

Darul Ifta Birmingham

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Question

I understand that a non-arab man is not kuff for an arab woman and similarly that an non-Quraishi man is not kuff for a Quraishi woman.

However, if permission is granted by the guardians of the woman (a Sayyid in this case) and if the woman herself agrees, according to the Hanafi school would the marriage be acceptable or not?

Also would a religious non-Sayyid be preferred over a non-religious sayyid in marriage to a Sayyid woman?

What are the opinions of the other 3 schools in this regard?

Jazakkallah

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

In the name of Allah, the Most Gracious, the Most Merciful

Answer:

There is no form of Ibaadat (serving Allah) that has been established since the time of Adam (a.s.) until our time and will continue to exist in Jannat except Nikkah and Imaan.

The word Kafa'atun or Kuff is understood linguistically to mean equality or compatability, as for its meaning in the Shariah ; "The compatibility of the man for the woman in marriage"¹

¹ Haashiyatu ibnu Aabideen, vol 4, page 195, Daarul Ma'arifa Beirut, 2018 print

Compatibility is considered Only from the side of the Man and not from the status,etc of the woman i.e. man from a higher status can accept in marriage a woman from a lower status, but not vice versa.²

The majority of the scholars have taken the scrutiny of compatibility into consideration with the exception of Imam Malik (r.a.)³We are to keep in mind that Kafa'atun has to be made as a request or expectation before the contract of the marriage and not during or after.For example,if the guardians of the girl give her away in marriage and she is absolutely pleased with it,however they did not investigate the compatibility nor did they consider or have knowledge of it,then if they become aware of it afterwards they will have no choice in the matter.If the issue of Kafa'atun was discussed beforehand then they become aware that the Husband is not compatible,**ONLY then they will have an Option** in revoking the marriage.³

Let's discuss compatibility regarding Arabs and Sayyids

- The Quraish are compatible with each other,The Banu Haashim,Nawfal,Taim,Adawi,etc can inter marry.
- The other Arabs are not at the compatible status of the Quraish,this means that their lineage does not meet at AN Nadhr bin Kinnanah (12th generation forefather of the prophet s.a.w.)
- If A Quraishi woman is married to a non – Quraishi man or a non Arab man marries an Arab woman,the marriage will **ONLY** be allowed if **The Guardians** of the girl are pleased with the marriage,due to the reasons of piety,social status,etc.⁴

² Haashiyatu ibnu Aabideen,vol 4,page194,Daarul Ma'arifa Beirut,2018 print

³ Haashiyatu ibnu Aabideen,vol 4,page196,Daarul Ma'arifa Beirut,2018 print

⁴ Haashiyatu ibnu Aabideen,vol 4,page197,Daarul Ma'arifa Beirut,2018 print

- The Father and Grandfather are the two Guardians whose acceptance are taken into consideration in most matters of marriage as long as they are available due to their natural interest in being responsible for the benefit of their daughter/grand daughter.⁵

*Remember that Kafa'atun/Kuff is an **OPTION** which is **negotiated before** the contract agreement of the marriage, **even without** it a **marriage can** be allowed.*

Only Allah knows best

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⁵ Haashiyatu ibnu Aabideen, vol 4, page 195, Daarul Ma'arifa Beirut, 2018 print