



Can two baligh (mature) people carry out a nikah (marriage) without the permission of their parents? Some of the responses I have received say that the woman does not need permission but some say she needs the permission of her parent or guardian. Is this true?

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ
السَّلَامُ عَلَيْكُمْ وَرَحْمَةُ اللَّهِ وَبَرَكَاتُهُ

This is an area of disagreement amongst the scholars. I will quote the opening to al-Marghinani's "Chapter on Guardians and Equality/Status." In al-Hidaya (**text in bold**, commentary in normal font.)

"Nikah of a free, sensible, major woman is solemnised on her acceptance even if her guardian does not contract it for her irrespective if she is marrying for the first time or not – according to Abu Hanifa and Abu Yusuf based upon the school's accepted view. It has also been recorded from Abu Yusuf that the Nikah is not solemnised except through the guardian; according to Muhammad the contract proceeds but is suspended. Malik and Shafi'i say that Nikah cannot be solemnised by women absolutely."

"Equality/Status in Nikah is considered"

"If a woman marries without seeking a guardian's approval a man who is not of her equal/status then the guardian can legally separate between the two of them."

In summary a woman may marry without explicit permission of her guardian however she must maintain and marry someone of her social status. Furthermore, marriage in Islam is the coming together of two families hence having support from both parents is absolutely essential.

وَاللَّهُ أَعْلَمُ وَعِلْمُهُ أَحْكَمُ وَأَتَمُّ