

47439 - She was forced to marry someone she did not want. Can she use contraceptive pills?

the question

I got married a short time ago, but I am not happy with my husband. My family forced me to marry him. My problem is that I do not want to have children from him. Is it permissible for me to pray to Allaah not to give me children from him, or is that not permitted? I have read that it is not permissible to use contraceptive pills without the husband's permission. Is this true?.

Detailed answer

It is not permissible for the guardian, whether he is the father or anyone else, to marry off anyone under his care without her consent, because the Prophet (peace and blessings of Allaah be upon him) said: "A previously-married woman has more right concerning herself than her guardian, and the permission of a virgin should be sought (regarding marriage), and her permission is her silence." Narrated by Muslim, 1421.

It was narrated from Abu Hurayrah (may Allaah be pleased with him) that the Prophet (peace and blessings of Allaah be upon him) said: "No previously-married woman should be married off without being consulted, and no virgin should be married off without asking her permission." They said: "O Messenger of Allaah, what is her permission?" He said: "If she remains silent." Narrated by al-Bukhaari, 4843; Muslim, 1419.

Similarly, it is not permissible for a guardian to be stubborn about the marriage of a female under his care, or to prevent her from marrying someone she wants to marry if he is compatible with her. 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 there will be fitnah (tribulation) in the land and much corruption." Narrated by al-Tirmidhi, 1084; classed as hasan by al-Albaani. See also question no. [32580](#).

With regard to what has happened to you, you have the choice of whether to stay or not. Seek guidance from Allaah (by praying istikhaarah). If you agree to stay in this marriage then all well and good, but if you do not accept to stay with your husband, then you have the right to seek annulment of the marriage, because it took place without your consent.

It was narrated from Khansa' bint Khizaam al-Ansaariyyah that her father married her off when she had been previously married, and she did not like that. She went to the Messenger of Allaah (peace and blessings of Allaah be upon him) and he annulled the marriage. Narrated by al-Bukhaari, 4845. And it was narrated from Ibn 'Abbaas (may Allaah be pleased with him) that a virgin girl came to the Prophet (peace and blessings of Allaah be upon him) and told him that her father had married her off against her objections. The Prophet (peace and blessings of Allaah be upon him) gave her the choice. Narrated by Abu Dawood, 2096; classed as saheeh by al-Albaani.

The majority of scholars are of the view that if a woman is married off without her consent, then the marriage contract is invalid, because it is a forbidden contract which cannot be validated. This is the view of the Shaafa'is and Hanbalis.

The view of the Hanafis, which was also narrated in one report from Ahmad, is that the contract is dependent upon the woman's acceptance. If she gives her consent then it is valid, otherwise she may annul it.

See al-Mughni, 7/364; Fath al-Baari, 9/194

But so long as the court is in charge of marriages, it is better to refer such matters to the court.

Shaykh Ibn 'Uthaymeen (may Allaah have mercy on him) said, concerning the matter of a father forcing his daughter to marry: It is haraam for a man to force his daughter to marry a man whom she does not want to marry, and what is haraam cannot be validated or implemented, because implementing it or validating it goes against the prohibition that has been narrated. When sharee'ah forbids a matter, then we should not be involved in it or do it. If we validate it, that means that we have become involved in it and done it, and we have made it equivalent to the contracts that are permitted in sharee'ah.

Based on this, the correct view is that the marriage arranged by the father to a man whom his daughter does not want as a husband is an invalid marriage, and the contract is invalid, and should be examined by the court.

See al-Fataawa, p. 760; see also Fataawa al-Shaykh Ibn Ibraaheem, 10/73-78

With regard to your taking contraceptive pills without your husband's knowledge, this is not a solution to the problem, because this means that you are staying with one whom you do not like. As stated in the fatwa of Shaykh Ibn Ibraaheem mentioned above, some of the scholars have stated that if a women shows that she accepts her marriage to someone to whom she was married by force, then she forfeits the right to seek annulment of the marriage. If she forfeits the right to seek annulment, then the man becomes a legitimate husband to her. If that is the case, then it is not permissible for you to take contraceptive pills without his knowledge, if there is a need for that.

See also question no. [5196](#), [22760](#).