49821 - Rights of a woman whose husband divorced her before consummating the marriage

the question

I am a revert to Islam and I would like to know what the woman's rights are from her husband who has been divorced without consumating the marriage when the man has put the woman in a financial hardship by leaving her with no money and no way to work? This Imam from Makkah married me, asked me to return to the US from another country where I had a job and apartment, promised me he would support me financially until he could get me to Saudi to be with him, then divorced me after 3 months IN AN E MAIL!!! saying it is only because he could not get me a visa easily, leaving me with no money at all, no Muslim family, and he said "wallah I will send you money if you need it" but never did. What are my rights from this man?.

Detailed answer

Praise be to Allah.

I see in your question the reflection of a Muslim who is – I think – sincere in religious commitment and free of ulterior motives and greed.

I see in your question a soul who is at peace and a heart that has faith in Allah and believes in a deeply-rooted ‘aqeedah, in sha Allah, that is not affected by the fact that fellow-believers have let you down, or harmed by those who claim to believe in this ‘aqeedah but do not follow it.

Yes, it is most upsetting when one sees some Muslims no paying attention to the most important manners of interacting with others – such as sincerity of speech, keeping promises, and fulfilling covenants – when they read in the Book of Allah the words (interpretation of the meaning):

“O you who believe! Fear Allah, and be with those who are true (in words and deeds)”

[al-Tawbah 9:119]

“Those who fulfil the Covenant of Allah and break not the Mithaaq (bond, treaty, covenant)”

[al-Ra’d 13:20]

“Those who fulfil the Covenant of Allah and break not the Mîthâq (bond, treaty, covenant)”

[al-Baqarah 2:177]

And they hear the words of the Messenger (peace and blessings of Allah be upon him): “The signs of the hypocrite are three: when he speaks, he lies; when he makes a promise, he breaks it; and when he is entrusted with something he betrays (that trust).” Narrated by al-Bukhari, 33; Muslim, 59.

Undoubtedly the situation of the Muslims nowadays is very different from what it should be.

But despite that, do not despair or feel hopeless, for goodness will abide in this ummah until the Day of Resurrection.

The troubles and calamities that a believer is faced with are a test from Allah. Allah says (interpretation of the meaning):

“Do people think that they will be left alone because they say: ‘We believe,’ and will not be tested?”

[al-‘Ankaboot 29:2]

“And among mankind is he who worships Allah as it were upon the edge (i.e. in doubt): if good befalls him, he is content therewith; but if a trial befalls him he turns back on his face (i.e. reverts to disbelief after embracing Islam). He loses both this world and the Hereafter. That is the evident loss” [al-Hajj 22:11]

So you have to be patient and accept the will and decree of Allah, and have the hope of reward

from Allah.

With regard to your rights over him, firstly you must confirm the divorce, because divorce via e-mail does not count unless it is confirmed by the husband. See question no. 36761.

When divorce has been confirmed, then what you can claim from him through the qaadi (judge) is the mahr in full, if you had been alone with him, or half of the mahr if you did not spend any time alone with him.

Shaykh Ibn ‘Uthaymeen said:

The evidence for that is the verse in which Allah says (interpretation of the meaning):

“And if you divorce them before you have touched (had a sexual relation with) them, and you have appointed unto them the Mahr (bridal-money given by the husband to his wife at the time of marriage), then pay half of that (Mahr), unless they (the women) agree to forego it, or he (the husband), in whose hands is the marriage tie, agrees to forego and give her full appointed Mahr. And to forego and give (her the full Mahr) is nearer to At-Taqwa (piety, righteousness). And do not forget liberality between yourselves. Truly, Allah is All-Seer of what you do”

[al-Baqarah 2:237]

i.e., half of the mahr that you had agreed upon, and the rest is to be given to them. We say: even if he was alone with her but did not have intercourse with her, the same ruling applies, and she is entitled to half. Most of the scholars are of this view concerning this issue. It was narrated that there was consensus among the Sahaabah (may Allah be pleased with them) that if he had been alone with her then she was entitled to the whole mahr; they regarded being alone with her as being like intercourse. The reason for that was, as mentioned by Imam Ahmad, that it was permissible for him to do with her what it was not permissible for anyone else to do. Al-Sharh al-Mumti’, 5/326.

With regard to his breaking his promise and the harm that he caused to you by making you give up your work, and his breaking his vow, on the Day of Resurrection that will bring you reward and

add good deeds to your record in sha Allah.

And Allah knows best.