

Taking permission from the female adult in the marriage contract

Islam has given women the right to be looked after, and preserved her dignity, and has not made her a burden. The majority of scholars have agreed that the guardian (parent/father) is the one who initiates the marriage contract, but if the female is mature then it is not for her guardian to conclude the marriage contract, except with her permission and acceptance. The prophetic tradition has clearly shown this, and has given a female the freedom to choose her husband, and this has come in more than one circumstance.

In a narration of Abu Dawud and Ibn Majah: A virgin girl came to the Prophet (ﷺ) and mentioned that her father had married her against her will, so Allah's Messenger (ﷺ) allowed her to exercise her choice.

Also, in a hadith narrated by Al-Nasai and [Ibn Majah](#): (A girl came to the Prophet and said: 'My father married me to his brother's son so that he might raise his status thereby.' The Prophet gave her the choice, and she said: 'I approve of what my father did, but I wanted women to know that they have a right in this matter) and in a narration by Ibn Maja (I wanted women to know that fathers have no right to do that.)

Sheikh Attiyah Saqr – May Allah have mercy on him- in his book *Ahsan Al Kalam fi Al fatwa wa al ahkam* (The best speech in fatwas and rulings) says:

It is well known that the marriage contract is considered valid on the condition that the people signing the contract are sane, for if one of them is mad, or young and cannot comprehend, then the marriage is not contracted, and here the guardian has the right to sign the marriage contract. For the young girl, if she understands and comprehends, then there is no doubt the guardian should take her permission and her agreement. If she cannot understand or comprehend, then it is permissible for the father, or the grandfather to give her in marriage without her permission because they most likely have her best interest in mind. [Abu Bakr As-Sideeq \(RA\)](#) married his daughter Aisha to the Prophet ﷺ while she was young without her permission, as she was not of an age to understand and give her permission, and she didn't have the choice when she became mature, as her age was six years old.

The Shafi's have said it is preferred that a female should not be given in marriage by her father or grandfather until she has reached maturity and they can take her permission. It is not permissible for anyone other than the father and grandfather to give a young girl in marriage according to the view of the majority. If someone else gives her in marriage, then the marriage is not correct, However, Abu Hanifah and a group of Salaf have allowed all guardians to give a girl in marriage and considered it to be valid, but she has the choice once she reaches maturity. This is according to what the prophet ﷺ did, when he gave Umamah bint Hamzah in marriage when she was young, he gave her the choice once she reached maturity. He did not give her in marriage because he was a prophet, but because he was her relative and guardian – his uncle's daughter. Had he given her in marriage as a prophet, she would not have had any choice, as Allah SWA says (It is not for any believer – man or woman – to have the choice in the affair when a matter is decreed by Allah and His Prophet) (Al-Ahzab :36) and this opinion has been attributed to Umar, Ali, Ibn Mas'ud, Ibn Umar, and [Abu Hurairah](#).

As for the elderly and mature women it is not permissible to force them in to marriage.