

70531 - Is it permissible for the father of the girl to prevent her husband from sitting with her after the 'aqd (marriage contract)?

the question

I have done the marriage contract with a girl, and we have agreed that the wedding party will be in one year's time for financial reasons, but her father completely refuses to let me be alone with her, even for a few moments, to talk or just to sit. Is it permissible for him to prevent me from sitting and being alone with her on the basis of custom and tradition? What should I do?.

Detailed answer

The marriage contract has three pillars or essential parts: the proposal, acceptance, and consent of the wife's guardian. The proposal is issued by one of the two parties first of all, indicating what he wants of forming a contract. It is called ijab which means commitment. The acceptance is issued second by the other party, indicating that he agrees to what the first party has proposed. This is called acceptance because it indicates consent to what the first party has proposed.

If this is done in the presence of the wife's guardian and with his consent, then the marriage contract has been completed and the woman has become his wife and he has become her husband. There result from this contract a number of shar'i implications, which are:

1. It becomes permissible for each of the spouses to enjoy intimacy with the other.
2. The dowry which is mentioned in the contract becomes obligatory, if he consummates the marriage with her or if he is alone with her in the shar'i sense and in such a way that he would be able to have intercourse with her, or if he dies before consummating the marriage or being alone with her. She becomes entitled to half of the amount as a result of the contract if he divorces her before consummating the marriage or being alone with her. If he did not state an amount for the dowry, then upon consummation or if he dies or if he is alone with her, she becomes entitled to a dowry like that of her peers, such as her sisters and female cousins.

3. It becomes obligatory on the husband to spend on the wife's maintenance, such as food, clothing and shelter. This does not become obligatory upon the husband until after he has consummated the marriage with her, because these obligations are in return for intimacy and her living under his care.

4. Any children are to be attributed to the husband if the marriage has been consummated or if he has been alone with her in the shar'i sense.

5. The right of inheritance is established between the spouses, if one of them dies, whether the husband has consummated the marriage with his wife or not.

6. The in-laws become mahrams, which means that the ascendants and descendants of the husband become mahrams for the wife, and the ascendants and descendants of the wife become mahrams for the husband, according to the explanations of the scholars.

From what we have mentioned with regard to the consequences of marriage, the answer to the question is known, which is that it is permissible for both spouses to enjoy intimacy, such as touching, kissing and so on, with the other as soon as the marriage contract is done.

In the answer to questions number [74321](#) and [13886](#) there was a discussion of the things that are permissible for the one who has done the marriage contract with a woman, even if he has not yet consummated the marriage with her.

But it is permissible for the guardian to be strict with regard to being alone with her -- which means closing the door, drawing the curtains and especially intercourse -- because of the problems that may result from that before the marriage is announced. One spouse may die or divorce may occur, which would result in bad consequences for the woman in the event that she is pregnant or has lost her virginity.

In the answer to question no. [3215](#), there is a discussion of this issue, which we hope you will read.

If we add to these problems that which happens a lot of negligence concerning this issue before consummation and moving to the marital home, namely the way people view these matters and

their customs and traditions which do not accept this kind of relationship except after consummation of the marriage in the marital home that has been prepared for that, then this is something to be taken into consideration with regard to protecting honour and lineages. The husband should pay attention to this matter and think with his head, not with his heart, and he should understand the effects of this if death or divorce were to occur. He should remember that he definitely would not accept that for his daughter, and by the same token people do not accept that for their daughters. We think that this is the best solution and the middle way between going to extremes and being careless with regard to this matter.

And Allaah knows best.