

Sample Marriage Contract



Confirmation of a contract of marriage based on mutual consent and agreement between

_____, born _____ and of marriageable age according to
[full name of wife] *[day, month, year]*

Canadian civil law, and _____, born _____ and of marriageable age
[full name of husband] *[day, month, year]*

according to Canadian civil law, concluded on _____ at _____
[date] *[place of wedding ceremony/signing of contract],*

in the presence of _____ and _____
[full names of two witnesses]

The citizenship of the bride is _____. The citizenship of the groom is _____.

The place of intended residence of the couple is _____.
[country or jurisdiction]

The parties intend that this contract is a domestic contract under the terms of _____.
(name of statute)

We know that Canadian civil law applies to married couples, and we understand that signing this contract does not take away civil rights. In particular we know that Canadian family law with respect to custody, access and child support must be followed regardless of the content of this marriage contract.

Signature of wife: _____

Signature of husband: _____

Signature of witness: _____

Signature of witness: _____

Part One:

Declarations Relating to Marriage

DECLARATION THAT WE ARE FREE TO MARRY

We, _____ and _____,
[full name of husband] *[full name of wife]*

each declare that today we are not married to any other person. We declare that we are not married by civil marriage, *nikáh* or any other type of Muslim marriage in any country or jurisdiction.

Signature of husband: _____ Signature of wife: _____

We, _____ and _____,
[full name of husband] *[full name of wife]*

each declare that as of today we have not promised to marry any other person in any country or jurisdiction.

Signature of husband: _____ Signature of wife: _____

We, _____ and _____,
[full name of husband] *[full name of wife]*

each declare that as of today we are not involved in any action related to either civil marriage or Muslim divorce. We also declare that any divorce proceedings we may have been involved in, both civil and Muslim, have been completed before we sign this contract. We declare that any divorce we had outside of this jurisdiction is valid where we plan to live as husband and wife.

Signature of husband: _____ Signature of wife: _____



DECLARATION OF MONOGAMY

We, _____ and _____,
[full name of husband] *[full name of wife]*

each declare that we will not try to marry any other person by either civil or Muslim marriage of any kind while this marriage exists and while that each of us can exercise a right of divorce.

Signature of husband: _____ Signature of wife: _____

DECLARATION OF TYPE OF MARRIAGE

We, _____ and _____,
[full name of husband] *[full name of wife]*

confirm and agree that our marriage is the regular Muslim marriage, known as *nikáh*. We agree that the marriage will confer the full rights of a *nikáh* and will last through time unless one of us ends the marriage by divorce. This marriage is not a "marriage with intent to divorce."

Signature of husband: _____ Signature of wife: _____

DECLARATION OF MAHR – AMOUNT

We, _____ and _____,
[full name of wife] *[full name of husband]*

agree on a *mahr* as follows: _____

Signature of wife: _____ Signature of husband: _____

We, _____ and _____,
[full name of wife] *[full name of husband]*
confirm that the amount of *mahr* listed in this contract was agreed upon by free negotiation between us.
Signature of wife: _____ Signature of husband: _____

We, _____ and _____,
[full name of wife] *[full name of husband]*
are aware that by signing this contract, _____ has an obligation to pay the
[full name of husband]
mahr to _____ and that this obligation may be enforceable by law. Payment
[full name of wife]
of the *mahr* is a condition of this contract, in spite of any other rights, obligations, and remedies that may exist now or at any time between husband and wife. We both agree that the *mahr* is the property of the wife and an asset owned by the wife before marriage; it is not an asset that will be divided if a divorce occurs.
Signature of wife: _____ Signature of husband: _____

DECLARATION OF MAHR – TIME OF PAYMENT

We, _____ and _____,
[full name of wife] *[full name of husband]*
agree that the *mahr* shall be delivered to the wife _____
[full name of wife]
as follows: _____
Signature of wife: _____ Signature of husband: _____

DECLARATION ABOUT OBEDIENCE

We, _____ and _____,
[full name of wife] *[full name of husband]*

do not believe that obedience of a wife to her husband is part of an ideal Muslim marriage. We promise to build a relationship based on equality and respect for each other. We promise that we will consult with each other and that neither one of us will have special authority or power over the other.

Signature of wife: _____ Signature of husband: _____

DECLARATION OF NO FORCE OR VIOLENCE

We, _____ and _____,
[full name of wife] *[full name of husband]*

each declare that we will not use violence of any kind in the marriage and that we will not use force or pressure in our personal relations. We also confirm that each of us has a full right of choice in matters having to do with intimate relations.

Signature of wife: _____ Signature of husband: _____

DECLARATION ABOUT EDUCATION AND WORK

We, _____ and _____,
[full name of wife] *[full name of husband]*

agree that _____ will complete _____, education to
[name of wife, husband, or both] *[his/her/our]*

the level of _____ and that we will do the best to support each others'
[degree or other details of study]

learning and that each of us has the right to work as we choose.

Signature of wife: _____ Signature of husband: _____

DECLARATION ABOUT HOUSEHOLD RESPONSIBILITIES

We, _____ and _____,
[full name of wife] *[full name of husband]*

agree in principle and in a spirit of open cooperation that we will divide housework equally. We will take into account the duties each of us has outside the home, such as those related to work and education. We each agree that we will be respectful and constructive if we need to talk about any inequality or unfairness.

Signature of wife: _____ Signature of husband: _____

Part Two:

Declarations Relating to Religious Divorce

DECLARATION OF SEEKING RECONCILIATION BEFORE DIVORCE

We, _____ and _____,
[full name of husband] *[full name of wife]*

pledge that if either of us is considering a Muslim or civil divorce, the parties will contemplate seeking reconciliation before drawing up the written declaration of divorce, in accord with the word of God in the Quran (4:35): *“If you fear a breakdown between them, send arbiters, one from his side and one from hers; and if they wish to reconcile, God will bring them together...”*

Signature of husband: _____ Signature of wife: _____



DECLARATION OF DIVORCE IN WRITING

We, _____ and _____,
[full name of husband] *[full name of wife]*

pledge that if either of us wants to have a Muslim divorce, the person divorcing will write up a paper document that is signed, dated, and notarized or commissioned. They will write, sign and notarize or commission the statement of divorce as soon as the divorce is started and make sure that it is delivered to the spouse being divorced within ____ days of that date. We understand that this declaration does not make or begin a civil divorce and that we must take other action to get a civil divorce.

Signature of husband: _____ Signature of wife: _____

DECLARATION OF FOLLOWING THE PRACTICE (SUNNAH) OF THE PROPHET, PEACE BE UPON HIM

I, _____, pledge that if I wish to divorce my wife through my own
[full name of husband]

pronouncement of *taláq*, I will only follow the best practice (Sunnah) of the Prophet. This means I will pronounce divorce only once, in a time of "purity" (*tuhr*, i.e. the time between menstrual periods), during which I will not have intercourse with my wife. It also means that the divorce will become final after a "waiting period" (*iddah*) of three menstrual cycles if my wife is menstruating, or after three lunar months if she is not. Following Quran 2: 228, "*Divorced women shall wait, watching over themselves, for three periods,*" my wife will count her own menstrual periods and I will respect her count.

Signature of husband: _____

I, _____, pledge that I will fully maintain my wife at least until
[full name of husband]

the end of her waiting period, in accord with Quran 65: 6, “*House them [women in iddah] in the same way you are housed, and do not harm them so as to make their lives difficult.*” I consider this undertaking to be a religious and moral obligation in addition to my civil obligations under the law.

Signature of husband: _____

I, _____, pledge, in accord with the practice (Sunnah) of the
[full name of husband]

Prophet, that I shall not pronounce divorce if it is known that my wife is pregnant; but that if she is nevertheless found to be pregnant after divorce is pronounced, that I shall support her fully at least until birth of the child, in accord with Quran 65: 4 “*as for those who are with child, their waiting period shall last until they deliver*” and Quran 65: 6: “*support them until they give birth.*” I consider this undertaking to be a religious and moral obligation in addition to my civil obligations under the law.

Signature of husband: _____

In accord with the standards of a Sunnah divorce, all *mahr* remaining shall be due upon divorce, without any part subtracted.

Signature of husband: _____

I pledge not to pronounce any kind of divorce against my wife that does not meet the highest Sunnah standard; thus to refrain from all *bidah* (anti-Sunnah) practices, including pronouncing divorce three times at once. I further pledge to let the waiting period, whether three menstrual cycles or three lunar months, run its course until the divorce becomes final without taking my wife back, unless she agrees.

Signature of husband: _____

I understand that if my wife agrees to come back during the waiting period, a second pronouncement of *taláq* later in my marriage will lower that second divorce to a moral standard lesser than the best Sunnah of the Prophet; but I shall again follow the procedure outlined in the preceding clauses in order to not lower the standard further. I understand that if my wife agrees to come back during the waiting period of a second pronouncement of *taláq*, a third pronouncement on my part shall automatically result, in accord with the Quran (2: 229-30) and Muslim law, in a final divorce immediately upon that pronouncement, without any opportunity to reconcile during the waiting period.

Signature of husband: _____

DECLARATION ABOUT WHERE WE WILL GET A CIVIL DIVORCE

We, _____ and _____,
[full name of husband] *[full name of wife]*

pledge to seek and complete any civil divorce in the jurisdiction of _____

Signature of husband: _____ Signature of wife: _____

DECLARATION ABOUT ENDING A MARRIAGE SUBSISTING IN ANOTHER JURISDICTION

We, _____ and _____,
[full name of husband] *[full name of wife]*

pledge to facilitate and grant a divorce in a foreign jurisdiction where our marriage may continue to exist after our civil divorce is final.

Signature of husband: _____ Signature of wife: _____

Part Three:

Granting Power of Divorce to the Wife

A) RELIGIOUS DIVORCE UPON CIVIL DIVORCE

We, _____ and _____,
[full name of husband] *[full name of wife]*

each declare that we believe that getting a civil divorce gives us a Muslim religious divorce. When the civil divorce is final, each of us will consider that we are religiously divorced. We understand that any remaining *mahr* will be due when the civil divorce is final.

Signature of husband: _____ Signature of wife: _____

If you choose this option, strike B, C, D

B) POWER OF DIVORCE THROUGH DELEGATION

I, _____, say to my bride and wife, "*Divorce yourself whenever*
[full name of husband]

you wish with a final divorce" [or "*Your affair is in your hand for a final divorce, or three divorces*"].
I now give unconditional power of divorce to my wife so that she can begin a final divorce at any time.
I cannot decide later that I no longer want her to have the power of divorce. We understand that any remaining *mahr* will be due upon divorce.

Signature of husband: _____ Signature of wife: _____

If you choose this option, strike A, C, D.

C) HUSBAND'S SUNNAH DIVORCE UPON CIVIL DIVORCE

I, _____, agree to pronounce a divorce according to the best
[full name of husband]

Sunnah of the Prophet when the civil divorce is completed. I understand that any remaining *mahr* will be due upon divorce.

Signature of wife: _____ Signature of husband: _____

If you choose this option, strike A, B, D.

D) DIVORCE UPON VIOLATION OF STATED CONDITIONS

I, _____, place the power and option of divorce in the hands
[full name of husband]

of my wife if any of the conditions agreed to below are violated. We understand that any remaining *mahr* will be due upon divorce. We understand that the wife's options for Muslim religious divorce are not limited to the agreed conditions. Agreeing to allow the wife to divorce if these conditions are broken does not affect other measures available in Muslim law such as negotiated (*khul*) or judicial (*faskh*) divorce.

Signature of husband: _____ Signature of wife: _____

If you choose this option, strike A, B, C and sign the conditions you agree to below.

i. Condition of monogamy

I, _____, agree not to contract a civil marriage or Muslim
[full name of husband]

marriage of any kind, including mutah, while I am married to _____
[full name of wife].

Signature of husband: _____

ii. Condition of no harm

I, _____, agree not harm my wife physically or psychologically.
[full name of husband]

I understand that a claim of harm by my wife does not require her to show physical evidence or bring witnesses.

Signature of husband: _____

iii. Condition of having intimate relations only with the spouse

I, _____, pledge that I will not have intimate relations with other
[full name of husband]

persons while I am married, in accord with Quran 24:3, “*The adulterer cannot be married to anyone but an adulteress or idolatress, and the adulteress cannot be married to anyone but an adulterer or idolater.*”

Signature of husband: _____

iv. Condition of not being away for long periods unless both spouses agree

We, _____ and _____,
[full name of husband] *[full name of wife]*

each agree not to live apart from the other for more than _____ without having our spouse agree to that absence before we go.

Signature of husband: _____ Signature of wife: _____

