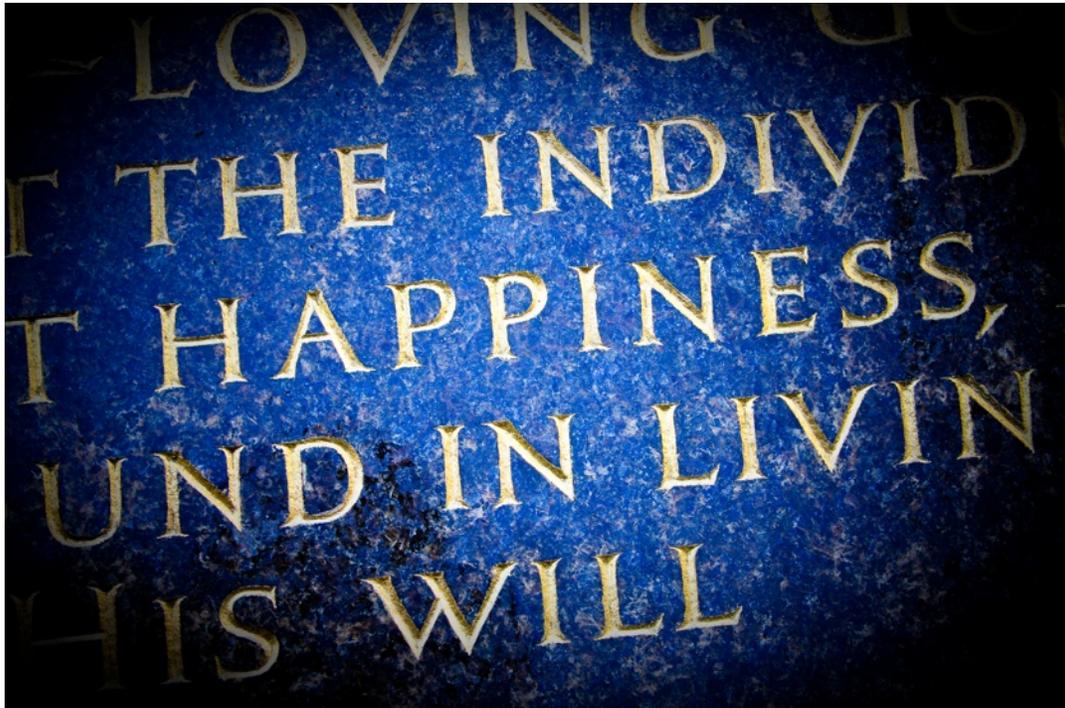


# بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

IN THE NAME OF GOD, THE MOST  
GRACIOUS, THE DISPENSER OF GRACE



OUR MARRIAGE CONTRACT

----- & -----

## Preamble

*“And among His wonders is this: He creates for you mates out of your own kind. so that you might incline towards them, and He engenders love and tenderness between you: in this, behold, there are messages indeed for people who think!” - Qur’an 30:21, Muhammad Asad’s Translation*

We, \_\_\_\_\_ and \_\_\_\_\_, agree to take each other as marriage partners on the understanding that this contract shall regulate our relationship.

Having both descended from the first single human created by God, we acknowledge the basic equality of all people, and especially of each other insofar as our respective rights and responsibilities in our marriage are concerned.

Marriage, we believe, involves the joining of two individuals with the purpose of forming a partnership that will combine their individual strengths, abilities, talents and skills in such a way that the result is greater than the sum of their individual characteristics.

This partnership should be based on the notion of interdependence – a mutually beneficial state where each person retains her/his own individuality and personhood, yet where the partnership and relationship are accorded great significance. It is this principle that underlies this marriage contract.

While, from an Islamic perspective, it is clear that marriage is a contract or agreement between two people, it is distinguished in that it is a contract based on love. We pray that our marriage will be blessed by the Love and Mercy of God, and we commit ourselves to constantly striving to ensure that love and caring are as the main pillars of our relationship.

Together with love and caring, we commit ourselves to striving for a marriage characterized by mutual respect, appreciation, support, co-operation and loyalty between the spouses. These, we believe, will be essential for the success of our marriage and we commit ourselves to upholding these values as determining factors in our dealings with each other, as advised by the Qur’an and the example of the Prophet Muhammad (s).

Furthermore, we commit ourselves to a spirit of openness, trust, strong communication and mutual consultation in our relationship. We will discuss key decisions fully, taking into consideration, among others, the personal, social and economic consequences thereof.

We agree to identify mutually agreed-upon spiritual, career and psychological goals and priorities and strive towards achieving these.

Our daily interactions with each other will be guided by the spirit of fairness, dignity and justice promoted in the Qur’an and known to us in the example of all the Messengers of God (on whom we wish peace).

We will strive to ensure that our interactions with each other are in a spirit of

- Love, compassion and generosity
- Mutual respect and courtesy
- Openness and honesty
- Communicating freely and fully at all times
- With a willingness to learn from each other and from others
- Generously acknowledging each other's love, support and achievements
- Having the humility and the courage to admit our mistakes and learn from them.

We understand marriage as a relationship that should be free from abuse, either of an emotional, physical or verbal nature. We therefore undertake to refrain totally from abusive behavior and speech toward each other and to create an environment within which all members of our family will feel safe.

We agree that decisions will be made following a process of mutual consultation (*shura*) and agreement by the parties. All key decisions will be discussed fully, taking into consideration, amongst others, the social, economic and academic consequences thereof.

We agree to identify and strive proactively and fully towards achieving mutually-agreed-upon spiritual, financial, career and psychological goals and priorities, both in our individual and joint capacities.

We commit ourselves to relationship building and developing a strong and faithful marriage.

We commit ourselves to leading a healthy lifestyle regarding diet, exercise and stress reduction, and are willing to obtain medical advice and feedback from time to time as a means of ensuring and sustaining our health.

## Mahr

\_\_\_\_\_ gives and \_\_\_\_\_ accepts a *mahr* of \_\_\_\_\_ amounting to \$\*\*\*\*\*

## Education

We will both endeavor to educate ourselves as much as is possible – both in terms of education related to our careers and in terms of Islamic education. Neither spouse will have the right to prevent the other from furthering her / his education; nor will either spouse place impediments in the path of the other if the latter seeks to further her / his education.

# Religious Foundation

We commit ourselves to a life of ongoing learning and growing in understanding – of ourselves, each other, all those we interact with, all of creation, our Creator, and our religion, *islam*.

We commit ourselves to creating a home environment which respects and fosters the spirit and message of Islam as upheld in the Qur'an and as demonstrated by Prophet Muhammad (on whom be peace) in his living.

## Marriage Rights & Responsibilities

### *Financial rights and obligations*

Both of us have the right to seek and secure employment, to derive income from business or other investments, to save and invest our savings, and to develop our respective careers.

We commit ourselves to discussing from time to time, as required by our circumstances, a joint budget and financial plan that will be beneficial to our marriage, in the short and long terms.

We may retain individual bank accounts and have the right to manage and dispose of our individual finances and assets as we deem fit.

Financial responsibilities will be determined and shared in a way that is mutually agreeable and equitable depending on our respective circumstances.

### *Domestic Responsibilities*

We agree to share domestic responsibilities. It will not be the sole duty of either spouse to maintain an attractive domestic environment or to provide meals and, in general, to maintain the household.

### *Social relations*

We shall strive to the best of our ability, at all times, to lead a full life – one that takes cognizance of the rights of others – interacting with and contributing to the well-being of the various communities we are part of and to society at large.

### *Respect*

Respect is an essential ingredient of any marriage. We will at all times endeavor to respect each other's humanity, intelligence and our family. We will thus give due and serious consideration to the words and actions of each other and other members of our family. Neither of us will have any right to physically, mentally or psychologically abuse the other, no matter what justification or rationalization could be given for such action.

We both commit ourselves to providing a home environment where each of us is able to maintain her / his privacy.

We commit ourselves to building a respectful family environment where no disrespect is shown by any family member to another.

### *Sexual relations*

Sexual relations will be consensual at all times and will, like all other relations in the marriage, be based on mutual trust and respect. We agree that we will both be tested for Sexually Transmitted Diseases (STDs) before our wedding.

### *Polygyny*

We both agree to have a monogamous marriage.

### *Family obligations*

We understand that, as a result of our marriage, we will both have new family structures to relate to. We commit ourselves to interacting with our respective spouse's family with respect and kindness at all times.

Any decision regarding our living with any member or members of either family or their living with us will require the explicit consent of both of us. In making such decisions, due regard shall be given to the joint and separate responsibilities that we have.

### *Children*

We acknowledge that one spouse may take primary responsibility for acting as a child caregiver during the marriage, while the other spouse may assume the burden of support. Any such division of roles will be mutually-agreed to and neither partner will be treated as contributing any less to the family because of that spouse's particular role. Both parents will play an active role in our children's upbringing. We undertake to raise our children in a healthy family environment, with *islam* being the family religion and education of the children in *islam* being a joint responsibility of both of us.

At the same time, we commit ourselves to the principle of religious understanding and undertake personally that we will respect, and teach our children to respect, other religious views and philosophies, both within *islam* and without.

## Divorce & Related Matters

### *Dispute resolution procedures and the initiation of divorce proceedings*

A dispute will be deemed to have resulted during the marriage if either of us declares it to be so. In the event of such a dispute arising we will first use our ability to listen, communicate and learn to find an internal solution.

Both of us agree to allow the other to express any criticism or concern freely (provided it is done respectfully). We undertake not to be dismissive of the other's concerns without first being self-critical and assessing the criticism or concern from the other's point of view.

If we realize we are at fault in any way (and we may both be partially at fault), we undertake to acknowledge our faults honestly and fully and if either of us has learnt something beneficial from the other's concerns we undertake to express our gratitude to the other for helping us see something about ourselves we might not otherwise have done.

If we are unable to resolve a dispute after reflecting, deeply engaging with each other, praying and asking our Creator for assistance, we will appoint a mutually acceptable facilitator or facilitators to mediate and possibly arbitrate (if mediation fails) in the dispute. Relationship-building and counseling may form part of this process.

If the dispute is of a nature that could lead to the termination of the marriage and counseling has not helped to resolve the dispute, before either of us decides to initiate divorce proceedings, we will make a final effort to save our marriage by undergoing a trial separation for a period of four months.

We will follow this procedure in respect of each such dispute. If, however, after this time (in respect of any such dispute) the marriage relationship still cannot be healed, then either of us may initiate divorce proceedings through a legal forum – which is the only forum that may validly terminate the marriage.

We pray that our marriage will not reach a stage where either of us will consider divorce as an option. Notwithstanding any contrary understanding of any law, we agree that both of us will have an equal right to initiate divorce proceedings and that these will be governed in accordance with the terms stipulated in this contract.

GROOM agrees to use the Islamic jurisprudential mechanism of *talaq al-tafwid* to delegate the right of *talaq* to BRIDE so that both of us will possess that right. Whichever of us initiates such proceedings, a procedure of three repudiations will require to be followed as described in the Qur'an in Surah Baqarah verses 228-232.

In addition, BRIDE will be able to exercise her right to *khula'* by which she will be able to initiate a divorce subject to and by the return of the *mahr* to GROOM.

We will both be able to exercise our right to apply for a *faskh*, or annulment to a judicial authority. Among other circumstances, a *faskh* could be used in cases which involve:

- any physical (threatened or actual) abuse,
- severe or ongoing verbal or emotional abuse, or
- infidelity

Such a divorce could be granted unopposed and no trial separation will be necessary.

In all of the three processes above (*talaq*, *khula'* and *faskh*), a divorce will only be deemed to have been effected once presided over and allowed by a judicial authority.

*Maintenance*

Spousal maintenance and the maintenance of children will be determined in a fair and equitable manner at the time of divorce. If necessary, an arbitrator may be used to determine what a 'fair and equitable' resolution would be. The agreement will be in writing and binding.

*Custody of minor children*

The custody of minor children that might result from this marriage shall be determined according to the children's best interests. Should the custody of children be contested, the matter shall be referred for dispute resolution as set out in this contract. If agreement is reached, this will be incorporated into an agreement which will be attached to the application for divorce.

Irrespective of who gets custody, there shall be no denial of reasonable visitation rights to the parent that is not granted custody.

If the marriage ends in divorce and a child or children have resulted from the marriage, both parents will be responsible for the financial maintenance of the child or children in proportion to their respective incomes at the time, taking into account the effect of the dissolution of marriage on the working lives of both parents.

## Conclusion

No changes or variations made to this contract shall be valid unless reduced to writing, signed by both parties and appended to this agreement.

We undertake to inspire each other to achieve the best that we are capable of.

May God grant us the wisdom, honesty, commitment and strength to make this marriage a successful one. And May He bless us with His Love and Mercy.

Signed on this, the \_\_\_\_ day of \_\_\_\_ 2010 in \_\_\_\_\_.

\_\_\_\_\_

\_\_\_\_\_

GROOM

BRIDE

Witnesses: