140457 - Can a divorced woman ask her husband for what she gave him of wealth and what she put in her house?

the question

A woman is asking: she got married five and a half years ago and during this period her husband did not show any feelings of love towards her. Because of this, the relationship between them ended in divorce. Now she is asking for the following: she says that her husband and his father took a loan from the bank in her name. They admitted to her that they had done that, and they agreed to pay it back. The problem stopped there. The second issue -- that the question has to do with -- is that she says that her parents gave her some of the dowry on the day she got married, which she spent on furnishing the house and some other expenses after marriage. After he divorced her, she asked him to give her this dowry and give her compensation, but he refused, even though she left for him the gold that he had given her at the wedding, and she left behind the furniture and everything and went to her father's house empty-handed. But he refused and said that he did not have enough money to pay her, especially since he was committed to paying the bank, even though he and his father are the ones who benefited from the bank loan and it is not true that he does not have enough money to give her what she is entitled to because he has a job and he has his own company, and other investments. She says: despite the fact that I have left this matter to Allah, may He be glorified and exalted, and He is the one who will compensate me, I want to know what my rights are.

Detailed answer

Praise be to Allah.

Firstly:

The rights to which a woman is entitled after an irrevocable divorce are:

1.Gift

This is the money or goods that the husband gives to his wife to soften her heart, because Allah, may He be glorified and exalted, says (interpretation of the meaning):

“But bestow on them (a suitable gift), the rich according to his means, and the poor according to his means, a gift of reasonable amount is a duty on the doers of good”

[al-Baqarah 2:236]

“And for divorced women, maintenance (should be provided) on reasonable (scale). This is a duty on Al-Muttaqoon”

[al-Baqarah 2:241].

See also the answer to question number 126281.

2.Delayed portion of the dowry, if she has a delayed portion that has been agreed upon.

3.Personal loans that she gave to the husband during their marriage.

Thirdly:

With regard to what the wife spent of money on her husband or to buy furnishings for the marital home, there are two scenarios:

1.That she gave it to her husband as a loan, in which case he must give money back to her

2.That she gave it to her husband or put it in her house voluntarily as a gift that was given willingly; he does not have to give back what she gave to him; rather it is haraam to ask for it.

See the answer to question number 75056.

If she gave it to her husband or put it in her house reluctantly, and only did that for fear that her husband would change his kind treatment of her or for fear that her husband would divorce her if she did not do that, then the husband has to give this wealth back to his wife, and if it is said that it is obligatory for him to return it, that would not be far off the mark.

Shaykh ‘Abd al-‘Azeez ibn Baaz (may Allah have mercy on him) said:

If she gives him her gold and jewellery willingly as a gift from her, Allah, may He be glorified and exalted, says (interpretation of the meaning): “but if they, of their own good pleasure, remit any part of it to you, take it, and enjoy it without fear of any harm (as Allaah has made it lawful)” [al-Nisa’ 4:4]. If she gives it willingly, there is nothing wrong with that; but if she gives him a loan to meet his needs, to be given back to her, then he must return it if possible and it is obligatory for him to return what he took from her.

Even if what she gave to him was not a loan, but was given to help out, if it is possible to return to her what he took, that is better and is noble conduct and comes under the heading of treating in kind. But he does not have to do that if it was given willingly, and he is not obliged return it.

But if she felt too shy of him and was afraid that he would divorce her, and she gave to him for this reason, then it is better for him to return it to her when possible. If she did not say anything, he should still return it to her, because she gave it to him for fear of his harm and evil, or for fear of divorce. This happens a great deal with women. So the husband should have the best of attitudes and when he is able to, he should return to her what he took from her. End quote.

Fataawa al-Shaykh Ibn Baaz, 19/12

We ask Allah, may He be glorified and exalted, to compensate you with something better and help you find a righteous husband.

And Allah knows best.