98244 - Her father refused to marry her to someone so the judge did the marriage for her

the question

My father is Muslim. He has wrong thoughts about Islam, such as his situation of hejab and mixing. He says: “will a person be judged if good or bad by his religiousness?” He says also that none can implement all the commands of Allah, even the prophet (PBUH) himself could not, meaning the issue of polygamy. My sister has rejected Islam and became Christian, and my father did not object to this, he even sees her as better than me. My mother is Christian as well.
A noble but disabled man has proposed to me and I accepted him. But my father refused him because he is disabled and from a simpler standard of living than ours. We are rich family.
After I completed my study at university, my family planned to cut my relationship with the good friends of mine, they planned to change my life gradually. So I left home and planned for marriage. Two months later I got married to the Muslim man in a shar’ee court.
The question: is my marriage islamically valid? What should my situation towards my family be? Shall I continue boycotting the relationship with them?.

Detailed answer

Praise be to Allah.

Firstly:

We praise Allaah for having enabled you to adhere to the path of guidance and righteousness and we ask Him, may He be glorified and exalted, to grant you more of His bounty.

Secondly:

The woman should endeavour to marry one who is religiously committed and of good character, who can protect her and take care of her, and enable and help her to practise her religion, as well as help her to raise righteous children in accordance with the principles and morals of Islam.

The Prophet (peace and blessings of Allaah be upon him) said: “If there comes to you one whose religious commitment and attitude pleases you, then marry [your female relative who is under your care] to him, for if you do not do that, there will be tribulation on earth and much corruption.” Narrated by al-Tirmidhi (1084) from Au Hurayrah; classed as hasan by al-Albaani in Saheeh al-Tirmidhi.

Thirdly:

Marriage is not valid except with a wali (guardian), and a woman has no right to marry herself, because the Prophet (peace and blessings of Allaah be upon him) said: “There is no marriage without a wali.” Narrated by Abu Dawood (2085), al-Tirmidhi (1101) and Ibn Maajah (1881) from Abu Moosa al-Ash’ari; classed as saheeh by al-Albaani in Saheeh al-Tirmidhi.

And he (peace and blessings of Allaah be upon him) said: “Any woman who gets married without the permission of her wali, her marriage is invalid, her marriage is invalid, her marriage is invalid… and if there is any dispute, then the ruler is the wali of the one who has no wali.” Narrated by Ahmad (24417), Abu Dawood (2083) and al-Tirmidhi (1102); classed as saheeh by al-Albaani in Saheeh al-Jaami’ no. 2709.

But if the wali refuses to marry the female relative under his care to a compatible man with whom she is pleased, then he is preventing her from getting married and guardianship passes from him to the next closest male relative on the father’s side.

Ibn Qudaamah (may Allaah have mercy on him) said: What is meant by preventing her marriage is preventing her from marrying a compatible man if she asks for that and each of them wants to marry the other…

And whether she asked to get married for a mahr (dowry) like that of her peers or less. This is the view of al-Shaafa’i, Abu Yoosuf and Muhammad.

If she wants to marry a specific compatible man, and he wants her to marry some other compatible man, and refuses to marry her to the one whom she wants, then he is preventing her

marriage.

But if she asks to marry someone who is not compatible, then he has the right to refuse that and he is not regarded as preventing her marriage. End quote from al-Mughni (9/383).

Because guardians usually prevent marriage in such cases, there is nothing wrong with the woman referring the matter to the shar'i judge, who may then ask the guardians to do her marriage. If they refuse then he may do her marriage himself. The Prophet (peace and blessings of Allaah be upon him) said, as in the hadeeth quoted above: "and if there is any dispute, then the ruler is the wali of the one who has no wali."

Based on this, your marriage contract is valid and it is not permissible to annull it, because the shar'i judge became your wali after your father refused to arrange your marriage.

Fourthly:

You have to honour your parents and treat them kindly, and uphold ties of kinship with them even if it is only by speaking to them on the phone, until they calm down and you are able to visit them, for parents' rights are great. Hence the duty to honour them is mentioned repeatedly in the Qur'aan, as Allaah says (interpretation of the meaning):

"And We have enjoined on man to be good and dutiful to his parents; but if they strive to make you join with Me (in worship) anything (as a partner) of which you have no knowledge, then obey them not. Unto Me is your return and I shall tell you what you used to do"

[al-'Ankaboot 29:8]

"And We have enjoined on man (to be dutiful and good) to his parents. His mother bore him in weakness and hardship upon weakness and hardship, and his weaning is in two years __ give thanks to Me and to your parents. Unto Me is the final destination.

15. But if they (both) strive with you to make you join in worship with Me others that of which you have no knowledge, then obey them not; but behave with them in the world kindly, and follow the

path of him who turns to Me in repentance and in obedience. Then to Me will be your return, and I shall tell you what you used to do”

[Luqmaan 31:14, 15]

You have no right to cut them off, rather you must strive to calm them down and put their minds at rest, and soften their hearts with money and gifts to earn their love, and ask Allaah to guide your family.

May Allaah help us and you to do that which He loves and which pleases Him.

And Allaah knows best.