

Fatwa no. 10273

My son proposed to a daughter of a man who accepted his proposal. The marriage contract was concluded and we paid him twenty-five thousand Saudi Riyals - an amount the father of the girl laid as a condition. According to our customs, before consummating the marriage the man has to prepare all the necessary furniture and other things the wife needs. Five months or so after the conclusion of the marriage contract, Allah's (Glorified and Exalted be He) decree of my son's death was fulfilled. We therefore went to the father of the girl and asked him to marry her to my second son after her mourning period expired. He requested us to report this case to the scholars and judges to answer the following questions:- Does the woman whose husband dies still have dues on him, given that the husband did not leave any money as his father used to assist him financially? He did not have any money of his own, even the money requested from him was paid by his father. Should the woman observe a mourning period? Is she entitled to Mahr (mandatory gift to a bride from her groom), which is usually paid upon the consummation of the marriage; which in this case did not take place?

Should the father of the girl return the money that he has taken, even if he marries his daughter to my second son? Please advise and mention the relevant proof.

A: First, if a man contracts a marriage then dies before consummating it, it will be obligatory on the widow to observe `Iddah (woman's prescribed waiting period after widowhood) and mourn during it. This period is four months and ten days.

Second, the woman in question deserves Mahr; if it was specified, she would take it; otherwise, she should be given Mahr that is equal to what is usually paid to her female relatives and peers.

Third, the woman in question inherits one-fourth of the estate of her husband if he does not leave a child. If he leaves children, she will receive one-eighth of his estate. The distribution should be made after repaying his debts and fulfilling his legal will.

Fourth, it is permissible for her to marry the brother of her dead husband or any other man after her `Iddah expires. Her father is not to return the money he took, even if he marries her to the man's second son.

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

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