

10941 - Islamic ruling on a Shi'a girl who is not being allowed by the appointed official to get married

the question

From 'Abd al-'Azeez ibn 'Abd-Allaah ibn Baaz to Miss F.H.A., may Allaah help her to do that which pleases Him and make things easy for her and guide her aright. Peace be upon you, and the mercy of Allaah and His blessings. I received your letter telling me that you are 23 years old and that you are a Shi'a and a follower of Dawood Bohra, and that the representative of the leader of that group [the Bohra Shi'a] in Kenya is not allowing the official licensed to perform marriages in Mombasa to do your marriage contract, and you want to know the Islamic ruling on that.

Detailed answer

There

is no doubt that the people in authority of all groups that claim to be Muslim are obliged to adhere to the rulings of Islam in all affairs, and that they should beware of anything that goes against that. It is known in Islamic sharee'ah that guardians are obliged to arrange the marriages of girls under their care if someone compatible proposes marriage, because Allaah says (interpretation of the meaning):

“And

marry those among you who are single (i.e. a man who has no wife and the woman who has no husband) and (also marry) the Saalihoon (pious, fit and capable ones) of your (male) slaves and maid servants (female slaves). If they be poor, Allaah will enrich them out of His Bounty.

And Allaah is All Sufficient for His creatures' needs, All Knowing (about the state of the people).”

[al-Noor
24:32]

And it was narrated that the Prophet

(peace and blessings of Allaah be upon him) said: “If there comes to you one with whose religious commitment and character you are pleased, then marry [your female relative under your care] to him, for if you do not do that then there will be fitnah (tribulation) on earth and much mischief.” (Narrated by Imaam al-Tirmidhi and others).

Based

on that, then if one of your guardians who is related to you arranges your married to a compatible person, the representative of the Bohra group has no right to object to that, and the marriage will be valid, so long as the conditions of marriage are fulfilled. That should be done through the sharee’ah court in Mombasa so that no objections can be raised by the representative of the Bohra group. If the marriage is done in the manner mentioned, then your children will be legitimate and neither the Bohra group nor anybody else will be able to deny that. If your relatives refuse to marry you to one who is compatible in order to please the representative of the Bohra group, then their guardianship becomes invalid thereby, and the Muslim judge (qaadi) has the right to do the marriage contract for you with the compatible person who has proposed marriage to you, because the Prophet

(peace and blessings of Allaah be upon him) said: “The ruler is the wali for the one who has no wali.”

The

qaadi is the deputy of the ruler and takes his place in such matters,

and if the wali (guardian) is refusing to arrange the girl's marriage, the ruling on him is the same as if he was not there at all.

But

we advise you and others in your position to forsake the Bohra madhhab and other Shi'a madhhabs, because they go against the Islamic way of Muhammad

(peace and blessings of Allaah be upon him) in many ways. So you have to leave them and join the madhhab of Ahl al-Sunnah wa'l-Jamaa'ah who follow that which is dictated by the Qur'aan and Sunnah and the way of the early generations of this ummah, the Companions of the Messenger

(peace and blessings of Allaah be upon him) and those who follow them in truth. I ask Allaah to guide this group and other groups which have gone astray from the right path, and to show them the path of truth. May He help you and us and all the Muslims to do that which will lead to salvation and happiness in this world and in the Hereafter, for He is the One Who is able to do that. Peace be upon you and the mercy and blessings of Allaah.