



111907 - He did the marriage contract with a woman then divorced her before consummating the marriage

the question

A young man did the marriage contract with a young woman, then he divorced her before consummating the marriage with her. He had given her a sum of money as a dowry, and had committed himself to giving a further amount of money as the delayed portion of the dowry in the same contract. What is the ruling on that?

Detailed answer

Praise be to Allah.

If he did the marriage contract with a woman, then divorced her before consummating the marriage, and he had specified what dowry he would give her, then she is entitled to half of the dowry that he already paid, and half of the delayed portion of the dowry that he has not yet paid, because Allah, may He be exalted, says (interpretation of the meaning):

{And if you divorce them before you have touched them and you have already specified for them an obligation, then [give] half of what you specified - unless they forego the right or the one in whose hand is the marriage contract foregoes it} [al-Baqarah 2:237].

The dowry is reduced by half if he divorces her before consummating the marriage, whether she had taken possession of it or not, so long as he had specified what was to be given. And if one of them gives up part of his or her share to the other, there is nothing wrong with that. End quote.

Shaykh Saalih ibn Fawzaan al-Fawzaan (may Allah preserve him).

Fataawa al-Mar'ah al-Muslimah (2/738); compiled by Ashraf ibn 'Abd al-Maqsood.



And Allah knows best.