

MARRIAGE ON TELEPHONE

Q:6- A lives in the United States of America. He wants to marry B, a girl living in Karachi. A, for a number of reasons, cannot come to Karachi to marry her, nor B can go to U.S. unless she is proved to be the wife of A. How can A and B contract a valid marriage without meeting each other? Is it permissible for them under Shariah to contract marriage on telephone by pronouncing offer and acceptance?

A: Nikah (marriage) cannot take place on telephone, A Nikah because it is a necessary condition for a valid contract of marriage that at least two witnesses should be present at the time of marriage and should witness both offer and acceptance. This necessary condition cannot be fulfilled in a telephone conversation.

However, if A wants to marry B without both being present at one place, he can authorize any one of his friends or relatives living in Karachi to contract his marriage and appoint him his agent to pronounce offer or acceptance on his behalf. If, for example he selects C to be his agent for this purpose, he should authorize him in the following words:

"I authorize you to contract my marriage with B, daughter of D, on a sum of....as dower".

Then, at the time of marriage ceremony in presence of at least two male witnesses, the girl may pronounce her offer saying, "I married A, son of E on a sum of.... as dower". If there is a Qadi or a Nikah Khwan duly authorized by the girl, he can also pronounce offer in the following words:

"I gave B, daughter of D in marriage with A on the sum of.... as dower"

C, the agent of A, will say in reply, "I accepted this marriage on behalf of A."

The offer can also be initiated by C as an agent of A. In this case he will address B in the following words:

"Being a duly authorized agent of A, I marry A, son of C, to you on a sum of.... as dower"

In this case B will reply, 'I accepted this marriage.'

In both cases, it will be a valid contract between A and B, whereafter they will be treated as husband and wife duly wedded to each other according to Shariah.

Contemporary fatawaa

