# 268304 - The most important rulings that result from the husband being alone with his wife before consummating the marriage with her

**the question**

What are the rulings that result from the husband being alone with his wife before consummating the marriage with her?

What is the definition of the being alone with the wife to which these rulings apply?

**Detailed answer**

Praise be to Allah.

I.

The scholars are agreed that when the husband consummates the marriage with his wife, she becomes entitled to the dowry in full, and if he divorces her she must observe `iddah, and he may take her back so long as her `iddah has not yet ended, and provided that it is not a divorce in return for money given by the wife (khul`), and provided that it is not a third talaq (divorce).

They are also agreed that if the husband divorces his wife before consummating the marriage and before being alone with her, then she is only entitled to half of the dowry, she does not have to observe `iddah, and he does not have the right to take her back.

This is indicated by the Holy Quran and the authentic (sahih) hadiths narrated from the Prophet (blessings and peace of Allah be upon him).

Allah, may He be exalted, says (interpretation of the meaning): “O You who have believed, when you marry believing women and then divorce them before you have touched them, then there is not for you any waiting period to count concerning them. So provide for them and give them a

gracious release” [Al-Ahzaab 33:49].

And Allah, may He be exalted, says (interpretation of the meaning):

{And if you divorce them before you have touched them and you have already decided on a dowry for them, then [give] half of what you decided on - unless they forego the right or the one in whose hand is the marriage contract foregoes it. And to forego it is nearer to righteousness. And do not forget graciousness between you. Indeed Allah, of whatever you do, is Seeing} [Al-Baqarah 2:237].

Allah says (interpretation of the meaning):

“And divorced women shall wait (as regards their marriage) for three menstrual periods, and it is not lawful for them to conceal what Allah has created in their wombs, if they believe in Allah and the Last Day. And their husbands have the better right to take them back in that period, if they wish for reconciliation.” [Al-Baqarah 2:228].

The Prophet (blessings and peace of Allah be upon him) said regarding a man who married a woman in an invalid marriage without the presence or consent of a guardian: “If he consummated the marriage with her, then she is entitled to the dowry because he was intimate with her.” Narrated by at-Tirmidhi, 1102; classed as authentic (sahih) by al-Albani in *Irwa’ al-Ghalil*, 1840.

If the dowry becomes due because of consummation of an invalid marriage, it is more appropriate that it should become due because of consummation of a valid marriage.

Al-Qurtubi (may Allah have mercy on him) said in his *Tafsir* (4/169):

There is no difference of scholarly opinion that in the case of one who consummates the marriage with his wife then dies having already agreed on a dowry for her, she is entitled to the dowry that he had agreed on in full, and she is entitled to her inheritance, and she must observe `iddah. End quote.

Ibn Rushd said in *Bidayat al-Mujtahid*, 2/19, 20):

The scholars are agreed that the dowry is due in full when the marriage is consummated or if the

husband dies.

With regard to it becoming due in full upon the consummation of the marriage, that is because Allah, may He be exalted, says: {But if you want to replace one wife with another and you have given one of them a great amount [in gifts], do not take [back] from it anything} [An-Nisa' 4:20].

With regard to the dowry becoming obligatory on the husband's death, up till now I have not come across any textual evidence for that, except for the fact that there is scholarly consensus on that …

There is consensus in general terms that if he divorces her before consummating the marriage and a specific dowry had been agreed upon, then she is entitled to half of it, because Allah, may He be exalted, says: {then [give] half of what you decided on} [Al-Baqarah 2:237]. End quote.

II.

This matter is what the scholars are agreed on, but they differed with regard to the case when the husband has been alone with his wife but no consummation (intercourse) took place: is being alone with the wife subject to all of the same rulings mentioned above, or some of them, or none of these rulings?

Imam Ahmad was of the view that being alone with the wife [then divorcing her after that] is subject to the same rulings as consummation with regard to all three rulings mentioned above, which are: the wife becomes entitled to the dowry in full, she must observe `iddah, and the husband has the right to take her back so long as her `iddah has not yet ended.

Imam Abu Hanifah was of the view – which is also the earlier view of ash-Shafa`i – that it is subject to the same rulings as consummation in the first two rulings only, namely that the wife becomes entitled to the dowry and that she must observe `iddah.

As for taking her back, the husband has no right to do that.

In his later view, Imam ash-Shafa`i thought that being alone with the wife is not subject to the

rulings that are connected to consummation at all, and he quoted as evidence the apparent meaning of the verse in which Allah, may He be exalted, says:

{O you who have believed, when you marry believing women and then divorce them before you have touched them, then there is not for you any waiting period to count concerning them. So provide for them and give them a gracious release} [Al-Ahzab 33:49]

And

{And if you divorce them before you have touched them and you have already decided on a dowry for them, then [give] half of what you decided on - unless they forego the right or the one in whose hand is the marriage contract foregoes it. And to forego it is nearer to righteousness. And do not forget graciousness between you. Indeed Allah, of whatever you do, is Seeing} [Al-Baqarah 2:237]..

What appears to be the case is that the ruling is applicable in the case of “touching,” which refers to intercourse.

With regard to Imam Malik, a number of views were narrated from him concerning this matter:

A view that is in harmony with the view of Abu Hanifah was narrated from him.

A view that is in harmony with the view of Imam ash-Shaf`i was narrated from him.

It was narrated from him that merely being alone with the wife is not subject to the same rulings as consummation of the marriage, unless the wife stayed with the husband for a long time, then he claims that he did not consummate the marriage with her, in which case his words are not to be accepted.

Al-Qurtubi (may Allah have mercy on him) said in his *Tafsir* (4/169):

The scholars differed concerning a man who spends time alone with his new wife but does not have intercourse with her, then he divorces her:

The scholars of Kufah and Malik said: He must give her the dowry in full, and she must observe `iddah. End quote.

Elsewhere he mentioned the different views of the scholars of the Maliki madhhab concerning that. He said (6/168, 169):

Does the dowry become due if he merely spends time alone with his new wife or not?

Our scholars differed concerning that and there are four views:

- It becomes due even if he is merely alone with her.
- It does not become due unless intercourse occurs.
- It becomes due if he is alone with her in the house to which the bride is taken to him.
- It makes a difference whether he was alone with her in his house or in her [parents'] house.

The correct view is that the dowry becomes due by virtue of his being alone with her, regardless of where that happens. This is the view of Abu Hanifah and his companions, who said: If he is alone with her in a true sense as defined in Islamic teachings, he must give her the dowry in full and she must observe 'iddah, whether he consummated the marriage with her or not. End quote.

The view concerning this matter that is most likely to be correct is that if the husband spent time alone with her [and then divorced her after that], the dowry becomes due to her [in full] and she must observe `iddah. This is what is narrated from the Sahabah (may Allah be pleased with them), and it is as if there was consensus among them regarding that, as was narrated.

That was narrated soundly from a number of their senior scholars, such as `Umar ibn al-Khattab, `Ali, Zayd ibn Thabit, Mu`adh ibn Jabal and `Abdullah ibn `Umar.

In fact, `Umar (may Allah be pleased with him) consulted a number of the companions of the Prophet (blessings and peace of Allah be upon him) and they did not differ regarding the ruling that the dowry becomes due in full if the husband spent time alone with his new wife.

That was narrated from the four Rightly-Guided Caliphs, but the isnad of this report is weak (da`if).

Al-Bayhaqi narrated in his *Sunan* from Sa`id ibn al-Musayyab that `Umar ibn al-Khattab (may Allah be pleased with him) ruled concerning a woman whom a man married: If the curtains were dropped, then the dowry has become due in full.

It was narrated from al-Ahnaf ibn Qays that `Umar and `Ali (may Allah be pleased with them) said: If the door is closed and the curtain is dropped, then she is entitled to the dowry in full, and she must observe `iddah. Al-Albani said in *Irwa' al-Ghalil* (1937): Its narrators are trustworthy.

Ibn al-Mundhir narrated in *Al-Awsat* (7273) that al-Walid ibn Abi Malik said: `Umar brought together some of the Companions of the Messenger of Allah (blessings and peace of Allah be upon him), among whom was Mu`adh ibn Jabal, and they were agreed that if the door is closed or the curtain is dropped, then the dowry becomes due.

It was narrated that Zurarah ibn Awfa said: The ruling of the Rightly Guided Caliphs was that whoever closes the door or drops a curtain, the dowry becomes due and `iddah must be observed.

The isnad of this report is weak (da`if), because Zurarah was one of the younger Tabi`in (he died in 93 AH), and he did not meet any of the four caliphs. Hence al-Bayhaqi said, after narrating this report: This is mursal, as Zurarah did not meet them. It was also narrated from `Umar and `Ali (may Allah be pleased with them) in a mawsul report. End quote.

Something different than this was narrated from Ibn `Abbas and Ibn Mas`ud, but it is not soundly narrated from them. Ibn al-Mundhir narrated in *Al-Awsat* (8/384) that their isnad is weak (da`if).

The fact that there are so many of these reports and they are widely known is regarded by some scholars as consensus.

Ibn Qudamah (may Allah have mercy on him) said in *Al-Mughni* (10/154):

These rulings are widely known and no one disagreed with them in their era, so it amounts to consensus. End quote.

Al-Bahuti al-Hanbali (may Allah have mercy on him)said in *Kashshaf al-Qina`* (6/168):

These rulings are widely known and no one disagreed with them in their era, so it amounts to consensus. End quote.

Undoubtedly the Sahabah (may Allah be pleased with them) had more knowledge of the meanings of the Quran and the rulings therein, so following them is essential because these views were widely narrated from them, and there is no proof that any of them held a different view.

Shaykh Ibn `Uthaymin (may Allah have mercy on him) said:

If someone were to ask: how can she be entitled to the dowry in full when the verse stipulated that intercourse must take place in order for that ruling to apply? Undoubtedly there is a difference between intercourse and being alone with the woman, because intercourse means having pleasure with her and enjoying her, thus she is entitled to the dowry, but by simply being alone with her he did not have any of that pleasure from her, so that she would be entitled to the full dowry?

We say: Most of the scholars hold this view.

And it was narrated that there was consensus among the Sahabah (may Allah be pleased with them) on this matter, which is: if he was alone with her, then she is entitled to the dowry in full. Thus the scholars regard being alone with the new wife as being the same as intercourse with her [in terms of making her entitled to receive the dowry in full].

There is a report narrated from Imam Ahmad that should be taken as a guideline. He said: Because he was intimate with her in a way that is not permissible for anyone other than him, therefore the scholars said: if he touches her with desire, or looks at any part of her that is not permissible for anyone except the husband to look at, such as the private part, then she becomes entitled to the dowry in full, because he enjoyed of her that which is not permissible for anyone else.

This is the chosen view of the madhhab, which states that if the husband was with his wife in a way that is not permissible for anyone else, such as having intercourse, being alone with her,

touching, kissing or looking at that which no one else looks at, such as the private part, then the dowry becomes due in full.

One of the scholars was of the view that the dowry becomes due in full as a result of intercourse only. He said: This is the apparent meaning of the verse and we should follow it.

But we have some reservations about this view, because the Sahabah (may Allah be pleased with them) had greater knowledge of the meanings of the Quran than we do, especially when it comes to the Islamic rulings, because the Quran was revealed during their time and in their language, so on the basis of their understanding of it they issued their rulings. This is the view of the majority of scholars, that being alone with the new wife is subject to the same rulings as intercourse.

End quote from *Ash-Sharh al-Mumti`*, 12/293, 294.

At-Tahawi said in *Mushkil al-Athar* (1/370):

Dropping curtains, closing doors and making herself available to her husband so that there is nothing to prevent him from being intimate with her make it obligatory for him to give her the dowry, and that comes under the same ruling as touching (intimacy), even if he did not actually touch her.

The views of the Companions of the Messenger of Allah (blessings and peace of Allah be upon him) on this matter were narrated in mass-transmitted (*mutawatir*) reports which all agree that the new wife's making herself available includes a situation in which the husband is able to be intimate with her, such as touching the woman who made herself available, and we do not know of anyone among the Companions of the Messenger of Allah (blessings and peace of Allah be upon him) who held a different view concerning that.

If he says: But the apparent meaning of the Quran indicates something other than that, because Allah, may He be exalted, says in His Book: {And if you divorce them before you have touched them and you have already decided on a dowry for them, then [give] half of what you decided on - unless they forego the right or the one in whose hand is the marriage contract foregoes it} [Al-

Baqarah 2:237], And it may be understood from this that the one who divorces his wife without having touched her, according to this verse, is obliged to pay only half of the dowry and not all of it.

The response to that is: those who say that this scenario [if they are alone together without any intimacy occurring] the dowry becomes due and the woman must observe `iddah are the Rightly Guided Caliphs, Abu Bakr, `Umar, `Uthman and `Ali; and Zayd ibn Thabit – who was the scribe of the revelation and was entrusted with it – also agreed with them. The Quran came down in their language and they understood what it meant.

If there was something in the Quran that was not clear to them, they would ask the Messenger of Allah (blessings and peace of Allah be upon him) about it, and he would teach them what Allah, may He be exalted, meant by it. Differing from what they agreed on is akin to regarding them as ignorant and drifting away from their path to something else, from which we seek refuge with Allah.

Moreover, from a linguistic point of view, we can describe the one who was able to touch but did not touch as *masis* (one who touched), just as the son of Ibrahim (peace be upon him) is described as *dhabih* (one who was sacrificed), not because he was actually sacrificed, but because he made himself available to his father to be sacrificed, as he [Ibrahim] laid him face down on the ground. Hence he was called *adh-dhabih* (the one who was sacrificed) even though he was not actually sacrificed.

Similar to that is what we have mentioned, which is this woman making herself available to her husband to have intercourse with her, and there was nothing to prevent him doing that or to stop him from doing it, hence it is permissible to describe him as having touched her, even if he did not touch her in reality.

Moreover, we have stated above that the Muslims are unanimously agreed on that.

[Then he mentioned that if a vendor sells an item and gives the purchaser access to remove it, but the purchaser himself decides not to take it, then something happens to it and it is damaged, the

purchaser is liable for the damage, because the seller did what was required of him and gave the purchaser access and allowed him to take the item away. In the same manner, the woman has done what was required of her]. End quote.

Ibn Rushd said in *Bidayat al-Muhtaj*, 2/19, 20:

They differed as to whether one of the conditions of the dowry becoming due is that, in addition to being alone with her, the husband should also touch her, or is that not one of the conditions, and what they meant by being alone with her is when the curtain is dropped?

Malik, ash-Shafa`i and Dawud said: Nothing becomes due as a result of dropping the curtain except half of the dowry, unless intimacy occurred.

Abu Hanifah said: The dowry becomes obligatory as a result of merely being alone with her, unless her husband is in the state of ihram [for Hajj or `umrah], or is sick, or is fasting during Ramadan, or the woman is menstruating.

Ibn Abi Layla said: The entire dowry becomes due as a result of being alone with her, and there is no other stipulation.

The reason why the scholars differed concerning that is the fact that the ruling of the Sahabah on this matter is contrary to the apparent meaning of the Quran.

That is because Allah, may He be blessed and exalted, stated with regard to the woman with whom the marriage has been consummated that it is not permissible to take anything of her dowry, in the verse in which He, may He be exalted, said: {And how could you take it while you have gone in unto each other and they have taken from you a solemn covenant?} [An-Nisa’ 4:21].

And He stated with regard to the woman who is divorced before the marriage is consummated that she is entitled to half of the dowry, as He, may He be exalted, said: {And if you divorce them before you have touched them and you have already decided on a dowry for them, then [give] half of what you decided on} [Al-Baqarah 2:237].

As you can see, there is a verse for each of the two scenarios, namely before touching and after touching, and there is nothing in between. This confirms, based on the apparent meaning of the text, that the full dowry does not become due except after touching.

In this verse, what touching appears to mean is intercourse.

And it is possible that the word could be understood in terms of its original meaning, which is touching, and perhaps this is how the Sahabah understood it.

Hence Malik said regarding the impotent man who is given respite that his wife is entitled to the dowry in full in the event of divorce, because of his lengthy stay with her, because that still has an impact, even without intercourse, on making it obligatory for him to give the dowry in full.

As for the rulings that were narrated from the Sahabah concerning that, they have to do with one who closed the door or dropped the curtain; in that case, the dowry becomes due in full, and no one differed with them regarding that, as some scholars stated. End quote.

III.

With regard to the husband's right to take his wife back during that `iddah, nothing has been narrated from the Sahabah (may Allah be pleased with them) concerning that. Hence those who adopted the views of the Sahabah concerning this matter differed concerning the ruling on that.

The Hanafis were of the view that the husband does not have the right to take her back. They said: that is because taking her back is the right of the husband if she becomes his wife in a complete sense, and that cannot be the case unless he consummates the marriage in a real sense. As for merely being alone with him, she is not his wife in a complete sense, so the same ruling applies with the dowry and `iddah, but not to the issue of taking her back. See: *Fat-h al-Qadir*, 4/172.

Imam Ahmad was of the view that the husband does have the right to take her back [in the case of being alone with her then divorcing her with no intercourse having taken place], because it is connected to the issue of `iddah; so if `iddah is required, then he has the right to take her back [during the `iddah], unless the divorce was in return for compensation paid by the woman (khul`)

or it was a third divorce (talaq), as the husband has no right to take her back in these two cases.

They quoted as evidence the verse in which Allah, may He be exalted, says: {And their husbands have more right to take them back in this [period] if they want reconciliation} [al-Baqarah 2:228]. This verse affirms the husband's right to take his wife back so long as the `iddah has not yet ended. If the `iddah is required, that the husband has the right to take his wife back.

Ibn Qudamah said in *Al-Mughni* (10/369):

Being alone with the wife is subject to the same ruling as consummation with regard to the husband’s right to take back the wife with whom he was alone, according to the apparent meaning of al-Khiraqi’s words, as he said: The ruling in this case [the wife with whom he was alone] is the same as the ruling on a wife with whom the marriage was consummated in all these matters.

This was also the earlier view of ash-Shafa`i.

Abu Bakr said: He does not have the right to take her back unless he consummates the marriage with her.

This was also the view of an-Nu`man and his two companions, and it was the later view of ash-Shafa`i, because the marriage was not consummated with her, therefore he does not have the right to take her back.

We also have the verse in which Allah, may He be exalted, says: {Divorced women remain in waiting [i.e., do not remarry] for three menstrual cycles, and it is not lawful for them to conceal what Allah has created in their wombs if they believe in Allah and the Last Day. And their husbands have more right to take them back in this [period]} [Al-Baqarah 2:228].

Moreover, the wife is obliged to observe `iddah in a divorce in which there was no compensation to the husband, and so long as her `iddah has not yet ended, he has the right to take her back, as in the case of one with whom the marriage was consummated.

Furthermore, she is observing an `iddah during which he can issue another divorce, therefore he

has the right to take her back, as in the case of one with whom the marriage was consummated.

It is different in the case of a wife with whom he has never been alone; if he divorces her, she is completely divorced from him, so she is not required to observe `iddah and another divorce is meaningless. Rather taking back the wife is only possible during the `iddah of a wife whom he could divorce another time. End quote.

Al-Bahuti said in *Kashshaf al-Qina`*, 5/169:

The ruling in the case of a wife with whom the husband has been alone is the same as the ruling in the case of a wife with whom the husband has consummated the marriage with regard to her being entitled to receive the dowry in full and being obliged to observe `iddah in the event of divorce. It is also prohibited for the husband to marry her sister if he divorces her, until her `iddah has ended, and four other categories of women are also prohibited for him to marry if he divorces her, until her `iddah has ended. The husband has the right to take her back during her `iddah and he is obliged to spend on her during her `iddah, because that is connected to the obligation of observing `iddah. End quote.

IV.

Why is the ruling that applies to a woman who is divorced after having been alone with her the same as the ruling that applies to a woman with whom the marriage was consummated?

Answer:

The reason is very clear: it is the views of the Sahabah regarding this issue, which are widely known, some of which we have quoted above.

But the scholars differed concerning the reason for that.

It was said that the reason is that their being alone would lead to people assuming that intercourse had taken place, because if they are alone together, people will think it most likely that consummation of their marriage took place. Hence this assumption is sufficient and there is

no need to verify that consummation did indeed take place.

And it was said that it is because if he divorces her after being alone with her and before consummating the marriage, that breaks her heart and there is some humiliation for her in that, so by way of consoling her it was decided that she is entitled to the entire dowry, not half of it.

Ibn `Aqil al-Hanbali said: The ruling is like that for one of two reasons: either because of the consensus of the Sahabah, or because divorcing her after being alone with her is humiliating for her and breaks her heart, so she must be consoled with the dowry. End quote.

And it was said that the reason is that the wife made herself available to him, so she did what was required of her, and thus she deserves to receive the dowry in full.

Even though all these reasons in general make sense, there are reports from some of the Sahabah (may Allah be pleased with them) that lend weight to the last reason, which is that the wife made herself available to the husband, and this is the basis for the ruling.

Al-Bayhaqi (may Allah have mercy on him) said in *As-Sunan al-Kubra* (7/256): The apparent meaning of what we have narrated from `Umar and `Ali (may Allah be pleased with them both) indicates that they regarded being alone with the new wife as being like taking possession of something that has been bought.

Ash-Shafa`i (may Allah have mercy on him) said: It was narrated from `Umar (may Allah be pleased with him) that he said: What fault is it of theirs (newly-married wives) if the inability is on your part? End quote

Al-Bahuti said in *Kashshaf al-Qina`* (5/168):

Because she submitted herself as was required of her, the exchange for that becomes binding [that is, she becomes entitled to the dowry], the same as if he had had intercourse with her, or the same as if she had rented her house to a tenant and given him access to it, or sold it. End quote.

Ibn Qudamah said something similar to this in *Al-Mughni*, 10/154.

V.

The conditions of being alone together

The scholars are agreed that not every instance of the couple being alone together is subject to the same rulings as consummation of the marriage. Rather what we mean by being alone together here is a situation in which the husband would be able to be intimate with his wife, without any resistance on her part.

Hence they were agreed that some conditions must be met with regard to this being alone together, but they differed greatly about what these conditions are. Here we will list the most important of these conditions:

1. That there should be no other human with them who had reached the age of discernment, because the presence of a third person with them means that the husband cannot be intimate with his wife.
2. That she should not refuse to be intimate with her husband.

Ibn Qudamah said in *Al-Mughni* (11/157): If he is alone with her and she refuses to let him be intimate with her, then she is not entitled to the dowry in full. Ahmad indicated that if she keeps away from him or resists, then she is not entitled to the dowry in full.

That is because she did not make herself available to him, so it is as if he was not alone with her. End quote.

3. That they should be safe from being seen by anyone. Based on that, being alone together in a car in the city, or being alone in a shop or office with an open door, or being alone together on the side of the street, or being alone together in her family's house when some of her family are there and could come in the room at any moment, or with the door of the room being open … and so on – all of these cases do not lead to any of the rulings that result from being alone together, which we have discussed above.

It says in *Al-Mawsu`at al-Fiqhiyyah* (19/271), explaining the Hanafi view on the conditions of being

alone together that result in the dowry becoming due and `iddah being required [if the marriage ends]: Being alone together does not count as such in the mosque, on the road, in the desert, or on a roof with no curtains or barrier, because people gather in the mosque for prayers, and there is no guarantee that no one will come in at any moment; people are constantly passing by in the street, so they would usually not be alone, which would make them too uncomfortable to engage in intimacy; and the same is true of being in the desert or on a roof with no barrier or curtain, because people feel too uncomfortable to engage in intimacy in such places because of the possibility of a third person coming there, or someone looking at them. End quote.

4. The husband should be aware of his wife's presence. So if he is sick or unconscious, and his wife visits him in the hospital and stays with him in the room for an hour or so, but he is not aware that she is there, no rulings result from this case of being alone together.

Al-Mirdawi al-Hanbali (may Allah have mercy on him) said in *Al-Insaf* (21/227):

According to our madhhab, the dowry becomes due in full if she does not refuse intimacy with him, provided that he is aware that she is there. End quote.

Shaykh Muhammad ibn `Uthaymin (may Allah have mercy on him) said in *Ash-Sharh al-Mumti`*, 13/322:

With regard to being alone together – according to the view of Imam Ahmad – it is stipulated that the wife should be willing to engage in intimacy, that the husband should be aware of her presence, and that he should be able to have intercourse. End quote.

If these conditions are met, then the impact of their being alone together is the same as the impact of consummation of the marriage in terms of the rulings discussed above.

As for the husband and wife simply being alone together in a place where no one can see them, none of the scholars said that this being alone together on its own makes it like consummation and subject to the same rulings.

Shaykh al-Islam Ibn Taymiyah (may Allah have mercy on him) said:

If a man is alone with a woman, but she refuses to let him be intimate with her, and he does not have intercourse with her, then her dowry does not become due in full according to the view of Imam Ahmad – which was mentioned by his companions such as al-Qadi Abu Ya`la, Abul-Barakat and others – and is the view of the other imams, namely Malik, ash-Shafa`i and Abu Hanifah.

If she admits that she did not let him have intercourse with her, then her dowry does not become due in full.

And he is not obliged to spend on her maintenance, so long as that is the case, according to scholarly consensus.

End quote  from *Majmu` al-Fatawa*, 32/201.

Praise be to Allah, Lord of the Worlds, and blessing and peace of Allah be upon our Prophet Muhammad and upon all his family and companions.

And Allah knows best.