

111165 - He did the marriage contract with her and was intimate with her without intercourse in Ramadaan, and he had intercourse with her before announcing the marriage!

the question

I got engaged to a religious brother two months ago. He wanted us to have the contract done straight away instead of just engagement. But my family refused saying that there is no reason to hurry. We used to be together alone without a guardian, therefore, what I was afraid of has happened (foreplay without intercourse) in the best month, Ramadan. Since then I have been in great grief. How can I fast five months as expiation for what happened during five days of Ramadan (a month fasting expiation for every day)? This is my first problem that keeps me sleepless. Please guide me.

Two weeks ago we had our marriage contract done. We had intercourse before announcing the consummation of our marriage that would take place next year. I read many answers on your website regarding the rights of the husband after marriage contract and before consummation, and found that he should wait until marriage is announced to avoid any problems. I told him that I will not agree to intercourse until we announce the marriage; he refused and insisted on having his right which is to enjoy me as his wife. What should I do? My family do not know that I am not anymore virgin. And I fear I get pregnant before our announced marriage. What shall I do in this situation? Shall I obey him when he needs me? Should I tell my family that we had intercourse, although they will never accept this?.

Detailed answer

Firstly:

If the basic

conditions of marriage, such as the proposal and acceptance, and consent of the woman's wali (guardian), are met in the presence of two witnesses, or by

announcing this marriage contract, then the woman becomes the wife of the man, and it is permissible for each of them to enjoy intimacy with the other.

It is permissible for the couple to enjoy intimacy before announcing the marriage by kissing and so on, even if that leads to emission of maniy, so long as no intercourse takes place.

Secondly:

No expiation (kafarah) is required of one who breaks the fast in Ramadan with no excuse, unless the fast is broken by intercourse. Expiation is not required of the one who breaks the fast with anything other than intercourse.

Based on this, no expiation is required for the intimacy that took place in Ramadan – so long as you say that it took place without intercourse. If emission of maniy occurred as a result, then the fast of that day was spoiled, and you must repent to Allah from that, regret what has happened, and fast one day to replace that day.

But if no maniy was emitted, then the fast is valid, and you do not have to do anything.

See also the answers to questions no. [71213](#), [14315](#), [49614](#) and [37887](#).

Thirdly:

With regard to

what happened, of your husband having intercourse with you before announcement of the marriage, he has obviously done wrong and there are many consequences to his action. How could he be religiously committed and not heed the warnings and advice of the scholars to those who do marriage contracts not to hasten to consummate the marriage. What he claims, that this is his right, is not correct. There was an agreement between him and your family to delay the consummation until the time that had been agreed upon, so he should have fulfilled that agreement, and adhered to this condition which he had agreed to. The Messenger of Allah (peace and blessings of Allah be upon him) said: "The condition which most deserves to be fulfilled is that by means of which intimacy becomes permissible for you." Narrated by al-Bukhari (2721) and Muslim (1418).

Ash-Shaykh 'Abd

al-'Azeez ibn Baz (may Allah have mercy on him) was asked:

What is it

permissible for a man to do with his wife after the marriage contract had been done and before consummation of the marriage?

He replied:

It is

permissible for him to do what men do with their wives, but he should be patient until the time agreed for consummation of the marriage. If he needs to visit her or get in touch with her, with her family's permission, for a clear reason, there is nothing wrong with that. If he meets her and is alone with her with her family's permission, there is nothing wrong with that. But if it is done secretly without anyone knowing, that is dangerous, because

she may get pregnant from him, then he may think badly of her or deny that he was intimate with her, so there may be a lot of fitnah and trouble.

What he should

do is refrain and be patient until the time agreed for consummation of the marriage. If there is a need to contact her or meet with her, that should be with her father or her mother or brother, so that nothing can happen that may have negative consequences. End quote.

Fatawa

al-Shaykh Ibn Baz

(21/208, 209).

Ash-Shaykh

Muhammad ibn Saalih al-'Uthaymeen (may Allah have mercy on him) said:

If a man does

the marriage contract with a woman, then he is her husband and he may speak to her on the phone and send letters to her. There is nothing wrong with him being in touch with her, but without intercourse, because she is his wife.

If he calls her and enjoys sitting with her and kissing her, there is nothing wrong with that, but intercourse should not take place, because there is danger involved in intercourse and it may lead to him thinking badly of her, or she may get pregnant from this intercourse and give birth before the set time for consummation, so the woman may be accused of misconduct. End quote.

Liqā-at

al-bab il-Maftooh

(175/question no. 12).

Fourthly:

With regard to
what you have to do, it is as follows:

1.

Immediately give up any contact between you that may lead to intercourse.

2.

Urge

your husband to fear Allah and hasten to announce the marriage, even if it involves incurring debts, or some hard work. The matter does not have to do with the possibility of pregnancy, but with the fact that the hymen has certainly been broken. This may have serious consequences if – Allah forbid – he dies or divorces you.

3.

If

the husband cannot bring forward the wedding, then it is essential to tell your parents about what happened and not conceal it from them. This is very much in your interests. If he acknowledges what he did, then that is much less serious than if he were to divorce you then deny it, or if he were to die.

And Allah knows best.