

Divorce

Quran: Surah Baqarah Ayat 229 to 232: -

229—“Divorce is (revocable) two times (after pronouncement), after which (there are two options open for husbands), either (to) keep (the wives) honorably, or part with them in a decent way; you are not allowed to take back any thing that you have already given your wives; unless both of you fear that you will not be able to keep within the limits fixed by Allah, there will not be any blame if the woman redeems herself. Do not go beyond the limits set by Allah for those who exceed them are transgressors”.

230 – “If a man pronounces divorce a third time the former wife becomes unlawful for him and he cannot remarry her until she has married some one else and got divorced again. Then there is no harm if the two unite again if they think they will keep within the bounds set by Allah, and made clear for those who understand”.

231 – “When you have divorced your wives, and they have reached the end of the period of waiting (عِدَّت), then keep them honorably (by revoking the divorce), or let them go with honor, and do not detain them with the intent of harassing, lest you should transgress. He who does so will only wrong himself. Do not mock the decrees of Allah, and remember the favours Allah has bestowed on you, and revealed to you the book and the law to warn you of the consequences of wrong doing. Have fear of Allah, and remember, Allah is cognizant of everything.”



232 – “When you have divorced your wives and they have completed the fixed term (عدت), do not stop them from marrying other men, if they agree mutually in an honorable way. This warning is for those among you who believe in Allah and the last day. This is both proper and right for you, for Allah knows and you do not know.”

❖ **Hadees – Darqutni: -**

The reverend Maaz bin Jabel⁽²⁾ reported the prophet⁽¹⁾ of Allah as saying “Allah has created nothing on the earth that HE likes more than the freedom of a P.O.W (slave) and Allah has created nothing on the earth that HE dislikes more than divorce” (Mishkat – p. 698).

❖ **Hadees – Bukhari & Muslim:-**

The reverend Abdullah bin Umer⁽²⁾ divorced a wife of his while she was menstruating. When the reverend Umer⁽²⁾ informed the prophet⁽¹⁾ of Allah about this he expressed anger and said “He must take her back and keep her till the period stops, menstruation again starts and then ends again. If he wants then he can divorce her, unless he has had sexual relations with her in the meantime.” (Mishkat – p. 695)

❖ **Dar Mukhtar: -**

Divorce is permissible, and if due to some problem in the spouse it is preferable, i.e. the wife doesn't offer the compulsory prayers or causes unnecessary difficulties for others. The reverend Abdullah bin Masood⁽²⁾ says “If the wife offers her prayers regularly it is better that one is presented before Allah as the one who made adjustment to her during his whole life (inspite of her faults), rather than as the one who divorced her.”



However divorce is compulsory when a husband is impotent and treatment is not possible.

❖ **Hadees – Mishkat: -**

The Prophet⁽¹⁾ of Allah has stated that out of all the permissible acts the worst is divorce.

When there are severe problems between the husband and wife, which are not solved inspite of all efforts of the spouses, as well as their relatives and friends, then divorce becomes the only way out, for otherwise the couple lives a tense and unhappy life and the likelihood of sexual liaisons outside marriage increases. When such a marital bond is dissolved the individuals concerned are free to marry the mate of their choice and thus get another chance for attaining a satisfactory life.

17.1 Quran, Surah Noor, Ayat 6,7,8,9

Spouses' mutual curse (ليعان)

“He who accuses his wife (of adultery) and does not have any witnesses besides himself, should swear four times in the name of Allah, that he is telling the truth, and swear a fifth time that the curse of Allah be upon him if he is telling a lie.

The woman's punishment can be averted if she swears by Allah four times that her husband is a liar and a fifth time that the curse of Allah be upon her if her husband is telling the truth.

If the grace and benevolence of Allah were not upon you (this would not have been possible)...”

