9419 - He borrowed from his wife and wants to take a second wife

the question

I have been married to my husband for 11 years and in that time he has borrowed from me 40,000 SR which he has signed a paper of debt with me to pay it back. My question is, he has been talking about getting married which I know costs alot and I would like my money returned if he has the means to get married he should repay me first. What is my right in this?.

Detailed answer

Praise be to Allah.

There is nothing to stop a wife asking for her money back from her husband. This is a right that belongs to her. But we would like to point out a few things.

1 – A wife should not make things hard for her husband just because he wants to take a second wife. The basic principle is that people – above all husbands and wives – should cooperate in righteousness and piety, and should not make things difficult for a person who seeks something that is permissible.

2 – The owner of the money should not ask for it back from a debtor who is in difficulty. Allaah says (interpretation of the meaning):

“And if the debtor is in a hard time (has no money), then grant him time till it is easy for him to repay”

[al-Baqarah 2:280]

3 – It is not permissible for a debtor who has the money to pay off his debt to delay paying it off. The Prophet (peace and blessings of Allaah be upon him) said: “The rich person who delays paying back a loan is a wrongdoer.”

Narrated by al-Bukhaari, 2166; Muslim, 1564.

4 – We do not think that the husband should use his wife’s money to take a second wife, because this is upsetting to her. He has to pay back the money to his wife, then if he has enough left to get married, he may do so, otherwise he should not.

And Allaah knows best.