'anha*) was the most beloved of wives unto him (*sallallāhu 'alayhi wassallam*). The Prophet (*sallallāhu 'alayhi wassallam*) thus kept Sawdah and did not divorce her. So it is permitted for a man to not stay over at his wife's if she permits and accepts that. Thus the woman, who in most cases is older or wealthy, or her family are wealthy, she can say to a man who is religious and righteous and whom she wants a son from, "I wish to grant allowance in regards to staying over, expenditure and accommodation". This is to be written with the permission of the one in authority of her affairs and supervises the marriage, and all are to know – this is a marriage that is Shari [Divinely Legislated]. So we find in the Sharee'ah that which permits this.

As for liaisons between a man and a woman without her father knowing, without permission from the one in authority of her affairs, and then naming this "Misyār Marriage" then this is rather "Satan's Marriage"! This is, and Allāh's refuge is sought, illegal sexual intercourse [Zina]. Many people contact me, beloved people who are specialists who work in medical clinics, and they say to me "Shaykh warn the people, and the male and female students of knowledge, as many female university students come to get pregnancy tests to ascertain if they are pregnant or not!" With the day she is with him [the so-called 'husband'] and in the night they are at their parents' homes. This is in our society and this happens.² It is therefore not a condition in Zinā for there to be coercion [from

² **[Translator's note –'AbdulHaq]:** here our Shaykh is talking about what goes on in Jordan, which shows that such liaisons transcend borders are not just issues which affect Muslim minorities within the West. Some individuals of late however, such as Dr Abu'l-'Ujb Yasr Qadhi (!), are trying to promote the notion that the Muslim world is somehow so culturally different to the West that scholars from Muslim lands have no idea about the issues facing Muslims in the West. However, the reality is that today the harām has transcended borders and in a globalised world the issues facing the youth in Muslim lands are not totally different to youth within the West.

Qadhi however, in attempting to not only place himself on the level of a senior scholar to be referred back to by Muslims in the west, something which he has actually boldly stated in fact, but also in trying to present himself as one who is fully privy to life in the West, despite being absent from it for years, has begun a decrepit campaign to promote that issues in the Muslims lands are so fundamentally different to that in the West that Muslim scholars from the Muslim world cannot be referred to for issues pertaining to Muslims in the West. Yet what is harām there is harām here, and as a result the attempt to distance Muslims in the West from Muslim scholarship in the Muslim world is futile and disingenuous. Moreover, many of the people who Qadhi promotes as reference points for Muslims in the West themselves have no comprehensive idea about living in modern multi-cultural West and in

the man] as it could occur with mutual agreement between a male and a female. If a male agrees with a female to satiate their sexual desires with neither advertising nor announcing [this relationship as a marriage], and without the permission of the person in authority, and without two witnesses – this is *harām*.

It has been authenticated from the Prophet (*sallallāhu ‘alayhi wassallam*) that he said: “There is no marriage [regarded as enacted] except with the presence of a *Walī* and two just witnesses.” There has to be a *Walī* [guardian] and two just witnesses. Thus, what is practiced today under the name of “Misyār Marriage” is practiced in a variety of ways. In the Sharee’ah there is nothing known as “Misyār” and later there could be other names for it while we are wasted in regards to knowledge of the regulations of the Shar’ regarding such practices. In the *Shar’* we have: *Nikāh* [marriage] and *Shurūt* [conditions], every liaison has to be referred back to the conditions and once the conditions are in place and fulfilled we say “*halāl*”, and when they are not in place we say “*harām*”. This is the detailed view regarding what is known as “Misyār Marriage”, and Allāh knows best.

some cases do not even adequately speak English, not to mention the fact that these individuals themselves were not even born and raised in the West!