

## 11 Divorce

Many traditional Muslim communities (particularly in the Middle East) practice divorce in a way that gives one of the worst examples of inequity imaginable. When I first learned about Islam I was blessed I did not know about these practices. I had never heard *only* the husband can initiate a divorce. Nor had I heard all he has to do is pronounce the divorce three times and it becomes permanent. Nor did I know the husband takes the children. Many traditional Muslims practice these inequities.

Thank God, not all Muslims follow these practices. However the fact much of the Muslim world justifies them by saying God decreed them would have discouraged me from ever reading the Quran. I know I would never have considered becoming a Muslim had I known of these practices.

All of them come from other sources than the Quran. The Quran strictly regulates divorce. The husband cannot “repudiate” his wife by declaring three times he divorces her. Rather God decrees a long process for divorce in the Quran, with great emphasis on reconciliation from the beginning of any problems. The following verse shows this:

*If a woman senses oppression or desertion from her husband, the couple shall try to reconcile their differences, for conciliation is best for them. Selfishness is a human trait....*

*(Quran: The Final Testament 4:128)*

From this verse several things become clear. First, a husband should not oppress nor desert his wife. If the wife feels mistreated, she should speak up, for how else can the couple come to the point of reconciling their differences? This means she must take responsibility for her own feelings and her own life. She cannot expect her husband to know her thoughts and feelings.

This was one of my failings. I expected my husband to know what I need without my telling him. When I look at this realistically I can see how self-centered and selfish it becomes. He has his own life, his own set of concerns, and old emotional wounds to heal. Those become his responsibility. If I need emotional support or different treatment from him it becomes my responsibility to let him know in a non-blaming, loving way. I also must make sure that what I need is clear, first of all to myself, and then to him. And I need to realize he may or may not have the ability to meet my need right away.

We both need to be righteous, treat each other well, and work to communicate our needs to each other in a loving manner.

The Hollywood and fairy tale notion of love gives us very unhealthy expectations. It depicts a world where all one has to do is find the perfect mate, and all other problems disappear. In reality, no one can magically meet our every need and make us queen of the universe. Sadly this cultural fantasy of love remains commonly accepted throughout American society. I believe it accounts for much of the frighteningly high rate of divorce. Once the state of unrealistic magic called “being in love” settles down to a more normal state of real love, people often think something has gone wrong with the relationship. If

they fell in love with incompatible mates in the first place, they are probably right. But sometimes even if the relationship remains quite good, people end it because they no longer feel “in love” as they understand it.

Being in love often has very little to do with love. Think about that sensation. It focuses on us. We typically hear, “I can’t live without him”. Little or no consideration exists there of what he needs. It becomes an obsessive state. Finally, reality sets in and you see the object of your affection as a normal human being with all his defects as well as all his strengths. He no longer appears as the knight in shining armor that you expected to save you from the drabness of everyday life.

In short, most of us tend to have an unrealistic and selfish view of love and marriage. As we saw in the above verse, God understands this aspect of our nature. When problems develop, He tells us to try to reconcile. He tells us we are selfish by nature, and overcoming the selfishness will prove best for us.

If things in the marriage actually come to the point where separation seems likely, the following verse brings in the family, and requires arbitration:

*If a couple fears separation, you shall appoint an arbitrator from his family and an arbitrator from her family; if they decide to reconcile, God will help them get together. God is Omniscient, Cognizant.*  
(Quran: The Final Testament 4:35)

With the family involved, arbitration and counseling will naturally take place. I had always thought of marriage counseling and arbitration as very modern and enlightened psychological approaches to the problems of a troubled marriage. I still think that—the Quran remains very modern and enlightened, though revealed through the prophet Muhammad over 1400 years ago.

If conciliation and arbitration do not work, God requires a cooling-off period before the divorce takes effect. This demonstrates another concept in what we think of as modern divorce law:

*Those who intend to divorce their wives shall wait four months (cooling off); if they change their minds and reconcile, then God is Forgiver, Merciful. If they go through with the divorce, then God is Hearer, Knower.*  
(Quran: The Final Testament 2:226)

If the couple decides to go through with the divorce the woman must wait three menstrual cycles before she can marry someone else. The divorce cannot become final until after that interim. So even after the four months of cooling off another period of about three months exists before the divorce finalizes. That leaves plenty of time for the couple to reconsider, plenty of time for them to know for sure that they really want to divorce.

Unlike the traditions of Islam, the Quran does not say only the man can initiate the divorce. In fact, the following verse demonstrates the woman can cause the divorce:

*If you divorce them before touching them, but after you had set the dowry for them, the compensation shall be half the dowry, unless they voluntarily forfeit their rights, or the party responsible for causing the divorce chooses to forfeit the dowry. To*

*forfeit is closer to righteousness....*  
(Quran: The Final Testament 2:237)

Thus, “*the party responsible for causing the divorce*” can be either the woman or the man. And either side can choose to forfeit the dowry. Also, Chapter 4 Verse 128, quoted above, commands the couple to try to reconcile when a woman “*senses oppression or desertion*”. This then follows:

*If the couple must decide to part, God will provide for each of them from His bounties. God is Bounteous, Most Wise.*  
(Quran: The Final Testament 4:130)

In this verse the first phrase, “*If the couple must decide to part,*” shows both the man and the woman participate in the decision of whether or not to divorce. Marriage is basically an agreement between the husband and wife with God’s sanction. It only makes sense either party can end it.

Only one situation exists where the husband’s wishes overrule those of the wife. That happens when a woman finds herself pregnant. If the husband wishes to resume the marriage under these circumstances his wishes shall take precedence over those of the wife, not for his own sake, but for that of their unborn child:

*The divorced woman shall wait three menstruations (before marrying another man). It is not lawful for them to conceal what God creates in their wombs, if they believe in God and the Last Day. (In the case of pregnancy), the husband’s wishes shall supersede the wife’s wishes, if he wants to remarry her. The women have rights, as well as obligations, equitably. Thus, the man’s wishes prevail (in case of pregnancy). God is Almighty, Most Wise.*  
(Quran: The Final Testament 2:228)

Given the major hormonal changes a pregnant woman goes through during pregnancy, this provision seems reasonable. Of course the woman can initiate a divorce later if she still feels she must. However, this provides a stabilizing period for her where her emotional and spiritual being can come back to its normal state after the great demands of pregnancy and giving birth. It also gives a chance for the whole family to get back to normal before making a decision to divorce.

If divorce does take place the divorced woman has certain rights. For example she may stay in the home or leave it if she wishes:

*If you divorce the women, once they fulfill their interim (three menstruations), you shall allow them to live in the same home amicably, or let them leave amicably. Do not force them to stay against their will, as a revenge. Anyone who does this wrongs his own soul....*  
(Quran: The Final Testament 2:231)

The father may request the mother to continue to nurse a child under two years old. If she nurses their child the father shall provide for her equitably:

*Divorced mothers shall nurse their infants two full years, if the father so wishes. The father shall provide the mother’s food and clothing equitably. No one shall be burdened beyond his ability. No mother shall be harmed on account of her infant,*

*nor shall the father be harmed because of his infant.... If the infant's parents mutually agree to part, after due consultation, they commit no error by doing so....*  
(Quran: The Final Testament 2:233)

The remainder of this verse also has great importance. It clarifies neither party should be harmed in the divorce. It also shows both the husband and wife must go through God's process for divorce laid out in the Quran, including consultation. One of them may not wish the divorce but unless the wife is pregnant, as we discussed above, the marriage cannot continue if one side wishes to leave. If the divorce occurs, the Quran specifies the father shall provide for the mother.

Even when no nursing children exist, the wife receives a fair alimony. The Quran refers first to the provision for a widow (also termed alimony), and then immediately after addresses the situation of a divorcee:

*The divorcees also shall be provided for, equitably. This is a duty upon the righteous.*  
(Quran: The Final Testament 2:241)

This shows the wife receives a fair alimony, one fair to both her and her former husband whether or not she nurses their child. Furthermore, if a man gave his wife a great deal, and then wishes to divorce her, he cannot take back anything he gave to her, as these next verses demonstrate:

*If you wish to marry another wife, in place of your present wife, and you had given any of them a great deal, you shall not take back anything you had given her. Would you take it fraudulently, maliciously, and sinfully? How could you take it back, after you have been intimate with each other, and they had taken from you a solemn pledge?*  
(Quran: The Final Testament 4:20-21)

Nothing given to the first wife can be taken back.

Probably assigning custody for the children remains the most painful area of divorce. Among many Muslims children always go to the father. But the Quran does not specify this. While the father has the right to request the mother to nurse their baby the Quran does not specify which parent gets the children. This tells us each situation requires a decision based on its particular circumstances, with the principle in mind that no one should be harmed because of the children (2:233 quoted above). However under most circumstances the father, as the bread earner, retains financial responsibility for the baby.

As quoted above in 2:228, the Quran indicates the husband can choose for the marriage to continue if the woman discovers she carries his child.

Whatever the circumstances of the divorce God stresses:

*"...You shall maintain the amicable relations among you."*  
(Quran: The Final Testament 2:237 and 65:6)

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The Bible shows a progression in attitude toward divorce. In Deuteronomy 24:1-4 a man may give his wife a writ of divorce if “*he finds something obnoxious about her*” (according to *The Torah: The Five Books of Moses*).

In the later book of Malachi God clearly discourages divorce:

*For I detest divorce—said the Lord, the God of Israel....*  
(*Malachi 2:16 - Tanakh: A New Translation of The Holy Scriptures According to the Traditional Hebrew Text, 1985*)

In Matthew Jesus explains Moses allowed divorce because of man’s stubbornness and says in the beginning God did not permit divorce. Then he says:

*I now say to you, whoever divorces his wife (lewd conduct is a separate case) and marries another commits adultery, and the man who marries a divorced woman commits adultery.*  
(*Matthew 19:9 - New American Bible*)

Jesus also states this earlier in Matthew:

*“It was also said, ‘Whoever divorces his wife, let him give her a certificate of divorce.’ But I say to you that anyone who divorces his wife, except on the ground of unchastity, causes her to commit adultery; and whoever marries a divorced woman commits adultery.”*  
(*Matthew 5:31-32 - New Revised Standard Version Bible*)

I have a great aversion to divorce, though the Quran allows it. To me, divorce causes some of the greatest pain anyone can go through. The husband and wife do not feel the only pain. Children suffer terribly in most divorces. And members of the extended family also suffer. The parents of the wife lose a “son” and the parents of the husband lose a “daughter”. Finally, divorce often deprives grandparents of easy contact with their grandchildren.

If divorce must take place, I can think of no more merciful way than that specified in the Quran.

In summary, the Quran calls marriage a sacred bond and God strongly encourages its preservation. He does allow divorce, but only after attempts to reconcile and a cooling-off period fail. If divorce does take place the Quran protects both parties and safeguards their rights. And as difficult as it seems, a divorce should remain amicable.

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*I know of no more poignant or inspiring story relating to divorce than the following. It clearly demonstrates some of the most painful aspects of the traditional understanding of divorce and the strength of the submitting soul to rise above such pain.*

### **“Talaaq, talaaq, talaaq”**

My family was a victim of the traditional understanding of divorce. What happened was out of ignorance. My parents were both good people. Had they known what the Quran really means by divorcing three times, none of the following drama would have happened.

My parents were married young. My father, like all men of his generation, was raised with the idea that men are superior to women, and that they, as men, could do whatever they wanted.

Women were not educated, and could read only the Quran. But the practice was to read it only for blessing, not for understanding. To question and examine was not allowed. We are so fortunate to be able to examine the verses and study the Quran to understand it. It is such a blessing. You have no idea what a blessing!

My mother went to visit her brother with me, her new two-month-old baby. She had just returned. Every morning my father ate *foul* (Egyptian beans) with boiled eggs. This morning, she was rushed and she gave my father his foul without the eggs.

It made him furious. He was so angry that he said she should go back to her brother. And he shouted out the terrible words “*Talaaq, talaaq, talaaq*” (meaning “I divorce you, I divorce you, I divorce you”). So, my mother had to leave and go back to her brother holding me.<sup>1</sup>

When she told her family what had happened, they said that the divorce was final, so she had to stay there. My uncle did not want to deal with me. When my mother was asleep he took me from her and gave me to his son and told him to take me back to my father. He was to tell my father that my mother had said “Throw her to him.”

When my father heard this lie, he was very angry and did not want to have anything to do with her. He hired a nursing mother for me. When that woman did not have enough milk for me, they would take me to other women who could nurse me or give me goat’s milk. Sometimes these women would sneak me to my mother, who was almost beside herself. She had ten years of marriage before I was born, so you can imagine how dear I was to her.

When she remarried I kept hoping my stepfather would divorce her so she could marry my father again. But my father had remarried too. My stepmother was very, very mean to me. Sometimes she would cook and then hide the food from me. So my father divorced her. I was ten years old when he married a very good woman, who gave me a wonderful half brother, *Mā Shā Allah!*<sup>2</sup>

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<sup>1</sup> *Editorial note:* The Quran says you can only divorce twice and still remarry the same woman. The only exception is if she marries someone else and her new husband divorces her (2:229). The traditional understanding is that the husband just has to pronounce the word three times and the divorce is final, and remarriage impossible.

<sup>2</sup> *Editorial note:* “*Mā Shā Allah*” can be translated “This is what God has given me.”

I was very upset that I could not be with my mother. There she was alive, but I could not be with her. I never got enough of her, and I think it affected my whole life. But Praise God that He gave me my dear brother. And I think the pain I suffered made me ask questions. Because of that God guided me to the truth of following the Quran alone. If I had to do it again I would go through it all, every step without hesitation, to get to where I am now. Praise God!

—I. R., Egypt & U.S.A.

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*Divorce has become all too common in much of the Western world. The following story describes what happened in my Muslim community.*

### **Watching a Marriage Dissolve**

I have friends who met and married while the husband was a foreign student from the Middle East here in the United States. They had five wonderful children and in spite of cultural differences, they seemed to have a good marriage. But something happened and when most of the kids grew old enough to become fairly independent, the wife requested a divorce.

They tried consulting with members of our mosque to resolve their differences, but were unable to do so. As a result, they did end up divorcing but remained good friends who work together to try to help their children and each other. I don't think that I know any other couple who has succeeded as well as they in following this commandment to couples who divorce found in Verse 65:6 of the Quran: ***You shall maintain the amicable relations among you.***

Both parents still attend the mosque and remain good friends. To me, they create a perfect example of how following God's law in the Quran makes our lives easier and better.

—Iman, U.S.A.

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At the end of the last chapter, I wrote of my time as a single Muslim woman after a divorce from my first husband that I did not want. I shared some of the pain of that time as well as the growth. But I did not share the ultimate blessing God gave me through the divorce.

It took a number of years for me to get my bearings again. Once I did, I found myself growing in many areas both in my profession and, most importantly, in my

essence—my soul. This growth began with a recovery of self-confidence. It continued with a growing trust in my Creator and self-knowledge.

Eventually, the possibility of finding a new husband became enticing and I started investigating ways of meeting appropriate men. It took a bit of effort both to reach that point and then to find my dear husband Rafe. It was more than worth it.

The wonderful, fulfilling life I lead now began with that painful and unwanted divorce. Once again, God knew infinitely better than I did what would help me grow and flourish.