

Question:

Assalaamu Alaikum

I need a fatwa regarding making the marriage contract in a church or in a civil court. So the question is: If a muslim is getting married with a Christian woman, is it permissible in Islam to make the marriage contract in a church or a civil court?

Please advise
Jusakalkarn

Answer:

Assalamu Aleikum

Advice Regarding Marrying Non-Muslims

By Ali Al-Timimi

as-Salamu alaykum wa rahmatullahi wa barakatuhu:

As for regarding, marrying a Christian woman, one must understand that Allah has permitted for us the "muhsanaat" among them. This means that the woman must be chaste. As for those Christian women who have had sex outside of marriage; it is impermissible to marry them. As most American woman, these days, have sex before marriage, a "muhsanah" from the Christians is a rarity!

As far as the contract, it is impermissible to have any part of the marriage ceremony at the church; as this entails witnessing shirk (or perhaps at times participating in shirk), like when the Priest takes the ring from the groom, and then places it on the bride's thumb, forefinger and the middle finger while saying "In the Name of the Father, the Son, and the Holy Ghost" (may Allah be exalted from such blasphemy) and finally rests the ring on the index finger. Also their marriage has many ceremonies which are from the practices of the unbelievers that one may not partake in.

As for the contract in a civil court, this is permitted if two conditions are met: (1) There is no acceptance of the laws and system of the disbelievers as supreme or valid as this would nullify our testimony of faith; (2) the registering of the marriage in the civil court results in some benefit that outweighs the harm of not registering the marriage. (This is the case with the majority of Muslim marriages in North America in particular for citizens and residents.)

Secondly, is this allowed when the person is making a second contract according to the islamic teachings and laws regarding this issue?

The Islamic marriage must proceed the civil registration; as it is only the Islamic marriage that makes the marriage valid. (An Islamic marriage entails in brief: (1) the acceptance of both partners and their suitability for marriage; (2) the acceptance of the bride's guardian; (3) the dower; (4) and two witnesses.)

A court marriage is not a marriage according to the sharia. And hence both partners, if not married Islamically, cannot be alone with one another, let alone, live as husband and wife.

I have one final word of advice regarding the dangers and appropriateness of marrying a Christian woman. (1) If the marriage ends in divorce; the court will almost always and without

exception give custody of the children to the woman; (2) if the husband tries to leave the US with the children and a court order issues a warrant for his arrest for kidnapping; the Dept. of Justice will send FBI officers to arrest the husband and bring back the children, even if he is overseas. In fact, there are special mercenaries for hire that for a fee will kidnap the children and bring them back to the US. This has happened in Jordan and Iraq. I even know first hand of an incident where a British Muslim (a pure white Englishman with a big red beard) who was arrested in Medina by Saudi authorities due to the pressure of the British government to return his Muslim daughter back to her Christian drug abusing wife and her boyfriend and to place him in jail for kidnapping his Muslim daughter to Saudi Arabia; (3) many Muslims today are weak in faith and suffer from feelings of inadequacy (due to this lack of faith) in front of Westerners (and in particular white Americans); as a result, it is often that the Christian wife who will control their lives. I know of many cases of Muslims who have married these Christian women and due to the environment have ended up in a case of "virtual" apostasy; (4) how appropriate is it to marry a Christian woman given that there are many Muslim women who lack husbands? These are not only American sisters, converts and immigrant children who have grown up in this country and who need strong Muslim men to learn Islam from them and take care of them; but what about the tens of million of Muslim women from Muslim countries who due to war and displacement live very poor lives and are looking for a Muslim man to teach them and rescue them from their misery. If the youth of Islam remain with only one wife or marry Christians, who will shelter our sisters from Bosnia, Somalia, Iraq, Kashmir, Philipines, etc.! That is some advice from the heart that I felt must be brought forward. My apologies if these words are out of place.

Your brother in Islam
Ali Al-Timimi