

Fatwa no. 18212

**Q: I proposed to my cousin. My uncle agreed and assured me that she was for me and I thanked him for that. There was no marriage registrar to conclude the marriage contract at that time. Later, I took the oath of divorce many times unintentionally. I did not mean to divorce this girl I was engaged to but took it out of my ignorance. Is this considered a divorce or should I conclude the marriage contract first?**

**A:** Talaq (divorce pronounced by a husband) before concluding the marriage contract is not valid; because Talaq is only initiated by a husband. A fiancé who has not yet concluded his marriage contract is not considered a husband and hence his divorce is null and void. The Prophet (peace be upon him) said,

"Truly, Talaq is only initiated by a person who has the right to have sexual intercourse with the woman (i.e. The husband)."

He (peace be upon him) also said,

"There is no Talaq except after marriage."

In addition, your verbal agreement with your uncle to marry his daughter does not conclude the marriage contract, as among the prerequisites for the validity of marriage are the approval of the fiancée explicitly by verbal agreement or implicitly by remaining silent and the presence of two people to witness the Ijab (offer) and Qubul (acceptance) of the marriage.

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

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