

Marrying one's step-daughter

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Question: Concerning the (part of the) verse: "[Forbidden for you (in marriage) are your mothers...] And your step-daughters who live in your homes, [born] of your wives whom you have gone into (had sexual intercourse with)."¹ The majority of the scholars say about this part of the ayah (i.e. "who live in your homes"): There is no mafhoom² (i.e. opposite understanding) to it and that it was only revealed (so) because of the most likely situation (makhraj al-ghaalib).³ However, there is an athar (narration) reported on 'Alee (رضي الله عنه)⁴ that indicates a specification to this (ruling) for only those who reside in the stepfather's house. So what is the most correct opinion?

Answer: Shaykh al-Albaanee (رَحْمَةُ اللَّهِ)⁵: Before answering, I see something in the question that must be corrected, which is the questioner's statement that there is a specification to this ayah found in the narration of 'Alee! This assertion is not correct because the ayah is itself specific, according to the correct view, and it is made restricted by the part "who live in your homes." So the ayah itself is specified and restricted. If it were unrestricted, and then there came another understanding with a restriction like the one that is mentioned in the same ayah, at that point it could be said that this text puts a restriction on the ayah. However, the ayah here, in itself is restricted.

After making this correction, I say: The fact of the matter is that this issue has been under dispute since long before. And I am amazed, personally, at how the majority of the scholars have agreed, on two things regarding this matter

First: On cancellation this restricting text of "who live in your homes" and claiming that this restricting text has no mafhoom (opposite understanding) to it.

Second: On their conformity with rejecting two authentic narrations from two of the rightly guided Khaleefahs, 'Umar and 'Alee (رضي الله عنهما)⁶ which confirm that they both applied this ayah with its restriction. Thus, they used to pass rulings that it was permissible for a man to marry his stepdaughter, on the condition that she did not live in his house. So I am astonished by this conformity for it makes two claims:

1. There is no mafhoom to this restriction

¹ Soorah an-Nisaa: [45:23]

² Translator's Note: This refers to the mafhoom mukhaalafah, which is the opposite understanding that is derived from the generality of an ayah. This part of the ayah in Surah an-Nisaa states that a man is forbidden to marry his stepdaughter (after having married her mother), if that stepdaughter resides in his house. So the mafhoom, or what is understood from this ayah, in its opposite meaning, is that he is permitted to marry his stepdaughter if she did not live in his house. The questioner states that this second understanding, derived from the mafhoom al-mukhaalafah, has no basis in this ayah and that it does not exist.

³ This means that this condition found in this ayah of those "who live in your houses" has no significance to it. So the ayah is general and refers to all stepdaughters, those that live in the house of the stepfather and those that live outside it. As for it taking the principle of makhraj al-ghaalib, which means the most likely situation, then it means that the words "who live in your houses" was only stated as such because for the most part, step-daughters lived with their step-fathers in those times and it was not stated as a restricting factor. However, the Shaykh disproves this and clarifies that the ayah is in fact restricted and forbidden in marriage are only those stepdaughters who live in the house of the stepfather. As for the stepdaughter who lives in another house, then she is permissible for him to marry.

⁴ (رضي الله عنه)(rad iyallaahu `anhu) May Allaah be pleased with him

⁵ (رَحْمَةُ اللَّهِ)(rahimahullaah) May Allaah have mercy on him

⁶ (رضي الله عنهم)(rad iyallahu 'anhum) May Allaah be pleased with them

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2. A contradiction of the two rightly-guided Khaleefahs

From my understanding from many of the people of knowledge – and I will mention specifically the Hanbalees – they find it sufficient, in issues such as these, to bring a report, which is not authentic – from one of the Sahaabah. So they accept this narration and then follow it saying: "We know of nothing that opposes it." So here, it would be more correct for them to say: "We know of nothing that opposes these two Khaleefahs." This is firstly, and secondly, what is apparent from the Qur'aan would be on their side (also).

There is another hadeeth on this subject, which is found in the two Saheeh collections. The Prophet, (صلى الله عليه وسلم), was presented with the suggestion of marrying a certain woman, but he used the excuse that she was his stepdaughter from his household (to not marry her). Shaykh-ul-Islam Ibn Taymeeyah (رَحِمَهُ اللهُ) said in one section of his valuable book "*Iqtidaa as-Siraat al-Mustaqeem*" when dealing with the subject of generally censuring innovations in the Religion, which is supported by authentic and well-known ahaadeeth, that: The Prophet, (صلى الله عليه وسلم), would constantly repeat in his sermon, which was his Khutbat-ul-Haajah (the necessary sermon), his saying: "**And every innovation is a misguidance. And every misguidance is in the Hellfire.**" He (rahimahullaah) said:

"The Prophet's (صلى الله عليه وسلم) approval of this general text, without making a note that it was a text restricted by any restriction from the Book and the Sunnah is a confirmation of action on his part that the text will not cease to be in its general and universal sense."

So here we can use this principle that Shaykh Shaikh-ul-Islam Ibn Taymeeyah (رَحِمَهُ اللهُ) has benefited us with in many of the disputed issues as well as the topic we are discussing now, such that Allaah says: "**who live in your houses.**" The hadeeth (mentioned previously) supports this same restriction for the Prophet, (صلى الله عليه وسلم), did not inform us of a cancellation of this restricting factor of the "**house.**" All of this indicates the incorrectness of their saying: "This restricting factor has no significance."

I wanted to bring this discussion to an end with this principle that I have applied here in this issue, but there came to my mind another doubtful argument that might be used as a proof by some of them, when opposing such an issue by saying: "This restricting factor has no mafhoom." This is such that they will bring some texts, which are similar and in which there is a restricting factor that has no direct significance to it. And it will be said about such a text (the same as before) that it has no mafhoom (opposite understanding). An example of that which came to my mind was Allaah's saying: "**Do not take interest (whether) double or multiplied.**" And they will say: "Doubled or multiplied' does not have any mafhoom to it."⁷

This is true, there is no doubt or confusion about it. However, this example does not resemble the thing that it is being compared to at all. This is because the restricting factor, which the scholars have unanimously agreed has no mafhoom, "**doubled or multiplied**" is opposed by strong and explicit texts, which force the researching faqeeh to say that this restricting factor has no mafhoom.

As for the issue of the stepdaughter, then the matter is completely different. For the restricting factor is in conformity without their having to be a text that contradicts this restricting factor like the successive texts that come to cancel out the restricting factor of "**doubled or multiplied**" such that it can become evidently clear that this restricting factor has no mafhoom. So how can they seek to

⁷ Translator's Note: This is since interest is forbidden in all forms, whether large or small amounts. So the restricting factor here of "doubled or multiplied" has no mafhoom, or opposite understanding, because if this were so, the opposite understanding of the ayah would be that we are permitted to take interest so long as it is not doubled or multiplied, and this is false, because there are other texts that restrict this ayah and prove that there is no mafhoom in this case, as shall be explained.

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bring that distant example close to this example, for which the proofs have been established that there is no mafhoom to it?!

Therefore, it is not permissible for us to say: "This restricting factor (of the house) has no mafhoom to it", unless there is proof and evidence for that. And there exists no proof for that with regard to the issue of the stepdaughter.

Furthermore, the Prophet's (صلى الله عليه وسلم) application of this restricting factor to himself in the hadeeth I mentioned before is from that which nullifies the example used in the claim that the ayah "**who live in your homes**" has no mafhoom to it!

What is most correct in my opinion is that the stepdaughter whom the man (stepfather) is forbidden to marry here is the one who lives in the house of her mother's husband. As for the stepdaughter that lives far away, then it is as is found in the narration of 'Alee (رضي الله عنه)⁸ and likewise in the narration of 'Umar (رضي الله عنه):

"Once a man divorced his wife, and she had a daughter. So 'Alee (رضي الله عنه) asked him about this and he responded: 'I divorced her.' He asked: 'Does she have any daughter?' He said: 'Yes, but she is my stepdaughter.' So 'Alee (رضي الله عنه) said to him: 'Does she live in your house?' He said: 'No, she lives in Ta'if, far away.' So 'Alee (رضي الله عنه) said: 'Marry her.'"

A similar story to this is authentically reported on 'Umar Ibn al-Khattaab (رضي الله عنه) also.

⁸ (رضي الله عنه)(rad iyallaahu `anhu) May Allaah be pleased with him