

Fatwa no. 6871

Q: It is a widespread habit in some countries, especially Egypt, that part of the Mahr (mandatory gift to a bride from her groom) is to be paid at the time of the conclusion of the contract of marriage and the other is to be deferred and recorded in the document of the marriage contract. It is thus written in such a document: "The deferred Mahr is to be paid at any one of the two appointed times." This means in case of divorce or death. What is the ruling on such a deferred Mahr? Moreover, what is the ruling on the husband who consummates his marriage while intending not to pay the deferred Mahr except at one of the two appointed times mentioned above? It may be worth mentioning that a writer called Ahmad Idris gave a Fatwa that such a marriage is Fasid (void) in the sight of Allah (Exalted be He). Provide us with your beneficial answer please. May Allah reward you with the best.

A: It is permissible for the Mahr to be paid in advance. It is also permissible to pay some of it in advance and to defer the rest to the appointed times which are mentioned in the question. There is no impediment to do so for the generality of the Hadith of the Prophet (peace be upon him):

Muslims are on (i.e. Stick to) their conditions, except such which makes lawful unlawful and unlawful lawful.

And:

The stipulations most entitled to be abided by are those with which you are given the right to enjoy the (women's) private parts (i.e. the stipulations of the marriage contract). (Agreed upon by Al-Bukhari and Muslim)

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

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