

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Series of Questions Addressed to Eminent Scholar Ata Bin Khalil Abu Al-Rashtah,
Ameer of Hizb ut Tahrir through his Facebook Page (Fiqhi)

Answer to Question

The Shari' Ruling on Engagement Parties before Marriage Contract

To: Manar Aljunaidi

(Translated)

Question:

Assalamu Alaikum,

A question about a phenomenon that has become prevalent among us, which is making a party after what is known as reciting Al-Fatihah or the proposal (Tulbah), in which the fiancée wears a gown and displays her Zeena (charms) like a bride, wears rings, dances and other things before the marriage contract is concluded. Is this permissible by the Shar'iah as it is publicizing? Although in the past, removing the Hijab and Tabaruj did not take place in front of the groom until after the marriage contract is concluded. Please advise us, may Allah bless you and increase you in Khair.

Answer:

Wa Alaikum Assalam wa Rahmatu Allahi wa Barakatuh,

It is not permissible for a woman to reveal her 'Aurah in front of a foreign (non-Mahram) man who wants to marry her until the marriage contract is concluded between them because of the Almighty's saying: ﴿وَلَا يُبْدِينَ زِينَتَهُنَّ إِلَّا لِبُعُولَتِهِنَّ﴾ **“And they do not show off their charms (Zeenah) except only that which is apparent”** [An- Nur: 31].

And the man before the marriage contract is not a husband, and the woman does not reveal her 'Aurah in front of him. When the marriage contract is concluded in the Shari' manner, at that time, she has the right to reveal her 'Aurah to him, because she became his wife by the contract. But before the completion of the contract, he is not her husband, and it is not right for her to reveal her 'Aurah to him. The permissibility of revealing the 'Aurah is one of the provisions that result from the marriage contract. And reciting Al-Fatihah and publicizing the engagement does not take the place of the marriage contract, and it does not entail the rules that result from the marriage contract. Therefore, what was mentioned in the question about the statement that the fiancée reveals her 'Aurah to her fiancé, displays her Zeena and dances (with him or in front of him), after reciting Al-Fatihah or after the proposal and before concluding the marriage contract, this revealing of the 'Aurah for the person who proposes for her, displaying her Zeena, and dancing with him is forbidden.

We have explained in the book, *The Social System in Islam*, some of the issues related to marriage and the marriage contract, and I will quote for you some related matters:

[When an agreement of marriage takes place between a man and a woman, they should undertake a contract of marriage. The marriage will not be complete without a Shari'ah contract. This marriage cannot be considered a proper marriage except with a Shari'ah contract which has been concluded according to the Shari'ah rules. It then becomes permissible for them to enjoy conjugal relations with each other, and the rules that result from the marriage come into effect. If the contract is not concluded, it will not be considered a marriage.]

The marriage is contracted by legitimate offer and acceptance

The sound contracting of marriage stipulates four conditions:

The first condition is the occurrence of the offer and acceptance in the same sitting.

The second condition for the contracting of marriage is that each of the two contracting parties should hear the statement of the other and understand it.

The third condition is that the acceptance should not object to the offer, whether the objection is to the whole offer or part of it.

The fourth condition is that the Shari'ah has allowed the marriage of one contracting party to the other, like if the woman is a Muslim or from the people of the Book and the man is a Muslim and nothing else.

If the contract meets these four conditions, then the marriage will be valid. If any of the conditions are not met, the marriage will not come into effect. It will be void from its very basis. When the marriage is contracted, it must, in order for the marriage to be correct, satisfy the conditions of correctness which are the following three:

The first condition is that the woman should be suitable for the contract of marriage.

The second condition is that the marriage will not be correct without a guardian (wali) since the woman does not possess the right to give herself or give others in marriage. Similarly, she does not have the right to delegate anyone other than her guardian to give her in marriage. If she does this, the marriage will not be correct.

The third condition is the presence of two sane, mature Muslim witnesses who hear the statements of the two contracting parties and understand that the purpose of the offer and acceptance statements is to contract in marriage. When the contract satisfies these conditions, it will be correct. If any of these conditions are lacking, the marriage will be improper (Fasid). However, it is not stipulated that the marriage contract be in writing or be registered as a document. The mere occurrence of the offer and acceptance from a man and a woman, whether verbally or in writing, which satisfies all the conditions, will ensure that the marriage contract is correct regardless of whether it was written down or not...] **End.**

Marriage, as shown in the *Social System*, can only take place by concluding the Shari' marriage contract in the above-mentioned manner, and publicizing of the engagement does not take the place of the marriage contract, and does not entail the rules that result from the marriage contract, including the permissibility of the woman to reveal her 'Awrah to the one who has contracted the marriage contract with her.

I hope that the issue is clear, and Allah Knows Best and is Most Wise.

Your brother,

Ata Bin Khalil Abu Al-Rashtah

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The link to the answer from the Ameer's Facebook page:

<https://www.facebook.com/HT.AtaabuAlrashtah/posts/3027485644164106>