

**Guardian's responsibility in choosing suitable
husband for woman in his charge**

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Article taken and slightly adapted from: ferkous.com

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

In the name of Allaah, the Most Merciful, the Bestower of Mercy

Question: A man asked for my sister's hand in marriage, he is one of those who adopt the creed of the general anathematization (Takfeer) and insurrection (Al-Khurooj)¹. I absolutely rejected this proposal but my sister agreed and was totally persuaded of him (that man) on the pretext of his repentance of that creed, and perhaps Allaah will guide him to the right path. Also, my mother approved that, even my paternal aunts asked my father to consent, knowing that they do not know him. Even though his dissatisfaction, my father was confused concerning this matter, and did not find a way to refuse. That man is still keeping company with some of whom he shared the same creed, and do not mix with people of Sunnah as well as he do not approach them. So, we are hoping you would clarify the following:

- Is it permissible for her if she is a Sunni Salafee to marry a man having these qualities? Does the father have the right to prevent her from this marriage?
- How would be our dealing with him once this marriage happens. In spite of the fact that I said to her that I know him and I will not enter his house and she remains my sister, but she did not pay this talk any attention? May Allaah reward you abundantly.

Shaykh Aboo `Abd-al-Mu`iz `Alee Ferkous al-Qoobee: All praise is due to Allaah, the Lord of the Worlds. Peace and blessing be upon whom Allaah sent as a mercy to the Worlds, upon his Family, his Companions and his Brothers till the Day of Resurrection:

The tutor is responsible for choosing the suitable husband for the woman in his charge, and the religious equality is religiously required. Allaah عزَّ وجلَّ said:

[إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَنْتَقَاتُمْ]

The meaning of the verse:

[Verily, the most honourable of you with Allaah is that (believer) who has At-Taqwaa²]³

¹ A deviated Islamic sect known for sanctioning violence against leaders of Islamic states. Translator's note.

² The pious and righteous persons who fear Allah much (abstain from all kinds of sins and evil deeds which He has forbidden) and love Allah much (perform all kinds of good deeds which He has ordained). Translator's note.

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and the Prophet Mohammad صلى الله عليه وسلم said: "If there comes to you (to propose marriage to your daughter) one with whose character and religious commitment you are pleased, then marry (your daughter or female relative in your charge) to him, for if you do not do that, there will be fitnah (tribulation) on earth and widespread corruption"⁴

In the hadeeth the speech is addressed to the tutors in order to marry off women in their charge to men with religion, honesty and ethics. But if they do not, tribulation and endless mischief will happen. Indeed, the woman's right must be preserved by choosing for her a man with religion and ethics, because she becomes a slave by marriage and nobody is going to deliver her. It is reported by some of the predecessors that "Marriage is a slavery so, one of you has to see where to place his dear (daughter)"⁵ because if a man with religion and ethics lives with her, he would behave in a honourable manner and if he intends to divorce her he would set her free with kindness.

Besides, whoever marries the woman in his charge to a man who is unfair, sinful, innovator or wine drinker surely, he transgresses against his religion by his bad choice. That is because the competence prerequisite for the righteous woman is the guidance of the man, and this does not mean that the woman's view or consultation is to be neglected or abused. Whereas, he -the sponsor- is told to inform his daughter about the man is he righteous or not. It is also permissible for him (the sponsor) –if he made sure of the disobedient repentance by examining him- to marry her off to him, because the character of disobedience disappears by true repentance from what he believed or committed in condition of being truthful in his repentance because "Who repents from a guilt is like who didn't commit any guilt"⁶ As it is mentioned in the hadeeth and "Regret is a repentance"⁷.

³ [Soorah Al-Hujuraat (The Dwellings): 13]

⁴ Reported by At-Tirmidhee, chapter of "Marriage" (1085), by Al-Baihaqee (13863) on the authority of Aboo Haatim Al-Muzanee, by Ibn Maajah, chapter of "Marriage" (1967) on the authority of Aboo Hurairah. This hadeeth has been judged Hassan(good) by Al-Albaanee in "Al-Irwa'"(1868).

⁵ Al-Baihaqee said in "As-Sunan Al-Kubraa" (7/82): "... and it is reported from Asmaa' Binti Abee Bakr رضي الله عنها that she said: 'Marriage is like slavery, so the one of you has to see where to enslave the free woman in his charge'. This hadeeth has been reported in a Marfoo' way (hadeeth directly attributed to the Prophet صلى الله عليه وسلم); but the version that is reported in a Mawqoof way (hadeeth attributed to a Companion) is more authentic. Allaah سبحانه وتعالى knows better". Al-'Iraaqee said in "Takhreej Al-Ihya'" (3/488): "It is narrated by Aboo 'Umar At-Tooqaanee in: "Mu'aasharat Al-Ahleen" attributed to A'ishah and Asmaa' daughters of Aboo Bakr.

⁶ Reported by Ibn Maajah, chapter of "Asceticism" (4250), by Al- Baihaqee (21150) and by At-Tabaraanee in "Al-Mu'jam Al-Kabeer" (10281) on the authority of 'Abd Allaah Ibn Mas'ood رضي الله عنه. Ibn Hajar said in "Fath Al-Baaree" (13/557): 'Its chain of narration is Hassan (good)'. This hadeeth is judged Hassan (good) by Al-Albaanee in "Saheeh Al-Jaami'" (3008).

⁷ Reported by Ibn Maajah, chapter of "Asceticism" (4252), by Ibn Hibbaan (612), by Al-Haakim (7612), by Ahmed (3568), by Aboo Ya'laa in "Al-Musnad" (4969), by Al-Bazzaar in "Al-Musnad" (1926) and by At-Tabaraanee in "Al-Mu'jam Assagheer"(80) on the authority of 'Abd Allaah Ibn Mas'ood رضي الله عنه. This hadeeth is judged Hassan (good) by Ibn Hajar in "Fath Al-Baaree" (13/557) and judged authentic by Al-Albaanee in "Saheeh Al-Jaami'" (6802).

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Otherwise, the one who insists on what he believes and had committed should not be helped for getting married to the pious woman. Ibn Taymeeyah -رحمه الله- said: "If he was insisting on the disobedience, so surely, the sponsor ought to not marry her to him, according to some of the predecessors' saying: "Whoever have married his dear (daughter) to a sinner he would have ceased her ties of kinship", but once he knows that he repented so she would be married off to him if he is suitable to her and she is satisfied with him"⁸

Whereas, if her father married her to a disobedient or a sinner or an innovator and she accepted him on his character and his insistence on sins, so their matter is similar to the disobedient Muslim who neglects some of the obligations and does some forbidden acts that do not reach the limits of the major disbelief. It is authentically reported that a man in the Prophet Mohammed صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ life was a wine drinker, they brought him to the Prophet when a man cursed him and said: "How many times they bring him". So the Prophet said: "**Curse him not, I swear to Allaah -as far as I know- he loves Allaah and His Messenger**"⁹

Consequently, those people are worthy to get loyalty for their faith and obedience and they deserve disavowal for their guilt and sin. And declaring disavowal from sins does not allow offending them both verbally and physically.

Likewise, being unpleasant with sins and being unsatisfied with it does not keep one away from performing their rights and well behaving with them even if they were the people of the Book. Allaah سبحانه وتعالى said:

لَا يَنْهَىكُمُ اللَّهُ عَنِ الَّذِينَ لَمْ يُقْتُلُواكُم فِي الدِّينِ وَلَمْ يُحْرِجُواكُم مِّن دِيَارِكُمْ أَن تَبَرُّوهُمْ وَتُقْسِطُوا إِلَيْهِمْ إِنَّ اللَّهَ يُحِبُّ

The meaning of the verse:

[Allaah does not forbid you to deal justly and kindly with those who fought not against you on account of religion and did not drive you out of your homes. Verily, Allaah loves those who deal with equity]¹⁰

Allaah سبحانه وتعالى said as regards the relation with the wife whether she is of the people of the Book or not:

[وَعَاشِرُوهُنَّ بِالْمَعْرُوفِ]

The meaning of the verse:

[And live with them honourably]¹¹

⁸ Ibn Taymeeyah in "Majmoo' Al-Fataawa" (32/61).

⁹ Reported by Al-Bukhaaree, chapter of "Religious Penalties" (6780), by Aboo Ya'laa in "Al-Musnad" (176), by 'Abd Ar-Razzaaq in: "Al-Musannaf" (17082) and by Al-Bazaar (269) on the authority of 'Umar Ibn Al-Khattaab رضي الله عنه.

¹⁰ [Soorah Al-Mumtahana: 8].

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And He said about the polytheist parents:

[وَأِنْ جُهِدَاكَ عَلَىٰ أَنْ تُشْرِكَ بِي مَا لَيْسَ لَكَ بِهِ عِلْمٌ فَلَا تُطِعْهُمَا وَصَاحِبَهُمَا فِي الدُّنْيَا مَعْرُوفًا]

The meaning of the verse:

[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]¹²

And if this was concerning the people of disbelief and polytheism then certainly sinners from people of faith are more worthy of righteousness, upholding ties kinship and charity, according to Allaah's general saying:

وَأَعْبُدُوا اللَّهَ وَلَا تُشْرِكُوا بِهِ شَيْئًا وَبِالْوَالِدَيْنِ إِحْسَانًا وَبِذِي الْقُرْبَىٰ وَالْيَتَامَىٰ وَالْمَسْكِينِ وَالْجَارِ ذِي الْقُرْبَىٰ وَالْجَارِ الْجُنُبِ وَالصَّاحِبِ بِالْجَنبِ وَابْنِ السَّبِيلِ وَمَا مَلَكَتْ أَيْمَانُكُمْ

The meaning of the verse:

[Worship Allaah, and do not associate with Him anything, and be good to parents and to kinsmen and orphans and the needy and the close neighbour and the distant neighbour and the companion at your side and the wayfarer and to those (slaves who are) owned by you. Surely, Allaah does not like those who are arrogant, proud]¹³

Thus, detesting sins and being discontent with guilt do not contradict necessarily with good dealing and behaving.

The perfect knowledge belongs to Allaah عزَّ وجلَّ. Our last prayer is all praise is due to Allaah, the Lord of the Worlds. Peace and blessing be upon our Prophet, his Family, his Companions and Brothers till the Day of Resurrection.

Algiers on Sha'baan 5th, 1427 H. Corresponding to August 29th, 2006 G.

¹¹ [Soorah An-Nisaa: 19].

¹² [Luquman:15].

¹³ [Soorah An-Nisaa' (The Women): 36].