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The Islamic Ruling on Looking at One's Fiancee Via Social Media

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Abstract

This research addresses the subject of the Islamic ruling of the engaged couple looking at each other via social media. It aims to show that anything that the engaged couple shall not see from each other in the actual meeting, shall not also see during a video call via social media as it opens up a room for aphrodisiac and seduction between a man and a woman. The research also addresses the legality of the engaged couples seeing each other for the purpose of engagement. The research reached results: including that in case the engaged couple couldn't see each other in a real meeting, they are allowed to see each other via video calls but according to certain terms. Some of which are that the guardian of the fiancée should supervise these video calls and that the numbers and duration of video calls should be limited to the purpose of the engagement. Among the recommendations of the research: Parents are recommended to supervise sons and daughters, and watch their video calls, and not allow them to turn on the in video calls with non-mahrams, as well as not to allow girls to put their picture on social media, or in any place that exposes her to others' view.

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1.0 Introduction

Praise be to Allah, the Lord of the Worlds, and prayers and peace be upon the faithful Messenger of Allah, and upon his family and companions, and after, The Islamic ruling of the two sexes looking at each other in general and among engaged couples, in particular, are clarified in details in Fiqh, Tafseer and hadith books by the Fiqh scholars. However, new methods of the aspect of people looking at each other have emerged along with the requirements of the new era and the development of media communication. These methods have been developing consistently until we reached an era seeing each other via social media video calls in which a camera provides the ability to see the callers from the other side on a computer screen.

2.0 Study problem

One of the results of expanding people seeing each other via video calls is that it raises a set of questions regarding the Islamic ruling of conducting video calls, in which a man and an unrelated marriageable woman to him can see each other.

If a woman and a man who is unrelated and marriageable did the act of looking at each other for illegal purposes then the act is prohibited, does this prohibition only limited to seeing the man or the woman in real meetings and not on the internet? Does the prohibition include looking at the moving and unmoving pictures of the woman? Thus, it is prohibited for a man and an unrelated marriageable woman to see each other via video calls as in the case of a real meeting?

If the engaged couple couldn't see each other for some reason, are they allowed to be introduced to knowing the features of each other through video calls? What are the Sharia provisions and rulings for that?

To answer these questions and others, and due to the lack of independent researches on Islamic ruling on unrelated marriageable man and woman looking at each other via Social Media, the researcher decided to write research on this subject as a way of serving the Islamic Shari'a law.

3.0 What does distinguish this study from previous studies?

Before clarifying the rulings of seeing via social media, it was necessary to clarify the Islamic ruling of unrelated marriageable men and women looking at each other using the regular method that is not on the internet.

If the researcher couldn't find any scientific research about the Islamic ruling of electronic seeing via social media in particular, then the previous literature that covers the Islamic ruling of men and women looking at each other in general are abundant, some of which are:-

1- (The Islamic rulings of Looking at one's Fiancée) book by Dr. Ali bin Abdelrahman Alhasson, Al-asema publishing and distribution house, Riyadh, 2ed edition, 1425 H.

2- (Ahkam al-aura wa al-nathar bedalil al-nas wa al-nathar) by Dr. Musaed bin Qasem al-faleh, Al-maa'rif apublishing and distribution house, 1st edition, 1413 H/ 1993.

What distinguishes this study is that it shows the Islamic ruling of electronic seeing via social media in particular.

4.0 Research Method

The researcher followed the descriptive approach, with the deductive and analytical approaches, in which there was a need for clarifying the Fiqh rulings for unrelated and marriageable men and women looking at each other. After studying and analyzing these rulings, the researcher deduces what is applied to seeing via video calls and what isn't.

5.0 Departments of the study

*** How Different is the Fiancée of a Man than the other Marriageable Women for him?**

The engaged woman whom she was asked for marriage, but still not officially married is still considered one of the unrelated marriageable women to the man. The unrelated marriageable woman to the man lexically means the woman who is not from the first degree relatives of the man (Al-Fayomi, 1996, 1/110). The foreigner is the stranger (Ar-Razi, 1999, 1/62), and the Neighbor is your neighbor from another kin and also it is anyone who is not related to you at all.

The unrelated marriageable woman mentioned in the field of Islamic rulings that organize the relation between the man and the woman according to Fiqh scholars means the woman who is not a wife to the man or not from the unmarriageable woman to him, and the standard for the unmarriageability is every woman whom the man cannot marry because of kinship, affinity or foster relations(Az-Zayla'I, 1995,6/19).

Whereas an unrelated marriageable woman is an expression that addresses all women other than the wife or the relative women (Ash-Sherbini, 1994, 4\286); then it includes every woman the man is allowed to ask for marriage.

1- Accordingly, unrelated Marriageable Women can be classified into Four Types:-

A- The woman who is not related whatsoever to the man and who is considered a stranger to him (Zeidan, 2000, 182\3).

B- The woman that is related to the man but can marry him such as cousins.

C- The woman that the man cannot marry temporarily like the sister of the wife or the wife of the brother (Al-Bahūtī, 1968, 5\47), in which if his wife died he can marry her sister and so on.

D- The woman that the man asked for marriage but still not officially married to him, in which the engagement period is just a request for marriage (Ash-Sherbini, 1994, 4\219). The engagement period is before signing a marriage contract and the engaged woman is considered unrelated to the engaged man (Ibn-Abdeen, 1992, 370\6; Ar-Ramli, 1984, 186\6).

2- Also the unmarriageable or Related Women can be classified into Four Categories:-

A- The wives of the man, in which the first wife is no longer an unrelated marriageable woman since signing a proper marriage contract, however, if they got divorced then she is back to the state of an unrelated marriageable woman to her previous husband. Therefore, the engaged woman switches from being an unrelated marriageable woman to her fiancé to a wife since signing the proper marriage contract and stays unmarriageable since their marriage is continuing.

B- The unmarriageable woman because of kinship: Mothers, daughters, sisters, aunts, and nieces (As-Sarkhasi, 1993, 4/198; al-Mardawi, 1968, 8/113).

C- The unmarriageable women because of affinity are the women who cannot be marriageable permanently because of matrimony. Once the marriage contract is signed the mother of the wife, the wife of the father and the wife of the son are unmarriageable, also the daughter of the wife becomes unmarriageable to the man who consummated the marriage with her mother (al-Kāsānī, 1986, 2\258).

D- The unmarriageable woman because of foster relations Such as the mother or the sister or the niece who are coming from foster relations, The Prophet (peace be upon him) said about Hamza's daughter "I am not legally permitted to marry her, as foster relations are treated like blood relations (in marital affairs). She is the daughter of my foster brother." (Al-Bukhārī, 2001, 3/170, Hadith No. 2645).

*** The Islamic Ruling of Looking at the Marriageable Women**

The majority of Fiqh scholars stated that everything but the face and hands of a woman is forbidden to look at by the unrelated marriageable man even if it isn't meant to be a lust look because it is looking at the privet parts (Al-babarti, 1997, 10/24; Al-Hattab, 1992,1\499; Ash-Sherbini,1994,1\397). However, looking at the face and the hands of a woman is still for some scholars considered privet parts and women should cover them. This is one of the Shafi's' (Al-Hasani, 1994, 1/350) opinion and the Hanbalis' opinion (Al-Mardaw, 1968, 8\29).

It is allowed to look at the face and the hands without lust under the condition of not fear seduction according to who stated, they are not parfrom the privet parts such as Hanafis (Az-Zayla'I, 1995, 6/17), the confirmed opinion according to the Malikis (Al-Khurshi, 1968, 1/247), one of the opinions according to Shafi's (Al-Haytami's, 1983,7/193) and it is also the opinion of Athariya (Ibnhazm, 1964, 2\241).

Whereas looking at unrelated marriageable woman intentionally or with lust or in times of seduction is forbidden even according to the scholars who stated that face and hands are not from the privet parts. The Quran and hadith texts that order us to lower the gaze are proof that lowering the gaze on whatever includes seduction is an obligation. That is because the sight is the shortest way to the heart; therefore it is a starter for perversion and shall be warned against. Lowering the gaze became part of the rights of the way, in which if women passed by in the street men shall not look or think about them (Al-Qortobi, 1964, 12/223; An-Nawawi, 1972, 14/142).

One of the evidence on the prohibition of looking at the unrelated marriageable woman is hadith Jareer: I asked Allah's Messenger (peace be upon him) about the sudden glance (that is cast) on the face (of a non-Mahram). He commanded me that I should turn away my eyes. (Muslim, 1999, 3/1699;Hadith No. 2159). This means that when he doesn't turn his eyes away the prohibited gaze occurs, in which the sudden gaze is allowed while a gaze that is followed by a look is not allowed. He can have the first look but the second is not for him.

*** The Islamic ruling of marriageable man and woman looking at each other in video calls**

The evidence that the Fiqh scholars deduced on the prohibition of looking at the unrelated marriageable women on purpose is proof that the Islamic Sharia made sure that everything that is aphrodisiac and seductive is prohibited. Therefore, the sharia prohibited looking because it is aphrodisiac and seductive as well as it is greed for the individual for worldly pleasure (An-Nawawi, 1972, 7/21). This means that anything is prohibited to look at between man and woman is also prohibited to look at in a video call or a photo or the reflection in a mirror or the water or so. That is because all of this is a type of affliction and corruption that leads the individual to commit adultery.

Nevertheless, some of the Shafi and Hanafi scholars (Ibn-Abdeen, 1992, 6/372, Al-Haytami, 1983, 4/95) have pointed out to argument in the ruling of looking to the picture of the woman in a mirror or water. The ruling of this matter according to Hanafis is that if someone saw the private part (sexual) of a woman, then all the women that is related to her like her mother and her daughters (if there were ones) are unmarriageable to him, unlike if he saw her private part in a mirror or water, then unmarriageability by affinity is not confirmed because what he saw is a reflection, not the original (Ibn al-Humam, 1966, 3/244).

Ibn-abdeen chooses the prohibition opinion in the matter of the Islamic ruling of looking at the unrelated marriageable women in the mirror or the water. He also differentiates between both matters by stating: “The conditions of unmarriageability by affinity is very strict because regardless, originally it is Halal because it is prohibited originally to prevent aphrodisiac and seduction which is available in this case” (Ibn-Abdeen, 1992, 6\372)

However, according to Shafi's, the texts that mentioned the ruling of looking at the picture of the woman in a mirror or water, came directly when they were searching in the matter of looking at the unrelated marriageable woman. It is noticed that they pointed out to three things that might be indications for the permissibility of looking at the picture which are:-

A- The one who looks at the picture of the woman did not see the woman in reality, but he saw a reflection of her, therefore, his look is not prohibited (Al-Bakri, 1997, 3/301). The other opinion that opposes this one is that it is not a matter of looking in reality or an image, but it is a matter of stirring up lust and fear of seduction and in this case, seeing in reality or a picture is the same. Also, when Islam prohibited

whatever leads to committing adultery it did not limit it with the fact that they lead to actual adultery but because it is part of obscenity, therefore, some of Shafi scholars reconsidered the allowance of looking at pictures by stating: “where there is no fear of lust or seduction” (Ar- Ramli, 1948, 6/187).

B- The one who made an oath to not look at the face of a woman and saw her picture in a mirror or water shall not break his oath. The answer to this matter is that there is a difference between breaking an oath and looking at an unrelated marriageable woman, in which expiation of breaking an oath is Allah's right, whereas looking at the unrelated marriageable or her picture is an indecent assault by stirring up lust. This might take the one who looks from having pleasure by looking only to an indecent assault, as Alla's right can be tolerated while the rights of people cannot be tolerated (At-tariki, 1993, 364).

C- Juristic reasoning by analogy and the analogy here is to be content with seeing the picture of a product that is going to be purchased in which the picture doesn't replace the actual product (Al-Haytami's, 1983, 4/95). The response to that is that there is a difference between the two cases in which not being content with seeing the picture of the product is just because of lack of knowledge about the product; however, the prohibition of looking at the unrelated marriageable woman is because it stirs up lust and seduction between a man and a woman. Therefore, it is not valid to make an analogy between the damage caused by seduction of looking at a picture of a woman and the damage occurring because of lack of knowledge when looking at the picture of the product, in which loss of money is easier than indecent exposure and preserving honour is a priority over preserving money (Ash-Shatibi, 1997, 2/20; Al-Faleh, 1993, 356)

When Malki and Hanbali Fiqh scholars declared that every intentional look at an unrelated marriageable woman for an immoral reason is prohibited, they considered that aphrodisiac and seduction is occurring when looking at the woman in reality, as well as, in a picture. Also, the picture can reveal a lot more from the features of the woman than if a woman described another woman to her husband. In that sense, description is prohibited and it is even in a lower level than looking at a picture, prophet Muhammad (peace be upon him) said: A woman should not look at or touch another woman to describe her to her husband in such a way as if he was actually looking at her.” (Al-Bukhari, 2001, 7\38, Hadith NO. 5240). If the Hadith

prohibited describing the picture, so how will it be if the picture was coloured and moving without any difference than the reality. If a man looked at a specific woman this defiantly might seduce the man and make him always look at women which will eventually harm his religion (al-Fasi. `1994, 114). The purpose of this Hadith is the fear that the husbanded might like the description of the woman which may lead to him being seduced or he might divorce his wife or even hate her (IbnHajar, 1995, 9/338).

Therefore, the preponderant opinion is the prohibition of men looking at whatever he is not allowed to see from a woman's body. The fear of seduction and the intention to even prevent it is evidence of the prohibition of looking at women and their pictures. Thus, looking at women who are prohibited to look at is forbidden, as well as, women are prohibited to put her picture in a place that makes her viewable to others.

The camera should be turned off in a video call between a man and an unrelated marriageable woman because it is not rational or legal to turn on the camera then they are ordered to lower the gaze. This is an obligation is unbearable because the obligation of lowering the gaze is valid when seeing something by accident, but not when turning on the camera intentionality as a mean for looking. However, turning on the camera intentionally is not valid and the obligation of lowering the gaze, in this case, is not valid.

*** The Islamic Ruling of Looking in an Engagement**

The majority of scholars ((Az-Zayla'I, 1995, 6\18; Al-Kurashi, 1968, 3\165; Ash- sherbini, 1994, 4\207) agreed on the legality of looking at a woman for marriage purposes, and they deduced that by a group of Hadiths, some of which are: the Hadith of the man who told the prophet peace be upon him that he married a woman of the Ansar, Thereupon Allah's Messenger (peace be upon him) said: Did you cast a glance at her? He said: No, hereupon Allah's Messenger (peace be upon him) said: “o and cast a glance at her” (Muslim, 1999, Hadith 1424), An-nawawi clarified it by saying: An-nawawi, 1972, 9/210).

When Al-Mughirah bin Shu'bah proposed to a woman, so the Prophet said: "Look at her, for indeed that is more likely to make things better between the two of you." (Atturmuthi, 1975, Hadith No. 1087). Thus, the purpose of the allowance of looking is that it leads to affability and amity between them, because if he married her after knowing her, mostly there will be no penitence afterward. (Ash-Shawkani, 1993, 6/132).

These Hadiths prove the legality of the man looking at the woman he wants to marry, as well as, they prove the legality of the woman looking at the man she wants to marry. Therefore, to glance a look between the man and the woman who desire to get married is allowed and legal for both of them to be sure of the characteristics they want in each other (Ibn-Abdeen, 1992, 6\370).

The Hadiths also pointed out to the purpose of seeing which is strengthening the relations after accepting each other. However, Fiqh scholars disagreed on the limitations and the methods of achieving this purpose, in which they differed in deciding what the fiancé can see from his fiancée. Some of them said that looking at the face and the hands are enough to recognize the beauty of the woman, in which the face can tell if the woman is beautiful or not and the hands can tell if the body is soft or not (al-Kāsānī, 1986, 5/122).

However, according to Hanbalis, the man can see what is the woman mostly reveal such as the face, the hands and the feet (Al-Mardawi, 1968, 8/18).

The Thahiriyas were an exception in which they allowed looking at all of her body and they argue that the Hadiths that allows the man to look at the woman he wants to marry are “generally a way out for this specific situation from what is prohibited from lowering the gaze” (Ibn-hazm, 1964, 9/161).

An-nawawi pointed out to the faultiness of this opinion by stating: “Dawood said: He can see all of her body, which is an obvious fault that contradicts the fundamentals of Sunna and unanimity” (An-nawawi, 19972, 9/210).

The preponderant opinion is the opinion of the majority of scholars, in which the fiancé can look at the face of his fiancée to recognize her beauty features such as the colour and the height and so on. He also can look at her while she dressed in Sharia compliant clothes (As-Sarkhasi, 1993, 10\155; Al-Hattab, 1992, 3\404). However, after he verifies her features he is prohibited to look more because he achieved his need that is the purpose of looking (Ibn- Abdeen, 1992, 6/370. Ar-Ramli, 1984, 6/186).

*** The Islamic Ruling of Marriageable Man and Woman Looking at each other in Video Calls**

If the engaged couple couldn't see each other directly for some reason, such as the fiancé being abroad and can't visit the country of his fiancée or he cannot travel and leave his job or so. In this case, is it permissible for them to know each other's features via video calls?

There should be a balance between the good and the evil that comes from this to know which is prevailing.

In terms of the good that comes out of it when the direct meeting is not possible, then meeting through the internet is the best substitute in order to achieve the legal purpose of the engagement which is the continuity of affability and amity between the engaged couple. However, the description only doesn't give a real impression, in which someone might like another one by description but when they meet he might change his mind. However, if they saw each other via video calls this determines if they are comfortable and reveal if they had a good connection or not. That is because God created the human soul in different shapes, in which the closer they are the more affability and amity is achieved between them, the prophet peace be upon him said: The spirits are in marshaled hosts; those who know one another will be friendly, and those who do not, will keep apart. (Al-bukhari,2001, Hadith No. 3336; Muslem,1999, Hadith No. 2638).

If a young man is living abroad and he wants to marry a girl from his home town and he cannot come to his country to see her, then the description of the girl he wants to marry is not enough and also the describing the man to the girls is not enough. The full interest is achieved when they make a video call for both of them to reassure each other's features, under the condition that the numbers of video calls do not exceed the limits.

However, in terms of the abuse, exploitation may occur from the young man if the girl does not like him after the video call, or if some problems occurred between them later, this affects the girl's reputation, especially if she belongs to a country or society that do not trust in the girl who accepts the young man to see her in this way. Also, the young man may not want to marry at all, but rather seizes the opportunity and uses this method to see girls, as well as, the girl's picture might get exploited from some weak souls, so the girl is morally affected by the appearance of her saved picture.

It has been noticed that most of the abuses are not limited to the possibility of arranging video calls between the engaged couples but may also result from seeing each other in her family's house. Some people take advantage of the opportunity to enter people's homes and see their daughters without planning to marry at all, and some men ruin the reputation of the girl after a video call or makes her morally ruined by showing some of her features or spreading some of her secrets.

Nevertheless, the means of looking at the fiancée is not blocked, because it is a mean set for permissible “and it may lead to abuse, but its interest is more likely than its abuse” (Al-Anzi, 2007, p. 198), and Islam legitimized this in which when the interest prevails over the abuse, the mean is permitted. It cannot be blocked (Al-Muhanna 2004, p. 228)

After balancing the interests and abuses that can result from the video calls between the engaged couples, it becomes clear that the interests are more prevalent than the abuses, and thus this mean is not blocked. However, the legitimacy of the video calls is proven, as the validity of the normal meeting that is usually in the house of the fiancée.

If the engaged couples couldn't meet and see each other directly for some reason, it is permissible to know each other's features via video calls under some conditions that help overcome abuses. Also, they prevent ill-mannered people from exploiting that to ruin the honour of the girls. The most significant conditions and controls are clarified in these points:-

1- The consent of the girl's guardian and his supervision on the video calls between her and the fiancé. The adherence to this condition is enough to prevent all the abuses, in which the guardian, before approving the video call, he is supposed to check the reputation of the suitor and his good will, as well as, his sincerity of his request, the integrity of his morals and his desire to get married. Also, the consent of the guardian on this video call creates the legal justification for engaged couples to look at each other which is the hope for marriage, where the looking is not permissible until the suitor is fully sure he wants to marry her ((Al-Hattab, 1992, 3/405; Ar-Ramly, 1984, 6/185).

2- That the video call is limited to what the fiancé may look at from the fiancée so that she only appears in Islamic sharia clothing, so he looks at her face and hands, and contemplates her body from above the clothes. His view is supposed to be for inquiry and knowledge and not for enjoyment and pleasure; because the intention of the looking during engagement is to obtain the desire to choose to endure the intimacy between them, but it is not intended to appear to him as the wife who wants her husband have an intercourse with her.

3- That the fiancé is not alone with the fiancée because she is an unrelated marriageable woman to him, and what is permissible for them to see from each other is just a temporary need, so others remain on the original rule, which is the prohibition. The engaged couple being alone via video calls is also considered in

which the fiancée is an unrelated marriageable woman to the suitor. Also, the meeting between the engaged couple shouldn't be while they are alone, thus, the video call also should be conducted in a way that can be viewed by the guardian of the girl.

4- That the number and time of conversations on the internet are limited to the extent of the need for which it is permissible to look, so that when each of them knows the features of the other, then the intended looking has been achieved. It is not permissible afterward to continue conducting electronic conversations on the internet between them, because the engagement period that takes place after the purpose has occurred from looking and before the marriage contract is concluded, is a period when the fiancée is considered an unrelated marriageable woman to the fiancé.

Internet communication via video calls is permitted for a need, and if the need is achieved the permissibility is removed, in which it is not necessary after knowing the body and the features to repeat the seeing. However, for religion, behaviour and morals, it is known that it cannot be known either through video calls or by encountering directly because the human being can pretend to be someone who is not him. Thus, no matter how much the number of video calls between the engaged couples increases, each of them will not increase the knowledge of the other's true behaviour and morals, so the morals and behaviours are defined by investigating others, and not through video calla or direct meeting.

6.0 Conclusion

The conclusion includes the most significant results and recommendations as the following:-

*** Results**

1- In the field of provisions that regulate the relationship between a man and a woman, the word “unrelated marriageable woman” is given to non-wives and unmarried women, so the woman that the suitor requested for marriage and still haven't signed a marriage contract is considered to be from unrelated marriageable women to him. The fiancée turns from an unrelated marriageable woman to the suitor to his wife from the moment the marriage contract is concluded between them, and she remains not foreign to him as long as the marriage contract between them continues, but if the marriage contract between them is terminated by divorce or otherwise, then she becomes unrelated marriageable woman to him again.

2- It is not permissible to turn on the camera in a video call between a man and an unrelated marriageable woman because it is prohibited for a man to look at a picture of what it is not permissible for him to look at in a woman's body. The purpose is preventing seduction, and that purpose makes it prohibited to look at women and their pictures, thus, looking at women via video calls is prohibited. Also, it is not permissible for a woman to put her image in a place that makes her picture exposed by others.

3- The purpose of permitting the looking among the engaged couples is that it leads to familiarity and love between them, however, the rules by which Islamic law restricted this consideration: The man who looks to the woman should be willing to engage her and that he is mostly sure he is going to marry her.

4- If the normal meeting between the engaged couples is not available for some reason, it is permissible for each of them to know the other's characteristics through video calls on the internet, provided that this is restricted by some rules, including the approval of the girl's guardian and his supervision of those video calls between her and the suitor, and that the numbers of the calls are limited to the extent of the need to look. That is because the engagement period that takes place after the purpose of looking has taken place and before the contract is made, in which the fiancée is considered an unrelated marriageable woman to the fiancé.

*** Recommendations**

Parents are recommended to supervise sons and daughters, and watch their video calls, and not allow them to turn on the in video calls with non-mahrams, as well as not to allow girls to put their picture on social media, or in any place that exposes her to others' view.

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