

THE COURTSHIP REQUEST PROPOSED BY THE SUITOR FROM THE BETROTHED ONE FROM THE PERSPECTIVE OF THE FIVE RELIGIONS

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Abstract

Regarding marriage, it is ordinary and common for the men to ask for courtship from a woman; that is the man usually makes a promise to get married to a woman. The legitimate and lawful courtship request has to be made based on some conditions the mandates and decrees of which differ according to the conditions and circumstances based upon which it has been proposed. On the other hand, proposition for a marriage is either performed explicitly and in a straightforward manner or it is wooed through the use of ironical expressions and by means of speaking allegorically. Also, there are cases of courtships in which the ex-husband asks for remarriage from her divorced ex-wife or it may be sought for from a woman who is spending her period of waiting (Iddah). It can be marriage request proposed to a woman to whom another marriage request has been previously and antecedently made by another suitor or it can be in the form of a woman asking for courtship from a man. The ordinances and the predicted decrees differ greatly according to the various moods through which a person asks for marriage to another one.

Keywords: Marriage proposition, courtesies, ordinances, barriers and conditionalities.

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Introduction:

Marriage proposition is an ancient tradition among the mankind and it is completely corresponding with and complying with the human beings' nature and temperament, it is seen as a fairly natural issue and it is an introductory and preparatory act taken before consigning a marital contract. Such a principle as marriage can also be observed among the animals in a waxing and waning manner and the opposite sex is usually found to be the starter of the relationship or the one who makes request regarding establishing a marriage courtship.

This is a quite customary and common issue that originates from the man's and woman's nature; since the man is considered as the inviter and the woman is regarded as the invitee, the man is an aspirant and the woman is the one who is aspired for, the man is the intending party and the woman is the object of such an intention, i.e. the objective. The man is needful and aspirant in their nature and the woman is intrinsically showy and coy. The man's proposition to a woman for marriage is because the woman is of a higher value, prestige, elegance and delicacy. The gemstones are usually kept in museums and the ones who wish for such gems normally have to take a trip to see such valuable arts. It is against the woman's nature and respectfulness to be seeking to find a man. It is tolerable by a man to propose to a woman and then in return hears a negative response and the woman can come up with excuses and coy; but for the woman who is going to be the man's beloved one and capture the man's heart it is not bearable to invite a man to be her spouse and then possibly hear a negative reply (1).

Proposing for marriage from a jurisprudential perspective:

Proposing for marriage is envisioned as an introductory prep for marriage both from the common rules exercised in the society and also from the jurisprudential perspectives. It is worth mentioning that this preparatory act is also of a great significance; since offering marriage proposition brings about a situation in which the man can become more acquainted with the mutual party. In offering a courtship to a woman, the two parties become familiar with one another's situations and spirits and try to choose the most favorable spouse which fits them the most. Due to the same reason, proposing for marriage has been defined from the jurisprudential perspective as "being somehow quasi-engagement or betrothing not the mere request for marriage made by a man from a woman". That is because in Islam it is not proper to request

marriage from a woman who has already given a positive reply to another man's marriage proposition (2). In Arabic language and in the Holy Quran, as well, proposition for marriage has been termed "Khotba" meaning "sermon or speeches". The term 'Khotba' or speeches or sermon is etymologically taken from the word "Khatb" which means having a conversation or discussion between two people. Proposing for marriage is termed 'Khotba' or 'speech' or 'sermon' because it takes place through the man's proposing and betrothing and his expression of wishfulness and desire for getting married to the girl within the framework of a formal session.

The act of proposing to a girl for marriage is taken before betrothing and engagement ceremony and before the marriage sermon speech is spoken out and if it is accepted by the girl's side there would be a time interval after courtship proposition and before a marriage ceremony is held.

Proposing for marriage, betrothing and canonically or legally based marriage are rooted in the religion and they are also paid attention to by the legislator. According to the article 1034 of the civil procedure from the canonical and legal perspectives one can propose to marry a woman as far as the marriage sermon is devoid of and free from any barriers, and in case that the betrothing and engagement promises have not been made the man and woman are considered as strange to each other even though the marriage proposition has been made and it has been granted and accepted. The legislator considers the accepted marriage proposition as marriage promise and realizes it as frangible. But this frangibility of the marriage promise does not render it valueless and worthless. It is inferred from the Islamic religions and the notions opined by such religions that proposition for marriage and courtship are very important and they are considered as the introductions to the marriage. In this regard, there are many narrations expressed by the fellows of the Islam's traditions.

The marriage proposition mandates:

The great majority of the Islamic jurisprudents believe that marriage proposition is allowed and it is highly recommended in Islam, but it becomes forbidden and tabooed under specific conditions. According to the Shi'ite jurisprudents' opinions, marriage proposition is a proper ground and mandatory introduction for starting and laying the foundations of a marital life. The man and the woman measure each other in every respect and they provide themselves with the opportunity to familiarize with one another's conditions and spirits. The woman and her family

are seeking to study carefully the man's temperaments and past history and the man also finds more time in getting acquainted with the woman and her specifications and characteristics. In the end, the two parties find a chance to converse about each other's desires and ambitions and they express their own conditions (3).

We come to the conclusion that marriage proposition is a reasonable and pleasant traditional custom, so canonically it is considered as recommended and it is stated by Allameh Helli that "the man's marriage proposition to a woman is allowed and permitted unless it is defined otherwise and the jurists are all in a general consensus regarding proposing for marriage and betrothing and they have all undergone such a process and it is more rightful for it to be like this; since the people had previously acted and followed the same procedure at the time of the Islam's great Apostle Muhammad (Peace be upon him) in various time periods, in different locations and around the cities.

Another procedure which signifies the goodness and recommendation of proposing marriage request to a woman is that the Shafe'ee jurists believe that marriage proposition follows the verdicts of marriage promise mandates; since marriage is considered as a function of proposition by them. They state that if marriage is execrable, marriage proposition is subsequently despicable and if marriage is deemed as tabooed and forbidden then proposing to marry a woman is also unlawful and canonically tabooed. Some of the religion's jurists are of the belief that proposing to marry a woman is not an introduction to marriage; since marriage can also be fulfilled without proposing marriage request to a woman

A variety of proposal

Usually proposal in two ways possible:

1. Explicit proposal: In this proposal, the words of the man or his family directly and unequivocally and without irony of women demand that their marriage and any ambiguous words not used. For example, a man says to the woman I want to marry you, and just this type of marriage proposal is received.

2. Matchmaking widening or irony: in the male, the man and his family of words that indirect and is intended to express the quip like the wild d. For example, male to female says: I am interested in you.

Has been legitimized. In this. Matchmaking Holy Quran and Sunnah of the Prophet.

Bet proposal

Requires legitimate proposal, proposal of marriage to his girl or woman is legitimate. Therefore, the proposal is correct when it is not forbidden to marry the woman.

If a woman is forbidden to marry, his suitor is prohibited, whether it is permanent prohibition; After a fortiori, woo a woman who has a husband and a group of women who are living revocable divorce is forbidden;

For some time Reactionary divorced wife in order, and yet completely disappeared marital bond is and therefore that spouses inherit each other during some of the men is obligatory. Housing and support women and provide guarantees, and her ex-husband is entitled to his divorced wife. It is mentioned in the Holy Quran. (Al-Baqarah: 228)

Propose another candidate

Including cases where it can be placed among the obstacles woo, woo the other person is a candidate. It might be argued that any wise man admits If one of the lady who previously responded to other suitors and her candidacy, accordingly, demand marry abominable act is committed, whether by accepting the woman's previous suitor and fulfill the promise of marriage and candidates, A right of privacy to woo caused to be realized when the marriage is terminated unless the nomination. The question is whether attempts to woo the courtship (matchmaking) is forbidden and banned, or is just unacceptable and reprehensible? Some Sunni scholars to cite a hadith of the Prophet, woo a woman earlier by another man and that woman's consent is considered forbidden.

For example, the Prophet said: "None of you a woman who has another suitor, woo not, until they marry or be deterred." They also have argued that Islam called for unity and love and what is the cause enmity and hatred, There is no doubt that when a man is banned from courtship and propose another candidate, cause hatred between them is intense. (4).

In the Shiite religion in this regard there. A group of scholars including Sheikh Tusi and First Martyr, suitor proposed to her Muslim man and a woman who has already been agreed, There has been forbidden, because the traditions exist in respect of such proposal and that such proposal is harassing and causing enmity. But a number of others, such as ShahidSani and self-Hilli, Such proposals have abhorred and in the analysis of their comments: essentially, is the lack of self-esteem, as well as the promise of marriage between man and woman bond itself does not create Hence, as the parties have the right to disrupt the election have other suitors also is permitted. Moreover, although the rise in the sanctity of their traditions, but traditions mentioned above document is weak. (5) (6) In general, it seems to be more evidence-strong group since, as noted above, the proposal is merely a promise of marriage and the principle of the permissibility and license proposal is more consistent with freedom of will of the parties and as long as the marriage between the parties is not concluded, the parties are free to choose a spouse.

Because the action of the Prophet is forbidden and taboo forbidding the rise in self-esteem, so a group of jurists have not sanctioned this action (7) and just like some martyr Sani reluctantly commented. (8) The group's stated justification for their opinion: the principle of the permissibility and the lack of sanctions and also in terms of traditions prohibiting evidence of the weakness of the document, the ability to disrupt the license do not have. In addition, the merely accepting suitors and fulfill engagements and promises of marriage, does not create any bond between men and women, so as the parties have the right to disturb it, matchmaking done by others is permitted. (9)

It also pave the way for the development of women's right to choose a better person for election to pave his wife because there is no reason The lady in question to accept the first suitor, would demand another person with the same features but with better features and more valuable the movement. The reason for this judgment in another opinion because, as I mentioned, has

responded to demand by the woman's suitor, regarding the nomination forms And men and women are on track to begin marital life, talk together, their contracts and commitments and accept responsibility And thus have a rightful owner and against the kind of space is created for them. Hence, if a person wanted Privacy has protested this range will destroy this relationship and immediately sense the evil and folly and injustice of such an act unjustly discriminatory decision, and it knows And it could be argued that the ruling was confirmed by the incoming traditions of wisdom and reason and disdain of social evil and bad, in fact, suggests it is among the wise. Thus deserves woo a lady who was the legal successors of the woman or agreed with it, is forbidden. (Same) unless they broke their engagement. One of the contemporary scholars said: "Islam prohibits even the intervention in another transaction, if intervention in financial transactions is prohibited. Similarly unreasonably interfere with the other suitors and is prohibited. The President jurists maintain that matchmaking courtship other person is prohibited. " (10) The civil legislator Such prohibitions recognized by his silence, but It is recommended to respect people and respect their privacy and avoid some vices, matchmaking and regulations prohibit the other candidates in this field legislation. Nevertheless, what was said about what that lady had agreed to marry her suitor is married with demand;

In the case of a woman whose suitor proposed to her before another man or woman, but she answered, but still not-have, most jurists have to have a license because the principle of lawfulness and the lack of sanctions and traditions which indicate their banning, the evidence of weakness, can not disturb the original license. In addition, the mere acceptance of suitors and promises of marriage does not create any bond between man and woman. According to the same religion proposal is legally permitted. So suitor or suitors woo the woman who had rejected his earlier or their applications are left unanswered, the ban is empty. However, on the proposal of the nomination of another and another married woman who accepted the demand, is divided between Shia scholars;However, the prohibition prefer the wisdom and expediency closer. However, according to what was proposed in the discussion of the obstacles woo, woo If a person from another candidate, and after agreeing, He turned to his contract, Shia scholars unanimously contract is valid, although it is forbidden and sinful men and women have been committed. In the book *Fiqh Ayatollah* manifestations are:

He said if a girl or a woman candidate is nominated and someone would come and marry her, the sermon, the Sermon come. Whether it is permissible or not permissible?

The Mohagheh said the deceased owner of the jewelry is permissible to have a reputation. That said, it is permissible celebrity. The late scholar says that it is not permissible to smooth over. Now, if you read the contract and the contract is correct, but this is prohibited.

Javahersays : The words of Sheikh Tusi and the late Sheikh Tusi says is forbidden. And the late owner of the jewelry four reasons quoted by ShaykhTusi said that this is prohibited. The second reason is said of the deals many traditions that if someone wants to buy sexual and gender you buy it, is prohibited and took its name involved in the deal. It is Sheikh Tusi said.

As in home buying, someone has gone and pending home wanted to buy a house and have not yet mentor, someone else comes along and wants to buy the house at a higher price, said this is prohibited. Many traditions have been forbidden.

A third reason for the late Sheikh Tusi have, so that the jewel quote, that said, this is and if she does promise, is the opposite.

But did not marry but who has promised candidate And now, someone else will and his own candidacy, This is the covenant promise is prohibited. The fourth reason is that the late Sheikh Tusi said, is that it is harmful. Sometimes the recipients were or higher that sometimes harm the reputation of this rule. It says that this could be one candidate. SahebJavaher denies all four states because they said, " Do not preach" Beyhaqi of public transport and it is not a narrative of the property. Traditions that do not participate in the transaction and the sales person, the sale is not here. And the promise is not forbidden. It would not harm her husband and another woman, and then attest to the authenticity of the known appropriate Authenticity. And have to say the wonders of jewelry here. Because the jewelry is a very important evidence must be rejected.

Our problem is not in the contract but had been nominated and were meeting and were promised and that he would suddenly. And apparently the rule is harmless and promise is a promise is a

moral imperative and no great tragedy in our community come forward, this is a promise. Today the Czech example should not collect and collect and suddenly everything gets blurred and it is unfortunate that the Czech bankrupt; and this is a promise. As if that promise comes eight hours, but not this gentleman all your work, but this is not abandoned. Who says it is not so?

Muslim intellectuals promise is condemned and discouraged when we have to say is religiously forbidden. You're four and one of them is evidence of reason. You speak of our jurisprudence on Scripture and tradition, reason and consensus, and consensus Return to inmate accounts, but are not news to say the reason is not valid. As soon as the news says it is not valid, that is logical said. So we have reason to look, of course, reason and rational Min.

Privacy with the one to whom marriage proposition has been offered:

As it was said, accepting one's marriage proposition and betrothing request or engagement promise does not necessarily mean getting married to the woman and the mere promise of marriage should not be regarded as marriage; thus, none of the marriage mandates hold true for the marriage proposition or promise (11). In this way, spending time alone with the woman and coming and going with her is not allowed, since the woman is still canonically and legally strange to the suitor.

Discussion and conclusion

Marriage is one of the most important life events and important role in all aspects of human life. Therefore, success in marriage success In other aspects of life as well, and failure or failure of a marriage cause serious problems in other issues of life. For a successful marriage requires a good knowledge of the parties towards each other and find a way to learn more about male and female, Speaking of the two proposals is that if small talk but precious and essential and important issues to be discussed We can take advantage of it good. House matchmaking and marriage customs of the most important steps is usually done after selecting the desired person. The importance of this issue must say that if dear young people and customs in the proposal do not have the necessary precision, Perhaps due to lack of a very small problem, your right to choose not successful, despite the fact that the person concerned have received their And it embodies all the conditions have been ideal for a wife; Because of the way or improper

behavior at the meeting proposal, they may lose, or vice versa, improper person who presented himself as appropriate. The young boy or girl to be considered good and bad marriage be followed by various problems for them and their families as well. Therefore, there is concern for a few and because of this short but critical negotiations, is justified and desirable. This study courtship sermon. According to the majority view was not authorized jurists acknowledge this type of matchmaking. And your reason it is said that he woo go for someone who has already been causing enmity and hatred between people. Muslims should not be your brothers go to matchmaking candidates. But some jurists have expressed different opinion than that of men and women are free to choose a spouse and as long as the contract and marriage can not choose the best conditions for marriage. Finally, we can conclude that the marriage of a woman who is a candidate, is not correct.

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