

Fatwa no. 8042

Q: We live in France and there is no Mufty (Islamic scholar qualified to issue legal opinions) here. Therefore, we ask your opinion regarding the following issue: One of two brothers proposed marriage to a woman. He had been engaged to her for three years and he maintains good relations with her father. The following year, when he decided to hold the wedding ceremony, his brother wanted to have the same woman engaged to his son. As a result a dispute broke out between the two brothers. Which one of the two fiancés has a better claim to marry the woman? May Allah reward you best.

A: The first fiancé has a better claim to marry the woman he has engaged. The second fiancé is not permitted to betroth her if he knows that she has already been engaged and that her family have accepted the first fiancé as a would-be husband for their daughter. It was related in the Sahih (authentic) Book of Hadith of Al-Bukhari, Sunan (Hadith compilations classified by jurisprudential themes) of Al-Nasa'y, and Musnad (Hadith compilation of) Imam Ahmad on the authority of `Abdullah ibn `Umar (may Allah be pleased with them both) that Allah's Messenger (peace be upon him) said:

"A man is not permitted to ask for a woman in marriage when another Muslim has already done so until the former retracts his proposal or permits him."

May Allah grant us success. May peace and blessings be upon our Prophet Muhammad, his family, and Companions.

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