

Delayed Maher in a dissolved marriage

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

In the name of Allaah, the Most Merciful, the Bestower of Mercy

Question: A man has concluded a religious marriage contract with a woman, and promised that her Maher¹ will be money and gold. After a given period, the contract was dissolved while he has not yet given (her) Al-Maher in full, then he wanted to take her back. So, shall he complete the first Maher and add another Maher to her? And is it permissible not to inform the woman's father about the annulment of the contract while her Walee (guardian) in the new contract will be her brother? What are the resulting rulings from dissolving the contract before the consummation of the marriage? May Allaah reward you.

Shaykh Aboo `Abd-al-Mu`iz `Alee Ferkous al-Qoobee: All praise is due to Allaah, the Lord of the Worlds. Peace and blessing be upon whom Allaah sent as a mercy to the Worlds, upon his Family, his Companions and his Brothers until the Day of Resurrection:

If the contract was dissolved because of a defect in the woman or for other reasons before consummating the marriage with her, then her Maher will be omitted; and accordingly he merits it in full without the gifts that he gave her. However, if he concluded the contract (with her) for the second time, then it is valid for him to give her what he has given her in the first contract and consider it as Maher of the second contract and add what he is duty bound to add. When it comes to the guardian (i.e. her father), he has to be informed about the matter of his daughter, while it is permissible for him to relinquish his guardianship (over his daughter) to his son or to others to represent him.

But if the questioner means by the [term] "dissolution": the divorce, then the woman merits half of the specified Maher of money and gold. Besides, it is valid for him to marry her with a new contract and a new Maher as well. He can also give her the half of the first Maher as a new one; but if she comes back to him, he has the right to divorce twice only because of the first divorce.

The perfect knowledge belongs to Allaah عَزَّ وَجَلَّ; and our last prayer is all the praises and thanks are to Allaah, the Lord of the Worlds, and prayers of Allaah are to Muhammad and his Family, Companions and Brothers until the Day of Resurrection.

Algiers on Rajab the 21th, 1427 H. Corresponding to August the 15th, 2006 G.

¹ Obligatory bridal-money given by the husband to his wife for marriage. Translator's note.