

“And if you decide to change one wife for another wife (i.e. divorce a wife to marry another woman), and you had already given one of them abundant wealth (by way of gifts), then do not take back from her anything. What! Do you repossess it by way of usurpation and flagrant transgression?”

And how indeed can you take it back after having mutually met (i.e. after having consummated the marriage), and after they (women) have obtained from you a sacred pledge (of Nikah)?” (Surah Nisaa’)

A very common reaction of spiteful men of low moral calibre and defective intelligence, when the marriage ends, is to demand that his ex-wife returns all the expensive gifts which he had given her at a time of mutual enjoyment and pleasure.

USURPATION

The Qur’aan Majeed describes such repossession of gifts as usurpation. It is unjust, despicable and totally unbecoming of a honourable man to degenerate to the low ebb of reclaiming gifts from a woman who was his lawful wife and with whom he had enjoyed conjugal relations.

VOMIT

Rasulullah (sallallahu alayhi wasallam) said that a person who repossesses a gift is like a dog which laps up its own vomit. In many cases when the marriage collapses, the husband goaded on by his parents or bristling with malice, demands that his ex-wife returns all the expensive gifts he had given her in happier times.

UNLAWFUL

This attitude is abominable and totally at variance with Muslim moral character. Besides the morality of the issue, reclaiming gifts from a wife is not permissible nor valid. If by pressure, the man manages to take possession of the gifts, he does not become the owner. The gifts remain in the ownership of the woman who was once upon a time his wife.

The excuse that the jewellery, etc. were given to the wife on loan is not valid after the marriage ends in divorce unless the man can prove with acceptable evidence that he had made such a declaration to the woman at the time when he gave her the assets.

CUSTODY

The husband’s or his parents’ custody of the items do not make him the owner thereof. It is normal for the wife to leave her expensive jewellery in her husband’s custody for safe-keeping. He holds it as an amanat for her. As long as she had taken possession of the gifts, she remains the owner.

When the heart-breaking event of divorce takes place, the husband should acquit himself honourably by softening the blow. He should not compound the tragedy for the sake of finding gratification for his spiteful and malicious attitude. The assets should be given to her without any problem or hassling.

A Despicable Man

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Many Sahaabah lauded their wives with substantial gifts on the occasion of divorce. Acrimony and malice did not feature in the dissolution of their marriages. Divorce at times becomes necessary. When the tragedy occurs, Allah Ta'ala should not be obliterated from the mind.