

Fatwa no. 1662

**Q: My brother concluded a marriage contract with a woman, but he died before consummating the marriage or even seeing her. Is she entitled to the Mahr (mandatory gift to a bride from her groom) or not? It should be mentioned that he died leaving nothing behind, but he had previously paid her 7000 (seven thousand Riyals) of her dowry in advance, which is what he had at that time. Is she entitled to take the rest of her Mahr and her other rights, even though my brother did not leave behind any children nor was he previously married?**

**A:** If the matter is as you mentioned, that your brother died after concluding the marriage contract with a woman to whom he paid a sum of seven thousand Riyals of her Mahr, she should be paid the rest of the Mahr and she has a right in his inheritance. Moreover, she has to observe `Iddah (woman's prescribed waiting period after divorce or widowhood) in which case is four months and ten days and nights, on the basis of the general meaning of Allah's Words (Exalted be He):

**And those of you who die and leave wives behind them, they (the wives) shall wait (as regards their marriage) for four months and ten days, then when they have fulfilled their term, there is no sin on you if they (the wives) dispose of themselves in a just and honourable manner (i.e. they can marry). And Allâh is Well-Acquainted with what you do.**

In addition, it is confirmed that the Prophet (peace be upon him) said:

"It is not lawful for a woman who believes in Allah and the Last Day to observe Hidad (prescribed mourning period during which a widow does not adorn herself and keeps to the home of her deceased husband) for more than three days, except for her husband (for whom the mourning period is) four months and ten days."

Further, the Prophet (peace be upon him) said:

a woman whose husband died before giving her a dowry or consummating the marriage, that she should receive the dowry paid to women of the same social status, no more, no less, and she should observe `Iddah and she has a right in his inheritance."

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

**The Permanent Committee for Scholarly Research and Ifta'**

Member

Member

Deputy Chairman

Chairman

`Abdullah ibn Qa`ud `Abdullah ibn Ghudayyan `Abdul-Razzaq `Afify `Abdul-`Aziz ibn `Abdullah ibn Baz