

The Eternal Guidance

Series

3D'S

THAT DESTROYS THE PEACE IN FAMILY LIFE

DESERTION, DIVORCE & DOWRY

CURSE OF UNISLAMIC PRACTICES INTRODUCED INTO ISLAM.

HOW DID IT ENTER ISLAM? WHAT IS THE SOLUTION

Dr THAHIRA IQBAL Imama

WHAT THIS BOOK HOLDS?

- ⤴ What is Taqlid and Ijtihad?
- ⤴ How did all the UnIslamic practices come into Islam?
- ⤴ 1 D: Desertion due to Polygyny
- ⤴ Why has Islam allowed Polygyny?
- ⤴ Does world abhor Polygyny?
- ⤴ Muhamad (ﷺ) and Polygyny.
- ⤴ Polygyny in other religions
- ⤴ 2 D. Desertion due to Triple Talaq
- ⤴ Divorce in other religions
- ⤴ Superiority of Islamic laws
- ⤴ Why does man have final say in divorce?
- ⤴ When is Divorce allowed?
- ⤴ 3 D. Dowry; the curse of this unIslamic practice.
- ⤴ What is the best way to marry?
- ⤴ The need of the hour is to educate the Ummah the true face of Islam

3 "D" s

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By

Dr Thahira Iqbal DHMS/ BAIS/ MAIS

IQBAL PUBLICATIONS CHENNAI

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Dr Thahira Iqbal DHMS / BAIS / MAIS

Please send your reviews to:

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BOOK REVIEW: FROM MANY OF MY READERS IN THE BOOK CLUB:

1. The book titled "The 3 D's that Destroy the Eternal Guidance to Peace" is yet another treasure, carefully designed, polished, and preserved by our very own Sr. Thahira Iqbal. The 124-page book is dedicated to answering almost all the questions regarding marriage and its laws as prescribed by the Qur'an and Sunnah. It focuses on Desertion through polygyny, Divorce, and Dowry (as practiced in the Indian culture) as the main Issues that destroy the peace in marriage. The author discusses these issues in clear and concise language, drawing on the Qur'an and Sunnah. She enjoys a systematic approach to tackling each sub-topic with relevant and relatable examples where necessary. The book promises to be both enlightening and rewarding as it deals with issues that concern every Muslim woman. Its simple and clear language makes it enjoyable to read and comprehend.
- 2) Masha Allah, I believe many are really enjoying reading the book and learning a lot from it to the extent of exceeding the pages proposed to be read. We really appreciate the lessons you are sharing on the page, alhamdulillah. We are indeed benefiting from it. May Allah accept from the author as Sadaqah Jariyah, reward her immensely, and make it weigh heavily on her scales of good deeds, Ameen.
- 3) Masha Allah, this book is indeed very beneficial. Learned a lot about it. Jazaakillah khairan, sister @ Thahira. May Allah grant you. Jannah Firdaus. Ameen. May Allah reward all the motivators who sacrifice their time and effort in guiding and giving us lessons. Ameen
- 4) I loved the writer's approach to the topic: Finding the root causes of the most dreadful problems of the ummah. I am glad we took this book for reading. The chapter on Taqlid was especially well summarised. I thoroughly loved it. Barak Allahu Feeki.
- 5) Kudos to you, Sister, for writing on this matter; indeed, it is heavy and very confusing matter (for people in the subcontinent, especially). Jazaakillah fee ilm'k wa'ama'lik♥
- 6) Polygyny helps eradicate the objectification of women ~ The laws of Allah are a wonder, many years down the line, countless generations after, and they are effective

still. Subhan Allah.

7) Marriage should not be narrowly perceived as merely a transactional contractual obligation or a business agreement that can be taken lightly, but rather chiefly as a commitment, a pledge, a word of honor, a vow to uphold the bonds of marriage as a solemn covenant not to be broken at will but to be preserved and cherished as per the teachings of Qur'an and Sunnah. To further emphasize, Dr Iqbal also quoted the Ayas. Marriage is a strong covenant and not just a civil contract that can be broken at will." (4:21) Further, she cements the idea that Allah orders us not to break a covenant when we make it in the ayah "Do not betray confidence" (Qur'an 66:3)

8) Yes, I agree with the author: where in desertion through polygyny, a man marries more than one wife and forsakes the former wife, leaving her stranded, abandoned, and never attended to. Whereas desertion through divorce involves the proper procedure of terminating a marriage through the issuance of divorce (Talaq) upon valid reasons by the husband or when a wife seeks khula, which is becoming predominant in today's society. The author also stresses that divorce should not be given in whim and fancy to marry young, beautiful, or rich women or due to lewd desires, but should be in line with the Shariah.

SURA AL-FATIHA

**“IN THE NAME OF ALLAH [GOD], THE MOST
BENEFICENT AND MERCIFUL.**

**ALL PRAISE IS DUE TO ALLAH, THE LORD OF THE UNIVERSE,
THE BENEFICENT, THE MERCIFUL, YOU ALONE WE WORSHIP,
TO YOU ALONE WE ASK FOR HELP,
GUIDE US THROUGH THE RIGHT PATH,**

THE PATH OF THOSE WHO HAVE EARNED YOUR PLEASURE.

NOT THOSE WHO HAVE EARNED YOUR ANGER,

NOR THOSE WHO WENT ASTRAY

WE ASK FOR GUIDANCE AND ALLAH COMMANDS:

OBEY ALLAH AND OBEY THE MESSENGER (MUHAMMAD ﷺ),

AND THOSE OF YOU WHO ARE IN AUTHORITY.

IF YOU DIFFER IN ANYTHING AMONGST YOURSELVES,

REFER TO ALLAH AND HIS MESSENGER ﷺ,

(HIS AUTHENTIC SUNNAH, WHICH DOES NOT GO AGAINST THE QURAN)

IF YOU BELIEVE IN ALLAH AND THE LAST DAY.

THAT IS MORE SUITABLE FOR FINAL DETERMINATION.”-

(QURAN 4: 59)

Poetry

THE MARRIAGE BOND.

I HOPE THE YOUNG PEOPLE AMONG US WILL REALIZE

THAT LIFE IS NOT JUST A GAME OF DICE,

MARRIAGE IS A SOLEMN COVENANT AND PACT,

NOT JUST A BUSINESS CONTRACT.

IT SHOULD **NOT** BE BROKEN AT WILL

JUST BECAUSE THEY FEEL DOWNHILL.

TO BREAK IT WITHOUT A VALID REASON

IS THE MOST HATEFUL ACT.

HENCE, TO PRESERVE IT, ONE MUST USE A LOT OF TACT.

THE WORLD TODAY FORGETS THAT THE BASIS

FOR THE MARRIAGE BOND IS TRUST, LOVE, AND JUSTICE.

SO THAT THEY MAY KNOW THAT LIFE HAS SOME SERIOUS MEANING,

CHILDREN SHOULD BE BROUGHT UP WITH THIS MORAL TRAINING.

SO THAT THEIR MARRIED LIFE DOES NOT BECOME STRAINED,

THE FEAR OF ALLAH SHOULD BE, IN THEIR HEARTS, ENGRAINED.

THIS WILL HELP THEM AVOID THE **3 "D" S**

AND NOT LIVE LIFE AS THEY SEE IN VIDEOS AND **CDS**

ALLAH ALONE CAN GIVE US TRANQUILITY AND PEACE,

HENCE, WE MUST ALWAYS BEWARE THAT HIS GRACE DOES NOT CEASE.

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About the author:

The Author, Dr. Thahira Iqbal (a retired medical Practitioner), has been a mute witness all her life to the injustice meted out to Muslim women and the wrong concepts some hold in the name of Islam.

She realized that the difference between Islam and other religions is clearly stated in the Quran, and that it is the perfect Law book, which contains all the answers, including ways for a peaceful life in this world. She has been doing extensive study and research for the past numerous years about the Quran and Sunnah of the Prophet ﷺ, what it really tells us:

Is it just a book with only morals, which lead you to Heaven, or does it have any relevance to the way of life here in this world?

She found that it has an answer to all the problems in this worldly life, if one follows it diligently.

The series of books she has written under the title 'Eternal Guidance' is the result of all that she has found in the Quran and the life of our dear Prophet ﷺ, which will help man attain the Grace of Allah as well as the peace that he surely lacks in this world.

She is also a student of IOU, Qatar University, and was able to grasp a significant amount of knowledge from her BA and MA Islamic studies, a four-year course (comprising 8 semesters each), which she recently completed at the age of 72.

INTRODUCTION:

After I wrote the Book "Eternal Guidance to Peace," which deals with how one could attain peace in family life, by following the do's and don'ts, which Islam has shown us through the Quran and the way of life of our Prophet Muhammad (ﷺ), (This book ran into more than 350 pages.) I felt the need to concentrate on how family life was being destroyed by many un-Islamic practices that have penetrated Islam through unscrupulous people.

Today, the Indian Government has taken upon itself to change the Divine Shari'ah Law, which is the heart and soul of Islam, according to their whims and fancies, thinking they are doing good for society.

However, we can easily decipher how man-made laws will bring in only more ruin to the family, as I have mentioned in my main Book – 'ETERNAL GUIDANCE TO PEACE.'

Through my studies of BAIS and MAIS from the Islamic Online University (IOU), I learnt (through Research) many matters of how all these discrepancies have come about. I have taken excerpts from my main book, dealing with the subject, and also explained how best to solve these wrong actions, which our ignorant Ummah has been following, thinking that it is in Islam.

We come across many actions among some Muslims which is not at all according to the tenets of Islam. As a result, we find a lot of confusion and injustice taking place in our Society. And, we find that the non-Muslims point out these discrepancies to degrade Islam. All this is because we ourselves do not know the true and just Laws that Allah has ordained for us, and blindly accept whatever is handed down to us as the correct way.

Even though we find these injustices in other religions, they are right in asking, 'When you say that Islam is the just and correct religion, why is so much injustice done to women?'

Hence, it is our bounden duty to ourselves to know and then implement our law with justice and firmness, so that we can show others that Islam is the Best.

I hope this venture of mine will help the common Muslims to know the truth about Islam and be able to be firm in implementing the correct way of life that Islam has shown to us, regarding family laws, instead of going after our desires in the hope of gaining pleasure without knowing how harmful it is to us in the long run. Gaining the pleasure of Allah is the goal that a Muslim has to seek. And the Quran and Sunnah show us how to do it.

Marriage in Islam is encouraged for those who have reached the age of physical and psycho logical maturity. It should not be unnecessarily delayed if a suitable partner and the means to establish a family are available. Divorced people, widows, and widowers are also encouraged to remarry. *Religious* celibacy is strongly discouraged. Therefore, although *marriage* is not a compulsory duty for all people under all circumstances, and due allowance is made for those who do not have the capacity for marriage for one reason or another, the emphasis is nevertheless strongly in favour of marriage as the normal adult status.

The reason for this is so that man does not stray and indulge in shameful activities, as we find happening today, all around us.

If a man is aroused by what he sees, he needs only to approach his wife to de-stress himself. This is the safest way to retain his well-being and protect him from diseases. The weak and vulnerable can remain safe from those who are righteous and are ready to obey Allah's injunctions.

That is why when a man approaches his wife, she should reciprocate and oblige him to please his wishes. She is not his slave, but a partner in his life, and should help him tide him over his arousals and save him from going astray.

Allah ordains men to be kind and just to their women, and women to be devout and obedient to their husbands. When such obligations are fulfilled, it will bring the peace and tranquility that Allah has ordained for them.

Today, when a man approaches his wife frequently, the women raise their flag that it is marital Rape. That is not so. If she is not always able to cope with his sexual overtures, then it is better to let him marry another to satisfy his sexual feelings rather than him searching for fulfilment. Our Prophet ﷺ said, 'When a man invites his wife to his bed, and she does not come (unless she is very ill) and he (the husband) spends the night being angry with her, the angels curse her until morning.' Narrated by Huraira: Sunnah.com: Sahih Muslim 1436d

TAQLID: BLIND FOLLOWING:

Before going to the subject of Polygamy and divorce, I would like to present the following from what I learnt in my Fiqh 101 lessons of BAIS.
Alhamdulillah, Fiqh was my Favorite subject.

Before pursuing the subject of the 3“D” s, I feel it essential to point out that the condition of Islam has been deteriorating and being humiliated, just because man, in his greed, has been following interpolated matters in civil Laws, thinking it is in Islam.

We forget that Allah has declared that if we ‘blindly’ follow the rulings, supposedly written by the learned ones without proper verification, it is equivalent to worshipping them, just like the Jews and Christians did. – (Sura Taubah---9: 31 Quran)

When Mohammad ﷺ recited: “They took their Rabbis and Monks to be their lords besides Allah--” Adi bin Hatim, who was a revert from Christianity, said: ‘O Allah’s Messenger! They do not worship them.’ Mohammad ﷺ replied, ‘They certainly do. The Rabbis and Monks made things lawful as unlawful, and unlawful things as lawful, and they followed them. By doing so, they really worshipped them.’¹

This shows that only Allah has the right to make Laws, and if anyone tries to change the Laws or do something they think is right, which Allah has declared wrong, they are committing shirk, because they are setting partners with Allah, by considering them equal to HIM in law-making.

In Islamic legal terminology, ‘Taqlid’ means blindly following the rulings and decisions of a religious expert without examining if it is based on any authentic proof from the Quran and Sunnah, thinking they (the scholars) are infallible and will never be wrong. This has led to adhering to the verdict of the scholars of Fiqh without verifying the truth. People stick to their respective classical schools and reject all other schools of thought as either false or having conflicting ideas, and, hence, cannot be followed.

On the other hand, the very Imams and Hadith compilers, like all the 4 Imams and

¹ Narrated by Ahmed, At-Tirimidhi, and Ibn Jarir /
Tafseer Al Tabari, Vol. 10, Page No. 114 - Source: Noble Quran footnotes)

compilers like Bukhari, Muslim, and others (may the Mercy of Allah be on them), were not rigid in their opinions.

They admitted Ijtihad (consultation) to change the rulings they have made, if anything conflicts with the laws of Allah and HIS Messenger, or any more authentic rulings to prove their rulings false are found.

This they said because, they feared Allah's punishment, if they rule something against the laws of Allah: "Verily, those who conceal the clear proofs, evidences, and the guidance, which WE have sent down, after WE have made clear for the people in the Book, they are the ones cursed by Allah and Cursed by the cursers (those who followed them will curse them)"

And Allah orders us not to obey even our parents if they direct us to do something doubtful. All the former generation went astray just because they blindly followed their parents or their leaders without verifying. –

"When it is said to them: Come to what Allah has revealed --- they say, enough for us is what we found our fathers following, even though their fathers did not know whatsoever, and had no guidance" - (AlQuran: 5: 104)

As far as a Muslim is concerned, no one can reject the fact that the Quran and Sunnah pertaining to it are our guiding line.

NOTHING CAN TAKE THE PRECEDENCE OF THE QURAN. –Ibn Khathir

Allah says that the people of the Book, who were the chosen people by Allah, did not divide, but only after the clear guidance had come to them. --- (Quran 10:92) Therefore, it is very important to check whether the Hadith and all that our Madhhab tells us is authentic or not.

THERE CAN BE NO MADHAB GREATER THAN THAT OF THE PROPHET (ﷺ)

Hence, if we still hold on to the words of scholars (whose words may have been interpolated by false Maulvis) without verifying them from the Quran and the life of our dear Prophet's way of life, then we are committing shirk.

HOW DID FALSE LAWS ENTER ISLAM?

Through my studies of BAIS, I gathered a lot of information about how we are informed that many kings after the reign of the 4 Righteous caliphs were unscrupulous and insisted on making the law compliant with their corrupted ideology.

In the subject of the History of Islam, Dr Bilal Philip (referring to the “History of Islam” by Akbar Shah Najebabadi), gives a vivid explanation of all the happenings that took place during the Umayyads and Abbasids.

Although many Sahih Hadith and Shariah were studied and taught by the Imams, such as Malik ibn Anas 93-179 A.H. / Abu Haneefa (150 A.H.) / Ash-Shafi’i (150- 204 A.H.), / and Ahmed Hambal (164- 241 A.H.), it could have been interpolated by their followers. The authentic narrations of the Prophet ﷺ were preserved through the efforts of Imam Bukhari, Muslim, Ibn Khathir, etc. (May peace and Mercy of Allah be on all of them)

One cannot deny that these false Fatwas entered into the laws, in matters where these unscrupulous Caliphs drafted. We find that one of the few truly righteous Umayyad Caliphs, Umar bin Abdul Aziz (ral), ² even decided to formulate a code of law in accordance with the people of Al Medina from the Sahaaba and Tabi’oon. He declared that these Fataawa were to be followed by all Qazis without question, in their decision-making. However, we find that it could not be coded, because he (was poisoned) passed away before this code was formulated.

I also found in the teachings of “Evolution of Fiqh (Islamic laws and Madhabs)” that “the development of Fiqh in the period of the great Imams and their major students (750- 801 CE), was affected by many political factors. The Umayyad caliphs changed the rule of Caliphs into kingship and adopted the Bayt-ul-mal into their personal property. Taxes were introduced, and musicians, dancers, and astrologers were introduced in the court of the Caliph for their amusement.

As a result, the true scholars (Ulema) avoided the court, and the principle of Shoora (consultation) was lost. Dictatorial government took the place of the caliphate, and some of the caliphs tried to manipulate the Fiqh rulings in order to justify their deviations. Later on, the Abbasid caliphs, who had promised to bring back the Caliphate based on Shari’ah

² Please note the dates. They were all of nearly the same era and students of one another.

and its legitimate interpretation, took pride in sending their children to the true Imams, and they themselves became scholars in their own right.³

Caliph al-Mansoor of the Abbasids commissioned Imam Malik to compile an authoritative book of the Sunnah Prophet ﷺ. However, when the Caliph wanted to make it a binding law for all Muslims. Imam Malik refused, citing that he had recorded only what was available in Hijaz, his hometown. He felt that no single Madhhab should be binding on all Muslims because there were many more to be availed from those who had travelled away from Medina.

We find that all the major Imams had the same view. ⁴They only debated (did Ijtihad) among themselves, to flush out the differences found in their rulings, and never were rigid in their Stance. *They declared that if anything was found in their Fatwas that contradicted the Quran and authentic Sunnah, it was to be rejected.*

However, although they were given great freedom of opinion by the Caliphs, they were also subjected to severe punishment by some of them if their rulings ran counter to their political policy. When the Caliphs wanted them to issue Fatawa according to their whims, these Imams stood firm in their stance and refused to oblige.

As a result, they had to face torture and humiliation and even a Jail sentence. E.g.:

- **Imam Sufiyan at-Thawri** (719-777 CE) was requested by the Abbasid Caliph al-Mansoor to accept the post of Qadi of Kufah *on condition that he would not make a judgment or ruling in opposition to the state policy.* Sufiyan tore the letter and threw it into the Tigris. He had to flee into hiding till his death because of this.

- **Abu Haneefa** (who was considered a minor Tabi'oon – the second generation of the Sahaba), was tortured and imprisoned till death in 767 CE by the Abbasid caliph Mansoor, because he refused a royal appointment, tortured and whipped for not accepting the post of chief Qadi. This was because he knew that if he accepted, he might have to give Fatwas compliant to the Umayyad and Abbasid Caliphs of his time. (His chief student, Abu Yusuf, however, became the chief Qadi during Haroon-al-Rasheed later on.)

- **Imam Malik** was jailed, beaten, and tortured for giving a Fatwa against an official policy

³ Revolution of Fiqh (Islamic law and the Madhhabs. By Dr. Abu Ameenah Bilal Philips. International Islamic Publishing House, King Fahd National Library, pg. 87- 106.

⁴ Zahra, Muhammad Abu, The four Imams, Premier Publication Co., Aligarh.

of the Abbasid Caliph. According to this policy, the people were made to swear that if they broke their oath of allegiance to the caliphs, they would automatically be divorced from their wives. *However, Imam Malik declared that a divorce under compulsion was null and void!* He was severely beaten by the Ameer of Madinah. His hands were tied and beaten until his arms became severely damaged to such a degree that he became unable to clasp them on his chest in Salah, and he had to pray with his hands on his sides.

- As for Ahmed ibn Hambal Rahimahullah;

Quote: 'The charismatic personality of al-Mamoon (Abbasid Caliph), and the glamour of his court, seems to have secured the conversion of many Muslim theologians to his views. He tried to change and introduce the Mutazilites' law, which was a heretic belief.

'Even such great traditionists as Yuliya ibn Ma'in and 'Ali ibn al-Madini sought refuge behind the thin veil of taqiyya (dissimulation). It was Ahmad ibn Hanbal who, at this critical juncture, proved himself the savior of Orthodoxy and the Islamic principle of the freedom of faith and conscience.

He refused to submit to the dictates of the caliph, attempted to show the fallacies in the reasoning of his adversaries in the public debates, and refused to be impressed by their threats of force, patiently enduring their persecutions. He was kept in a cell for eighteen months; he was whipped by a team of executioners, his wrist was broken, he was badly wounded, and he lost consciousness.'

*With Allah's Grace, they were staunch in their stand for truth and did not budge. [That is why the true Shari'ah could be preserved.] Yet, two immediate successors of al-Mamoon, al-Mu'tasim and al-Waathiq, carried out this policy with such fierceness, and did not hesitate to use torture and incarceration to persuade the Muslim scholars to accept that the Mutazilites' system, which they claimed was the correct way of Islam.'*⁵

'The true scholars fled the country, and since the state had stopped unofficially to rely on the authentic Sunnah of the Prophet ﷺ, the scholars had to search for Hadith to make their legal Judgment. False sayings and actions began to be attributed to the Prophet

7. 'The Fundamental Studies of Hadeeth' by Dr. Abu Ameenah Bilal Philips, p. 68. 68. Maulana Ahmad 'Usmani and Women's Rights in The Qur'an, Women, and Modern Society, Asghar Ali Engineer, Select Books, India, 199; date: 28-01-2018.

and Umar, ral. (pg.66). To make their version seem authentic, they mixed true Hadith with fabricated ones. Hence, it became an uphill task for the Imams to decipher the true Hadith and record it.' ---unquote

(From all this, we can easily understand that this need not have been the stand of those with less willpower. Many scholars were coerced into issuing Fatwas against their liking, in rulings of matters regarding Marriage and Divorce. Allah Knows Best.)

- Maulana Umar Ahmad **falsely** refers to Haykel's book to explain how Triple Talaq was allowed in one sitting. Muhammad Haykel is said to have claimed that when the Arabs conquered Iraq, Syria, Egypt, etc., the women prisoners from these regions were brought to Mecca and Medina. These women were being attractive and charming; the Arabs were captivated by their beauty and wanted to marry them. However, these women insisted that the men give irreconcilable divorces to their former wives. To satisfy them, the men would pronounce triple divorce and pretend they had divorced their wives permanently. And that Umar ral was constrained (?) to enforce triple divorce despite the Qur'anic injunction against it.

However, this version is clearly false. We know that Umar ral was the pillar of strength in maintaining all the laws of Shari'ah strictly. It was the strict rule of Umar [ral] that, in fact, strengthened the Rule of Islam in the Middle East. Those who violated the law were punished for their deeds.

- *The Quran declares that marrying more than 4 or replacing one for the other, for beauty or Lewdness, is prohibited in Islam. Man may not divorce his wife, to marry another, is made clear in Surah Ahzab, 33:52, where Allah orders the Prophet ﷺ (and his Ummah), "not to marry anymore nor replace one for another, even though their beauty attracts you."*

- *Moreover, those who were brought as POW were allowed to be owned (as those whom your right hand possesses) by those who fought the Jihad, as their share of the booty. Then, where was the necessity for divorcing the former wives?*

The above version proves how some of the Umayyad and Abbasids tried to justify their wrong deeds. Thus, the sinful Fatwa of triple Talaq, said to be given by Umar ral, could very well have been introduced by them, to suit their desires.

We find many kings and aristocrats, as a result, misusing the Shari'ah and marrying at will and divorcing them to maintain the number to four, when they found more beautiful women to possess. (They falsely attributed it to Umar ral, to have allowed this!) while this

was the culture of the pre-Islamic era. Therefore, the ministers of those kings and princes were proud to marry those women divorced by them. Hence, it did not seem to be a problem for them! They never paused to check whether what they were doing was really as per the injunctions of the Quran. This practice continued till recently.

- As for divorce, the practice of giving Triple Talaq in one sitting and throwing out the wife continues. Although it is considered a sin, the Ulema claim that once pronounced, it is irrevocable and hence final.

- If the couple wanted to reconcile, the Ulema insist on Halaala, even though all this has many procedures and conditions, according to the true Shari'ah.

'According to the Hanafi Madhab, when triple divorce in one sitting is pronounced, the wife becomes totally alienated from the husband, and he cannot remarry her even if he repents. She becomes haram (totally prohibited) for him. Neither can he take her back, nor can he go for a fresh Nikah with her. He can go for Nikah with her, only after she marries another (Halaala) and gets divorced...'⁶

Whatever was written as Hanafi law was dictated by his students, who recorded it. One of them was Imam Abu Yusuf (mentioned earlier), who later became the chief justice in the caliphate of Harun al-Rasheed. And, we know that Imam Haneefa himself refused that post, in fear of misappropriating Justice.

Many from the other madhabs considered it a sin. Though they did not refute that one should not misuse the words "divorce" and should not utter it at one go in anger, it cannot be binding in all cases.

We find that the Hanafi Madhab was propagated far and wide because Abu Yusuf, in his capacity as chief Qazi, naturally could propagate his Madhab all over the Muslim realm.

However, thanks to Allah, it could not be codified, even when the Ottomans attempted to do it. This was because they insisted on Hanafi law to become Islamic law, where the other Madhabs, like Shaafi and Maliki, and Hambali, did not agree to this.

FOR THIS REASON, A CONCRETE FORMAT COULD NOT BE CODIFIED AND WAS LEFT HANGING.

This is the reason for so many differences of opinion and debates, while all that one has to do is, as Allah has declared in Surah an-Nisa, 4:59, to turn back to the Quran when any difference of opinion arises.

⁶ < www.irfi.org/articles/articles_151_200/triple_talaq.htm >

- When we look into the authentic Hadith, we know that the Prophet ﷺ got angry when he came to know that Abdullah ibn Umar *ral*, divorced his wife during her menses, and ordered him to take her back. and keep her till she cleans herself from her menses, and then wait till she gets her next menses and she becomes clean again, whereupon, if he wishes, he can divorce her if he had not reconciled with her.'—⁷ ⁸ He also advised Rukanah (an As'haabi), who had uttered Talaq to his wife 3 times in one sitting and repented later, to consider it as only one Talaq and take her back. ⁸
- As mentioned earlier, Umar *ral* never did anything that went against the Quran and the Sunnah of the Prophet ﷺ, and our Prophet ﷺ never did anything against the injunctions of the Quran. ⁹
- "However, it is obligatory to carry out punishments for sins, for which there is neither prescribed punishment nor expiation." **This is called Ta'zir.** (Ta'zir means a sentence or punishment, whose crime is not fixed by the Shari'ah. ¹⁰
- Hence, we can be sure that Umar *ral* only used Ta'zir when he punished those who divorced their wives in one sitting, by flogging and humiliating them. Even his own son was not spared! If only our Ulema paid heed to this fact. ¹¹
- During the time of Umar *ral*, he ordered to scourge the husband who had relations with his wife's slave with her permission. This is because in Islam, one cannot share or have sexual relations with the slave of another person. No Prescribed punishment is present for this. Yet, it is Fahisha, and it has to be deterred. --- ¹²
- Thus, we find that Umar *ral*. never allowed even slaves to be misused. Then how can he be blamed for all the misdemeanors that happened later?
- This also proves that it is irrefutable, that it is a must to pronounce

⁷ 100 Sahih Bukhari, Vol. 7, H. No. 178- source - Footnote- Noble Quran – for 65: 1

⁸ Islamic Research Foundation International, Inc. [http](http://www.ira.org), from Musnad Ahmad ibn Hanbal

⁹ 12Pg. 435 - Summary of Islamic Jurisprudence, text on Fiqh by Imam Dr. Anwar Saleh Fawza'n

¹⁰ The Concept of Ta'zir in Islamic Criminal Law - Sunni forum.

¹¹ Ibn Taymia's Majmoo al Fatwa: 28 /344-

¹² Source: Summary of Islamic jurisprudence, by Saleh al Fawza'n: Pg. 617

punishments for disobeying Allah and HIS Messenger ﷺ, when they commit such atrocities.

Why is this point not mentioned when they claim the false Fatwah of Umar al.?

Where is the Justice that Allah and HIS Messenger ﷺ had ordained in the Quran?
Are we not committing shirk by obeying the Ulema blindly (worshipping them as mentioned above), just as the Jews and Christians did by obeying their monks and Rabbis? -- (Quran 9:31)

Beware, we will carry the sin of misguiding others, just as we will earn reward for those we guide, for Allah warns: BEWARE: "They will be made to carry their loads and other loads besides their own, and verily they shall be questioned on the Day of Resurrection about that which they fabricated" -- (Sura al-Ankabut, 29: 13) i.e., they will also carry the sin of misguiding others just as they will earn reward for those they guide.

Thanks to Allah, the true Shari'ah was preserved by the true Imams such as Bukhari, Muslim, Ibn Khathir, etc., who managed to keep it uncorrupted and out of reach of the unscrupulous kings of the Umayyad and Abbasids. As a result, we can refer to those that are considered authentic by the consensus of the majority of scholars.

Even here, if any doubt arises, all one has to do is refer to the Quran, which is uncorrupted. It is this reference that has kept Islamic Fiqh alive, and is more beloved to a Muslim than his life. None can be allowed to tamper with it.

Moreover, we have realised that no man-made law can give the justice that Allahu Ta'ala has prescribed in the Quran.

1. WHAT IS POLYGAMY?

It has been brought to my attention that the word Polygamy means one having more than one spouse. I.e. a male having more wives or a female having more husbands! Please note that:
The term for a man having many wives is called Polygyny
And a woman having many husbands is called Polyandry.

WHAT EXACTLY IS POLYGAMY, AND IS IT UNJUST FOR WOMEN?

OUR DEEN, DR. ANWAR SAHIB SAID:

- “It is well known that marriage is a union between the husband and his wife to live together in kindness, build up a new family, and bring up a new generation.”
- And Allah says: And of HIS signs is that HE created you from yourselves mates that you may find tranquility in them; and HE placed between you, affection, and mercy.” – (Al-Quran 30: 21)
- “...and they have taken from you a solemn covenant.” (Al-Quran 4:21). Therefore, marriage is not just a contract that can be broken at will, without any consideration for both parties. It is a binding contract obligating each spouse to observe the other’s right dutifully.
- “O you who have believed, fulfil [all] contracts...” (Al-Quran 5:1)
- “Divorce is twice – (Al-Quran 2:22)
- “O Prophet, when you (Muslims) divorce women, divorce them for the (commencement of) the waiting period”- (Al-Quran 65:1)
- “It is not for a believer, man, or woman, when Allah and HIS Messenger have decreed a matter that they should have any option in their decision. And whoever disobeys Allah and HIS Messenger, he has indeed strayed in plain error” – (Al-Quran 33: 36)
- When the marriage contract is made, the intention should be for life and not temporary; to be broken at the whims or fancies of man/woman, unless they find their spouse persistently hindering them from following the path of Allah.

2. POLYGYNY

One of the most controversial aspects of Islam is Polygyny, the subject of unlimited criticism. We Muslims are not able to explain, properly, the justice behind this law, because we ourselves do not know!

And the Ulema were in no mood to bring out the true concept and reason behind this seemingly unfair Law!! As a result, we find men marrying as they wish and abandoning their former wives without a prick in their conscience!!

THIS IS NOT AT ALL IN ISLAM!!

Polygyny is a very ancient practice in many human societies. As mentioned, the early rulers of India (non-Muslims), too, were proud to own a huge harem, which was passed on to their heirs after their death, like their other possessions!!

- There is no mention of Polygyny in ***the Bible***, while the Jews considered it legal.

According to them:

- King Solomon is said to have had 300 concubines--- (I Kings, 11:3)!!
- King David also had many wives and concubines— (Samuel: 5:13)

(Many vulgar stories are circulating about their behavior towards their wives, even in books supposed to be written by Muslim Imams, which may have been copied from the books of the Jews!)

- **JEWS** practised Polygyny till the 16th century! When Israel was formed in 1947, this practice was banned under civil law. But the religion permits it!
- **CHRISTIANS**. Similarly, the Church in Rome banned Polygyny and prescribed only one legal wife. But having concubines and prostitution continues!!
- **HINDUISM** allowed Polygyny till the 20th century, when it was banned in 1959 by the Indian Government. Again, having concubines or going to prostitutes was overlooked!!!
- **ISLAM**: While in all other religious books, woman was demeaned and considered as a commodity, we find that more than 1450 years ago, Islam elevated the status of women!!

Many verses of the Quran state how women should be treated.

- Before the advent of Islam, as already mentioned, men in Arabia married many women and maintained a Harem for the fulfilment of their carnal desires. They married

at will and divorced at will, considering them as less than human and fit for sexual pleasure, increasing the progeny. ¹³

But a single order from their LORD changed the whole scenario!!

The order to ‘marry at the most four and only ONE if you cannot do justice’ brought women more honour and security than ever was!

- And Allah Declares, “Men are the protectors and maintainers of women, because Allah has made one of them to excel over the other (in strength) and because they spend (to support them) from their means. [Al-Quran 4: 34]

- “You should not treat them with harshness, that you may take away part of the dower, which you have given them, except where they have been guilty of open lewdness. On the contrary, live with them on a footing of kindness and equity. If you take a dislike to them, it may be that you dislike a thing, and Allah brings about through it a great deal of good”– (Al-Quran 4: 19)

- The above verses show that Man has to maintain his wife with justice and kindness, and his wife should be devout and ready to oblige and help him.

- Allah declares that all human beings will receive the reward for their piety and good deeds, whether man or woman.

¹³ Please refer to the main Book ‘ETERNAL GUIDANCE TO PEACE’

First 'D' - DESERTION

1. DESERTING THEM OR MARRYING ANOTHER SECRETLY IS FORBIDDEN IN ISLAM

“Chaste women are made lawful to you, of the believers (and the People of the book), provided you give them their Dower” ... *“desiring Chastity and not committing Illegal sex nor take them as girlfriends”* (and give them their moral status by taking them in legal wedlock). — Al-Quran, 5:5

It means one should not go after beautiful girls/boys just for sexual attraction, leaving their spouses stranded.

- “O! Those who believe! You marry those among you who are single (i.e., a man who has no wife and the woman who has no husband)

OR, the righteous servants (slaves)- male or female, if they are poor, Allah will enrich them out of His bounty.’ (Quran 24; 32)

- Many of the Companions of Mohamed had only one wife, and

- Allah created only one wife for Adam (AS)!

Thus, in normal circumstances, men/women are **asked to marry only unmarried** chaste women/men. Marrying for riches and beauty is not encouraged.

- A woman should not seek to marry a man who is already married, just for lewdness or sex, thus ruining the life of his former wife!

- Our Prophet ﷺ has warned that ‘if a woman tries to breakup a family, she will not even get the smell of Heaven!’ And ‘NONE should ask the hand of already engaged girl (or boy)’-¹⁵

➤ “And if you fear that you may not be able to deal justly with the orphan girls, “marry (other) women of your choice, 2 or 3, or 4, but if you fear that you shall not be able to deal justly with them, then -- marry—

ONE ‘OR’ THAT YOUR RIGHT HANDS POSSESS!!!!” --- (AL-QURAN 4:3)

THEREFORE, MARRYING ONE IS THE RULE AND MARRYING MORE IS ONLY AN EXCEPTION.

- Ibn Khathir explains in his Tafseer: ‘If a man is not able to do justice regarding the

guardianship and resources of the orphans — (i.e. if there is fear of misappropriating their wealth and leave them stranded or misusing your authority by forcing her into marrying you) *then rather marry other women of your choice from among war widows or slaves etc.; this is more just for you.*”

- Thus, Lewdness or lust is not the criterion for marrying more than one, in Islam. One who believes in Allah will not dare to run after Fahisha!

➤ Marriage is a strong covenant and not just a civil contract that can be broken at will. (Quran 4:21) And Allah orders us not to break a covenant when we make it. –

“Do not betray confidence” --- (Al-Quran 66:3)

- Wrong or illegal relationship OR desertion was forbidden.

- Yet, the reason for many desertions and injustices we find among Muslims is that we have not been following the correct injunctions shown in the Quran!

➤ The second marriage should be done openly, not secretly:

He should announce openly and take in another wife openly, NOT SECRETLY. This is because if he marries secretly, it is a betrayal of trust (a trait of a Hypocrite), which she had reposed in him. (Al-Quran 2: 177)

Our Prophet ﷺ himself forbade his son-in-law Ali (ral) to marry the daughter of Abu Lahab, without first divorcing his daughter Fathima (ral): “I don’t give permission, and will not permit unless Ali bin Abu Talib divorces my daughter to marry their daughter. Because I hate what she hates to see, and what hurts her hurts me.” ¹⁴

This Hadith proves that

· When a man intends to take in another, he should make it public and do so with the knowledge of the Jamaat!! ¹⁵

· Her former wife or her father can oppose him if he marries another.

· She can even claim Divorce if she does not like him to marry another. —¹⁶

Do other religions have such freedom? The utmost they can do is get divorced when they come to know of the amorous behavior of their husbands, which they have been doing for many years without their knowledge.

¹⁴ Sahih Bukhari --5230//5278

¹⁵ (At-Tirimidhi (1090) 13/3981 and ibn Majah (1895) 12/4361.) – Source Jurisprudence pg. 406

¹⁶ Sahih Bukhari: 5230

2. WHY HAS ISLAM ALLOWED MARRYING MORE THAN ONE WIFE?

- During war or famine, Men are the ones who die in large numbers. Women are found to be stronger in withstanding diseases than men and are left orphaned and without companionship. It becomes the duty of man to look after her. In such circumstances,

- 1) If he cannot find her a suitable partner, and,
- 2) There is fear of her being thrown out into the streets, and
- 3) If he is *capable of marrying* another, both financially and bodily, it is then that he can marry her.

Quote: 'The immediate occasion of this verse ^(al-Quran 4:3) being revealed was, after the battle of Uhud, when the Muslim community was left with many orphans, widows, and prisoners of war. They should be treated with the greatest humanity and equity.

Though the occasion is past, the principle remains: marry the orphans if you are quite sure that in that way you will protect their interests, and their property with perfect justice to them and to your own dependents if you have any. If not, make other arrangements for the orphans.' – (Tafseer Holy Quran 508)

- Since the nature and sexual feelings of men and women are different, while a woman can manage with one spouse, a man, in 'certain circumstances', cannot do so.

- *For example, if the wife refuses to abide by his natural urges constantly, there is a fear that he may go astray. There are cases where women prefer to stay away from their husbands and blackmail them.*

- Or, if she has a terminal illness, and he has no other option to safeguard his chastity, it will be too cruel to abandon her to marry another, especially because this is the time she should be shown consideration and love. In such circumstances, if he marries another and follows Allah's injunctions to treat the former wife kindly, he is doing NO sin. (If the wife is incurably sick, a non-Muslim cannot marry another unless he divorces her, which is very cruel.)

- In such cases, a man should inform his wife of his intention beforehand and make her see his frustration. Otherwise, he will be betraying her trust in him, which is a sign of a Hypocrite! ⁻¹⁷

- Another reason he may give is that his wife is not able to bear him a child. This is no real excuse, though. A Righteous couple will accept it as Allah's Will and will not be frustrated. For Allah says in ^{42:50} that, "it is HE Who bestows children, both male and female, on whom HE wills and leaves barren whom HE wills!" (e.g., Zakaria (as) did not marry another because his wife was barren.)

¹⁷ Vol 1, H.No.33 Sahi Bukhari

- Then, if he is capable enough to maintain her as Allah has ordained, it is better that he takes another as his legal wife with her consent and the knowledge of his first wife and gives her honour. Here again, he should not do it secretly but announce his decision publicly!

- "A married man, if divorced or widowed, —it is better to marry a matron (widowed or divorced) than a virgin." ---¹⁸

- Only if he is financially and bodily capable of providing for both does Allah tell us to relax this condition, and allows man to marry more than one!

Yet! There should be no favorites among wives. He has to treat both with the same honour, kindness, and economic upkeep! (If that is not possible, he is asked to fast, to control his senses.)

- If he thinks he cannot be so, then it would be better to marry only ONE. (Al-Quran 4:3)

- 'And the Quran is the only Law Book which commands to marry only ONE, while all other religions were liberal in this matter!!'

- The purpose of the words "marry 4" is to limit the number to "4", while till then, they could marry any number of women.

However, Allah also says, "You will not be able to do justice to more than ONE wife, however much you may try, "And IF you MUST marry another (due to the said conditions), do not incline excessively to one and leave the other like a thing suspended!"

(al-Quran 4:129) That means one should not leave his first wife abandoned and left without care.

Prophet (ﷺ) used to say: Any who show partiality to his wives will get up on the day of resurrection with his hip broken!!---¹⁹

This verse shows that, IN NO WAY, are you justified to either divorce or desert your former wife, just to marry another, and if at all, you marry another, for the above reasons, you should at least see to it that the former wife is not deprived of the essential provisions and kindness due to her!! The Quran commands to limit oneself to ONE wife, out of fear of the possibility of injustice, and to stress the superiority of monogamy to Polygyny! ²⁰

Therefore, Polygyny is allowed only under exceptional circumstances.

If Polygyny were to be banned strictly, the result in such circumstances would leave thousands of women bereft of male support, and not all women are capable of maintaining themselves. Hence, Polygyny is allowed to save them from ignominy and to give them security and satisfy their biological needs. 'Women should be sought in marriage not for lust, but to promote chastity among them.' - Tafseer Holy Quran 538

¹⁸ Sahi Bukhari H.No.5367

¹⁹ Sahih Bukhari -3099

²⁰ Source: 'The Four Imams' by Muhammad Abu Zahra, pg. 142.

3. POLYANDRY

WHY IS A WOMAN NOT ALLOWED TO MARRY SIMULTANEOUSLY, MORE THAN ONE MAN?

We can summarize the reasons for forbidding polyandry:

- Men are more sexually prone than women.
- Science has proved that if a man has relations with his wife only, it can save him from the diseases that promiscuous sexual life brings.
- A man can have relations with more than one wife, provided she is legal to him, while a woman having more than one partner has been proven to bring diseases like Cervical Cancer, AIDS, VD, etc. Even a slave cannot have sexual relations with more than one person (her owner), for this very reason.
- Men can perform their duties at all times, while women have their times of restrictions: Hormonal changes during menses and delivery, when they need rest and care.
- The identification of children: The most vivid explanation is that, if a woman has many husbands, the paternity of the children so born will be a question mark, and he will refuse to take its responsibility!
- Though now there are means to know the father through DNA tests, if it becomes a common phenomenon, it is very difficult, because such tests are very expensive, and do not come easily for the common man.
- Last but not least: The reason may be attributed to nature as ordained by Allah (Subhana hu wa Ta'ala).
- Therefore, Polygyny is not harmful, while polyandry is the cause of destruction! Hence, it is prohibited in Islam.

4. MONOGAMY VS. POLYGyny

It is all very well to say that, in the olden days, people used to treat women as slaves; Allah brought the number to 4 as maximum, to give them more honour and security.

But **Today**, Man is more civilized (???). And, one man for one woman seems more just. Then how can this law be applicable now?

Let us see the true facts as they stand.

At the onset, it may seem that it is a very wonderful arrangement to have one woman for one man, and no woman would like sharing her husband with another.

Therefore, in other religions, we find that there are even laws (man-made), strictly binding the sacred thread of marriage for life, making it illegal for a man to take another wife. But unfortunately, (as already mentioned) we find that these men who cannot marry another, keep concubines or go to other women when they find "their wives indisposed or gone to their home for delivery", to appease their sexual hunger, bringing in shame and illness in its wake.

While, a **'True'** Muslim will, in only extreme compulsion, marry another, because of the responsibilities it brings at its wake, **and**, he will not even think of approaching women just for temporary pleasure, for he knows it to be one of the greatest sins in the sight of Allah--- (Al-Quran 5:5) And, will not even think of going to a whorehouse or have illegal sex connections, for Allah has declared it a GREAT SIN! (Al-Quran 24:3)

a. If at all he decides to marry under the said circumstances, as mentioned above, in Islam, a man who marries more than one, is bound to pay for that family too, making that woman also live a respectable life, and not to be left in the streets, to be hounded and harassed, by the numerous perverted beings roaming the streets in search of easy prey.

b. The children will have the right legal parentage, which is important for their healthy upbringing. While in other religions, the child born out of wedlock cannot claim to be heir to the wealth of his father. They have no such legal sanctity and turn delinquents and perverts.

c. And his household is saved from the various illnesses which would have been the case if he had run after obscenity.

d. A man who lacks an Islamic perspective may have no such inhibitions, and is open to all obscenity, though he may pretend to be faithful to his wife, as the statistics show!! –(Muslims having a second wife is only 4%, while non-Muslims having a second wife (illegal) is 5% -- And there are no Statistics to show how many keep concubines, and go to public houses.)

That is why Allah says in the Quran, “A Believing man is for a Believing woman and a chaste man for a chaste woman” - (The Quran 24:

5. DOES THE WORLD ABHOR POLYGYNY?

Though in India the number of men is greater than women (due to the rampant female infanticide), in most human societies, females outnumber males.

IN THE U.S., THERE ARE AT LEAST EIGHT MILLION MORE WOMEN THAN MEN.

‘Many solutions are put forward to create a balance between them, such as: Celibacy, female infanticide, or sex out of wedlock, homosexuality, etc.;

But the most honorable of all is to allow polygynous marriage, as we find in most African Societies today! ‘Most African brides would prefer married men,

- to ensure that they are responsible husbands,
- So that they may not feel lonely!
- So that they are not being ‘sexually harassed’ daily and will have free time of their own, because they can take turns with their household [conjugal] obligations with their husbands on alternate days or weeks!!!
- So that they can help each other with bringing up the children, when one is indisposed or sick. Even the Protestant church and the Anglican Church in Kenya declared this is ideal and far better than ‘monogamy coupled with extramarital swings’, which will bring diseases and unhappiness in its wake!!

A survey of over 6,000 women in the 15– age group in Nigeria showed that 60% preferred their husbands to have another wife. Only 23 % expressed anger at the idea of sharing their husbands with another. And in rural Kenya, 25 out of 27 women considered Polygyny, better than monogamy. These women felt that they could be happy and have a beneficial experience if the co-wives cooperate with each other!!’ ²²

Once, I got the chance to meet one such Doctor in Bahrain, and she told me that

she was the second wife of an army officer. I enquired how it happened. She said, as it was *their culture*, she did not feel anything awkward about it when the proposal came through her parents. Her husband respected both equally, and they went out together for outings and other activities. She said it was convenient, as they shared and helped each other in caring for the children, and she could also pursue her work. - That is their mental setup. Their concept of having more than one wife is that it gives the woman more time for herself, which she relishes, unless her man is not treating her equally, giving her due respect and honour!

Hence, though in India, the idea of Polygyny is abhorrent, it does not mean that it is not acceptable anywhere in the world.

In India, women abhor sharing their men with another. *It is their culture*. However, in such cases, where they do not want their husbands to marry another, they must realise that *they should be ready to fulfil and oblige to his sexual and mental needs totally if they do not want him to stray*. They should realise that if she holds out on him, he can easily go astray and bring diseases in his wake. And one who holds out on her husband without a valid reason will be cursed by angels the whole night! ²³

6. MOHAMMAD ﷺ AND POLIGYNY

Source: The LIFE of Mohammed ﷺ by Haykel, and,
The First Prize Winner 'The Sealed Nectar---the biography of the Prophet (ﷺ)

The question now arises, that when marriage was restricted to four, then how come Mohammed ﷺ, our dear Prophet, who denounced all obscene acts, himself married 10 or more wives?

1. First and foremost, one must remember that when we go through his life history, we come to know that he was the most chaste of men and the most truthful of human beings.

2. He was so honorable that he worked for a living by tending sheep. Though he was under the care of his uncle, he did not want to burden him.

He was pure-minded, and possessed all the noble characteristics. Though poor and orphaned at a young age, he displayed such noble character that

Khadijah ral (a rich, noble, twice widowed lady) was attracted towards this nobleness and proposed marriage to him, even though there were many other proposals for her from rich men.

(This was as Allah had ordained, to free him from the burden of poverty, so that he may pursue his quest for truth and attain Prophethood later.)

He married her at the age of 25, i.e., at the prime of youth, the fullness of manhood, and attained the apex of power and handsomeness. Yet he remained faithful to her for 28 years of their married life. Although one could marry any number of women, as was the local practice and custom at that time, he did not marry another. He lived until he was over 50 years old (17 years before and 11 years after he attained Prophethood), without even thinking of another woman, and was devoted to his wife. He would probably have never married again except for two considerations: compassion and clemency, to widows and to help in his duties of leadership.

His marriage to:

- **Soudah ral** (age: 65) was not for any other reason, but to safeguard a widow of one of the earliest reverts to Islam, who gave his life for it.

She was neither rich nor beautiful.

- It was for this same reason that he married **Zainab, the widow of Ubaydah**, who fell at the battle of Badr, and she was in no way beautiful, but she was so kind that she was termed “Mother of the destitute”, and was well past prime of age, and lived only 2 or 3 years after the marriage.

- As for **Ummu Salamah** (age 65), she was the **wife of Abu Salamah**, who was wounded at the battle of Uhud and died after a second campaign, and had many children with him. When the Prophet ﷺ asked for her hand, she first refused, giving her age and the children as an excuse, but as he insisted, she agreed.

All this was to make them feel secure, and he ﷺ assumed the duty of caring and upbringing of her children!! He did not marry them for any passionate love, as some accuse him.

One must note that his marriage to a slave girl, Maria (who was gifted to him by the King), resulted in his having a male child, Ibrahim, and raised the status of believing slaves.

We find that he had no other issue with other wives except his first wife, Khadijah r.a. who had four daughters, Zainab, Rukaiya, Ummu Kulsum, and Fathima (may Allah’s pleasure be on all of them), and two sons.

All his sons, Kasim and Abdullah, who were also called Taiyyib and Tahir, including Ibrahim, died in childhood.

- **Ayesha r.a.** (very young age: 12 as widely reported) and,
- **Hafsa r.a.** (age 18 and a widow) were the daughters of his two confederates and friends, Abu Bakr (RA) and Umar (RA), respectively. It was to cement their relationship into a strong bond of kinship that he married them, as was the custom of those days.

Fights and hostility against alliances were a shameful deed, for relationships through marriage increased the expanse of unity. (The kings used to marry girls of other countries to strengthen the ties of friendship, to avoid wars, and to be helped in defence against enemies). Thus:

- **Ummu Habibah—a widow---** refrained her father, Abu Sufiyan, from fighting against her husband, Mohammed ﷺ.

- **Juwaryah and Sufyah— widows twice over--** They were prisoners of war, and when their father offered ransom, our prophet ﷺ gave them the choice of reverting to Islam, or being set free. They chose the former and preferred to marry him.

This made the two tribes they belonged to stop all sorts of provocation and aggression. In fact, when he married Juwaryah--

- he set a hundred members of her family free. This further cemented the bond of friendship and increased goodwill.

- **Maimoona Binth Al-Harith was 26** when she married the Prophet ﷺ. But her former husband was a disbeliever, and when Mecca was conquered, she came to him and accepted Islam voluntarily, and proposed to marry the Prophet ﷺ. This encouraged many Makkans to accept Islam.

- Islam does not recognize caste and creed, and to break that custom, the Prophet ﷺ asked his own first cousin, **Zainab bin Jaish**, born of the noble Quraysh, for his adopted Son Zaid, a former slave, whom the Prophet ﷺ had freed and adopted as his own son. But they did not get along well and got divorced. Then the order came from Allah that he should marry Zainab, to set a precedent to prove that an adopted son was not, as one's own son. Although he was reluctant at first, Mohamed ﷺ was commanded to marry Zainab, the divorced wife of his adopted son Zaid. Al-Quran 33:37,38,50

Our Prophet ﷺ did not marry "any who offered themselves to him," wishing to be the wife of a prophet, just for their beauty, though it was allowed for him as a special concession! --- (Al-Quran 33:50)

From the above, we can be certain that the marriages of our Prophet ﷺ were with Allah's order only. He ordained that this privilege, to marry whom he wishes from the list given. And Allah informed that this concession was for him alone and not for the other believers, and: "It is not lawful for you to marry any more women after this."^{33:50} HE also ordered him (and for the other Muslims also), *not to exchange them for marrying other women even though their beauty attracts you."*

- As for **Ayesha (ral)**, she was shown to him ﷺ in a dream by an angel as his prospective bride. It was then that Mohamed ﷺ accepted this as Allah's wish and proposed to his friend Abu Bakr (ral) for her hand. (Sahih Bukhari 5125/ 5125 / 5078)

- 'If Mohammed ﷺ had indeed been looking for beauty, there were scores of virgins, daughters of the Muhajireen and the Ansar, far surpassing his women, in beauty, youth, position, and wealth, for him to choose from, and who would have been only too pleased to get the honour of 'Mother of the Believers'! -

- 'And he treated all his wives with equal dignity and showed no favoritism.

- 'He ﷺ used to say: Any who show partiality to his wives will get up on the day of resurrection with his hip broken!--²¹

- 'Even during his last illness, when he wanted to stay in Ayesha Ra' s house, [so that he may be properly looked after], he asked permission from his other wives and only after they agreed, did he agree to stay with her!

- 'All his marriages were with the sole aim to serve and care for his female Ummah and, That is why the followers of the Prophet ﷺ loved him so much, and regarded him as a father to the poor and weak.

- 'All the consorts of the Prophet ﷺ in their high position, as "Mothers of the Ummah," were commanded to work hard and assist their husbands. Theirs was not an idle life...! There was not much of worldly goods or satisfaction that the Prophet ﷺ could give his wives. But he was kind, just, and true, the best of men to his family, and they clung to him.'

__ (Tafseer 3706- Holy Quran)

They were given "full freedom to leave him if they preferred this worldly pleasure," – (Al-Quran 33:28, 29) 22

- They were told: "If you wish the adornments of this world, you can have it to the full, but the Hereafter, where True Justice is done, you will be the losers, and all the good deeds you did here will be wasted!" (al-Quran 11:15, 16)

But they preferred to bear with him all the difficulties-²³

The important aim was to educate and purify the souls of the people who had known nothing whatsoever about courtesy, etiquette, and culture. He had to teach them to comply with the necessities of civilization, to establish a new Islamic society.

²¹ Sahi Bukhari Vol.7: H.No.5136//6949///6971 etc.;

²² Source--- Life of Mohamed (ﷺ) by Haykel and 'The Sealed Nectar', the prize-winning biography by Abdur Rahman at Mecca in 1399/1979)

²³ Sahi Bukhari: Vol 6. H.No.309

It was essential to provide direct education to women from different age groups, and to educate the female Bedouins and Townswomen, both old and young, and thus furnish them with the instruments of propagating the true faith.

Being educated with the teachings and rules of Islam, his wives, especially those who outlived him, played an important role in conveying the Prophetic tradition (Hadith) to the Muslims.

E.g., Ayesha (ral) related a large number of the Prophet's deeds and statements.

The need was such that many men and women flocked to her to clear doubts. Only to avoid any untoward thoughts to pass among these men, Allah ordered the wives of the Prophet ﷺ, "The Mother of Believers," to speak to them behind veils and not show themselves, for they were forbidden to marry again.

· *The Law that a woman should give consent for marriage is mentioned in the Quran (4:19) and Hadith time and again, and*

- That she should be fully aware of what it implies.

- That a woman should be mature and knowledgeable when asked for her hand,

- That she should have reached puberty!!

So those who take the example of Ayesha (ral) being married at a very young age, should remember that she must have been mature enough to understand what marriage is and that it was a special concession given to Mohammed ﷺ, and this cannot be a justification to "marry" little girls (as they claim) for appeasing their sexual hunger!

· The only youthful marriage of our Prophet ﷺ was his first, with Hazarat Kadheeja (May Allah be pleased with her)—(ral)

· And the only virgin wife was Ayesha (ral).

- After the death of Kadheeja (ral), he married again for no other reason but Compassion and clemency.

- To help in his duties, he wanted women as his partners in knowledge and ability to instruct. The Consorts of our Prophet were not like ordinary women, nor was their marriage ordinary. They had a special position and special responsibilities in guiding and instructing women who came into the fold of Islam, as their intimate instructions must obviously be, through women. — (Tafseer: Holy Quran: 3706, 3712)

7. THE MUSLIM MEN AND WOMEN HAD SIMILAR SOCIAL RIGHTS

- **Ayesha (ra)** was clever and learned and imparted the Hadith and knowledge of medicine.
- **Zainab (ra)**, daughter of Khuzaima, was especially devoted to the poor and called “Mother of the poor” and,
- **Zainab, daughter of Jaish**, also helped the poor from the proceeds of her manual work, and she was skilled in leatherwork!
- *The words of the Quran “Marry 2,3, or 4” were revealed, towards the end of the 8th year of Hijri, after the Prophet ﷺ had already married all his wives, and naturally, it was not just to divorce all of them to maintain the number to 4.*

(DIVORCING WOMEN TO MAINTAIN THE NUMBER TO 4 IS NOT IN ISLAM.)

Hence, we find that Mohammed ﷺ did not take any privilege of being a Prophet when he married many. The sanction of Polygyny was revealed for the very purpose of protecting the orphans.”

Mohamed ﷺ set an example by marrying the old and weak and widows with many children to be looked after, to protect them. This should be the purpose behind our Muslim men, if they really want to be the followers of Our Prophet ﷺ. Then they, if at all they want to marry another, should marry old and helpless widows with the sole purpose of caring for them and their children!

Are they doing so with such a noble intention? Thus, we find that

ISLAM DOES NOT IMPOSE POLYGyny BUT HAS ONLY LEFT THE OPTION OPEN TO PREVENT INJUSTICE TO WOMEN.

Unfortunately, we are not teaching our sons this vital fact, and also, not able to explain to the world the superiority of the Laws of Allah because we ourselves are ignorant!!

Instead, many men hold this bone to blackmail their women into submission, while they think they can galvanize as they like!!

MUST NOT THIS FACT BE TAUGHT BY OUR ULEMA (RELIGIOUS LEADERS) TO OUR YOUNGSTERS?

Instead of wasting time in unnecessary arguments like whether to wear a cap or not, whether to raise hands during Salaat or not, etc., the importance of the just laws which Allah (Sub) has enjoined on us has to be ingrained into their young minds so that they may

grow up chaste and dependable human beings.

At present, we find that even in other Muslim countries, polygynous marriages are causing much heartburn among the women. This is because their men are not treating their women equally, as Allah has ordered them. The men marry just to acquire beautiful women into their fold, completely ignoring the fact that:

POLYGYNY IS NOT FOR LEWDNESS BUT FOR PRESERVING CHASTITY!

It is the Ulema (knowledgeable Imams) who have to teach them where they are heading. Instead of following the directives given in the Quran and Sunnah, they are giving more importance to books supposedly written by the Imams, but which might have been interpolated by their followers or others to suit their convenience and benefit.

We put the pleasure and happiness of this world above Allah's Love.

We are trying to form laws and rules to make this life as pleasurable as possible.

But miserably fail in achieving the peace we seek. This is because Allah ALONE can give us what we want and deserve, and we can achieve HIS Grace, only if we obey and follow HIS commands as our Prophet ﷺ has shown us! (Quran 42: 25 – 34

8. POLYGYNY IN OTHER RELIGIONS

However, Polygyny is a common practice in India, irrespective of which religion they belong to, even though it is illegal. But while this fact is not highlighted, we Muslims are being criticized unduly!

In The Indian Express dated (5-4-2025), an article was published about child marriages.

While the marriageable age set by the Government is 18 years, many people (non-Muslims) opt to marry off their girls at 12 or 13 years. We find this in many places in India, and Krishnagiri, Tamil Nadu, is one such. Here, the age for marriage is 12 or after a month of puberty, and 30-year-old men marrying 10-year-old girls is quite common. The marriage does not last more than two years. This is with the knowledge of the Govt. officers! As reported in the Indian Express dated 2-9-06,

- One Mr. Lal Bahadur of Nepal married 6 times to get a male child, for it is believed that you can attain salvation only if you have a male child! Now, thank God, his 6th wife has given birth to two sons, and he is happy. Otherwise, he would have continued with his marriage SPREE.

- The wife of the man, Kasula Surya Narayanan, who was 'kidnapped and killed by the Afghans', got the shock of her life when, during the funeral rites, a second wife appeared from nowhere to claim inheritance for his child. She was so shocked that she attempted suicide! Remember, half his income must have gone to her during his lifetime! Biased media always deride Muslims for polygyny. They publish reports of old men from Muslim countries marrying young girls, half their age, from India, and when they leave the country, they divorce them and pay a huge compensation. They (the media) consider this to be because it is sanctioned in Islam. Nothing is further from the truth, as far as Islamic Law is concerned.

- There is no sanction for marrying at will in Islam, just for lewdness.
- Marrying with the intention of divorcing later is also prohibited in Islam.
- Divorcing at will without any valid reason is despised by Allah and the Prophet!
- And one may not marry a girl without her full consent!

Then why do they do so? It is obvious because it is prohibited in their country. The punishment there is strict. Therefore, those who are lewd and perverted and have more money to spend, seek pleasure, where none will question them!

Are there not BLACK SHEEP in every religion?

Although today, in 2025, worse than all this is still happening, it is all brushed under the carpet and not shown in the media, for obvious reasons.

II. SECOND 'D' – DIVORCE (DESERTION)

The worst distress caused to a family in this world is through Divorce.

Yet it is the fastest growing act, leaving a majority of women and children destitute and to fend for themselves!

To combat this destitution, woman is given more academic education.

But this education alone is not enough to bring peace to the minds, torn with bitterness and hatred. It has only helped to increase the percentage of Divorce cases.

Today, more women are demanding Divorce (Kula). This is a fact. Though Man has realised this, he is at a loss as to how to prevent it. Even in Arabia, many marriages end in divorce!! Why is this? Obviously, preference for this worldly pleasure is gaining precedence there too, and the fear of Allah is receding into the background.

1. DIVORCE IN OTHER RELIGIONS

Unlike Islam, we find that women had absolutely no freedom in other faiths, and all matters were initiated by men. Her husband owned her like a master, a slave. They even addressed their husband as 'Master', 'Huzoor', or 'Maalik'!

- **A JEW** can divorce his wife when he begins to dislike her, or she has not borne him children for 10 years, just by giving in writing a certificate of divorce and sending her home!!

In some cases, he can even divorce her for just spoiling a dish for him, or even if he finds another woman more beautiful than her! (This is what has been adopted by some of the Muslims, thinking it is in Islam)

- The man should resort to beating and even lashing to make her do his bidding, be it even a trivial matter! In Russia, wife beating has become legally permitted (2018)!!

- On the other hand, a woman cannot initiate a Divorce under Jewish law. And if she demands it for some valid reason, he can prolong or even refuse, and yet keep her tied,

while he can marry another unmarried woman and have children, which are considered legitimate!! If she marries another, the children are illegitimate for 10 generations.

- Such women are still found in tens of thousands in Israel, and are **called Agunah**.

• **THE CHRISTIAN CHURCH** does not recognize divorce. The church agrees upon only the annulment of marriage. Thereupon, the children will be considered as Illegitimate!

This also means they cannot inherit from their father!

The couple has to seek a Divorce in the court of law. The law has been amended time and again, as each previous law seemed inadequate and outdated.

In the USA, in the year 2000, there were over 201 million divorces, and every divorce required lawyers to update and settle alimony and custody of children.

‘Today, this service is done online, for a minimal fee of 299 to 300\$, and pay as little as one hour of attorney fee, and even helps you to get a Divorce in 4 to 20 days, even if your spouse does not consent’! — ‘As for the child-rearing, each child is given a colour; to identify which day it will remain with father or mother!’

Imagine the mental plight of such children!! ²⁴

• As for India, after the amendment of the Indian Divorce Amendment Act 2001, Marriage may be dissolved after giving a petition proving that the spouse has

1. Committed Adultery or
2. Ceased to be Christian or turned apostate to their religion. In 2025, this clause was scrapped. Now, one cannot claim Divorce on these grounds.
3. Has incurable disease for the past 2 years, even if it is Leprosy or Aids!!
4. Was a lunatic
5. Was already married, and the spouse was living.
6. He is impotent. It has to be proved!

Along with these points, **the Hindu Marriage Act** specifies that,

7. If the man marries a second time, the second wife cannot claim alimony from him.
8. The first wife can claim divorce from her husband on these grounds.
9. She can demand a Divorce for desertion, if he has not been with her for NOT LESS than 2 years.
10. She and her children have to be given maintenance by her husband. This is not

²⁴ Source: Google: Divorce in the USA for men, 12-3-2006

practical because though the court will order him to pay, he almost always ignores.

11. And recently verdict has been given that, if her husband is not working, the wife has to give maintenance!

12. If she were a minor at the time of marriage. The age of a minor or major is fixed by the Government!

13. Article 13-B Grants Divorce by mutual consent after living away for not less than one year and concludes that they cannot live together!

WHAT IS THE PROBLEM IN SUCH DIVORCES?

The relationship between the husband and wife is a delicate, highly fragile bond, based on mutual trust. Once the trust is lost, the bond between the partners cannot be brought back to the previous condition.

Therefore, they must strive to remain calm in all aspects of life and prevent hatred from entering their lives. When a man or woman goes beyond the 'point of no return', even if they are made to reconcile, the bitterness will remain, and every time a fresh misunderstanding takes place, it will surface and make life Hell for them --

And therefore, it is far better that they separate than lead an unholy and bitter life.

However, seeking a divorce is not an easy option because;

- The Divorce turns out to be a long-drawn battle, with lots of tension and heartburn, where if one partner does not agree to the separation, it is almost impossible to be divorced, unless one proves the other guilty of cruelty or desertion, or illegal activities. This leads to false accusations and counteraccusations, which ruin the future of one or both spouses!

In the year 2006, an amendment was passed that a woman may apply, citing cruelty and mental harassment as grounds for divorce. No one can deny that false accusations are possible, and such laws will only enhance the bitterness of hate between the couple.

- High-handed and arrogant women are likely to sue their husbands and harass them, even if he scolds or reprimands her for anything wrong, she does.
- Today, in the West, a man has to part with half his property even if it is the wife seeking divorce, for the slightest disagreement.
- Many maintain their illegal relationships because this cannot be a ground for divorce.
- Meanwhile, innocent women who want to lead a pure and humble life continue to suffer!

- The condition that they should remain apart for 1 or 2 years does not help in way for reconciliation. On the other hand, it increases the bitterness, and what with people to fan the ego of both parties, it will almost always end in permanent separation.

- The Divorce being granted depends on the discretion of the Judge.

Suppose the Judge refuses to grant a Divorce, Then What? Will the couple be able to dust out all their differences and go back to their old life together, after so much publicity and washing their dirty linen? No!

Out of 5000 cases in 2006 in Chennai, less than 10% were able to patch up and withdraw the case. Yet happiness and love between the spouses become lost.

- A man can easily refute charges of harassment and blame his wife for being amorous during their separation,

- Or, that she was living an immoral life,

- Or, worse still, we find girls burnt alive by the husband and in-laws. (In any Govt Hospital, at least 10 women a day are admitted, burnt from head to foot, and less than 10% are accidental, or husbands, being poisoned by their wives. Source- Direct survey with the nurses of the hospitals.

- Desertion is not uncommon, and Alimony is not practical. Divorce is easy, mostly only by mutual consent, but for that too, they have to live separately for NOT LESS than 2 whole years, and even if the person has AIDS or leprosy, they have to wait for TWO FULL YEARS in separation, before they get a Divorce.

- If she cannot prove her case, she will have to pay for the expenses incurred by the husband and vice versa. Alimony and expenses should be claimed within 60 days. All these cumbersome laws require a lawyer, and even then, they may lose the case.

- Under the said circumstances, where they do not get a divorce, the couples that do not wish to live together will end up living separately, and leading a life of celibacy is not easy. As a result, they may give in to temptations and lead a life of sin.

The court case can be drawn on for many years. It takes from 2-12 years for the court to decide a case, mainly due to a lack of staff and judges.

- The children's life also goes awry, away from righteousness, which all religions propagate.

- If the man/woman is innocent, being blamed for adultery, he/she will find it difficult to get a suitable partner again.

2. ISLAMIC LAW IN INDIA

In India, the Islamic Law, since there is no Unity in opinion, and the views of each Madhab (sect) vary, the Government tried to form a code of Law in 1986, taking the opinion of the Fiqh, and other Imams into account! (Though it is the Quranic Laws that have to be followed, each Madhab has different views in this matter!)

It is named 'Protection of Muslim women's law,' instead of 'Divorce Law'!!

This was formulated many years ago with the consent of the AIMPLB, and has led to many unjust decisions, which are contrary to the Quran and Hadith.

LET US ANALYZE THE DISCREPANCIES FOUND IN THE 'PROTECTION OF WOMEN LAW':

With reference to "Summary of Jurisprudence" published by Al-Maimam Publishing House, Saudi Arabia, Riyadh, (Pg. 421 onwards, chapter on divorce.)

After I studied BAIS in IOU, Alhamdulillah, I came to know that whatever I have already informed conforms to what I have been taught in Fiqh 202, from the Book of Imam Dr Saleh Al Fawza'n.

Dr Anwar Sahib, chairman of Masjid at-Taqwa, New Zealand, and the dean at IOU, explained the true Shari'ah according to the Quran. He also presents the present-day laws where a man can divorce his wife just by sending her away for flimsy reasons. Even if he says in a huff with the intention of divorcing her, "You may go to your parents' house and do not come again," it is indicated as Talaq! (*We find that this is the practice of the Jews, adopted by Muslims during the Umayyad and Abbasid caliphate.*)

He explains that this is Bid'ah (innovation) and a sin. Justice ought to be the basis of all actions in such important matters where the family is at stake. He has also explained how divorce can be avoided by close interaction between husband and wife and by being just in their dealings. (mentioned below) How can a man throw his wife out, just for flimsy reasons, when it affects his family life and children? He asks in his lectures.

This is supported by the report narrated by Imam Ahmed ibn Hambal in his Musnad through a Juyid Isnad from Ibn Abbas that Abu Rukanah made three pronouncements of divorce in one sitting, and later regretted. Hence, he went to the Prophet, who returned his wife to him and said, "IT IS ONE DIVORCE" –

Shaykh Abdul-Aziz ibn Abdullah ibn Baz Rahimahullah also declares: "Three divorces

uttered at the same time are only to be counted as one, according to the soundest view of Scholars. It was authentically reported in Sahih Muslim on the authority of Ibn Abbas (ra) that the pronouncement of three, triple Talaq at one sitting was deemed as one Talaq during the time of the Prophet and Abu Bakr (ra).

However, (he says what is not true that) Umar (ra) said: 'People hasten in a matter in which they are required to observe respite. Therefore, it is recommended to impose it upon them.' and thus, it was made as final according to the ijtihad of Umar (ra). Yet it is better to follow the authentic Sunnah than to follow the ijtihad of Umar (ra) or any other, for the benefit of the Muslims."

Thus, we find that even though it is accepted as a sin and Bid'ah by some of the Muslims, they adopt Triple Talaq in one sitting as final. They little realise that, probably, the Umayyad and Abbasid to fulfil their desires, formulated such a law. The claim that Umar (ra) made such an ijtihad is utterly false. (Please refer to chapter 1)

Divorce, according to the five Islamic schools of thought, is as follows: (fiqh.huquq.com, d.2018). All the schools except the Hanafi concur that divorce by a person under duress (force) or in anger does not take place. And, if the husband says, "You are divorced, three times," or repeats the words, 'you are divorced' thrice in one sitting, only a single divorce takes place. ²⁵

HANAFI: However, according to the Hanafi Madhab, when triple divorce in one sitting is pronounced, the wife will become totally alienated from the husband, and he cannot remarry her even if he repents. She becomes haram (totally prohibited) for him. Neither can he take her back, nor can he go for a fresh Nikah with her. He can go for Nikah with her, only after she marries another (Halaala).²⁶

SHAFI: They too have the same opinion as the Hanafi

MALIKI: narrated by Anas ibn Malik: "Divorce given 3 times in one sitting would be considered as one." (And Divorce under compulsion is null and void)

Hambali: Triple Talaq in one sitting is considered as only one divorce. Not final.

IBN QUADAMAH wrote, "The second view (narrated from Imam Ahmad) is that issuing three (pronunciations of divorce) in one session is a Bidi divorce and accordingly prohibited.

SALAFI: Ibn Hazam in al-Muhallah also declared that *Triple Talaq uttered in one sitting is not final*. Ibn Al-Qayyim Al-Jawziyya and his teacher Ibn Taymiyya: all of them had the same opinion.

²⁵ By Zarabozo, Jamaal al-Din, Commentary on The Forty Hadith of Al-Nawawi, H. No. 1, pg. 107, Basheer Co.; 1999.

²⁶ www.irfi.org/articles/articles_151_200/triple_talaq.html (dated 3-3-2018)

3. TRIPLE TALAQ:

THIS IS THE MOST HEINOUS LAW EVER ALLOWED, AND THAT TOO, IN THE NAME OF ISLAM!

Even though it is found that men abandon their wives or partners unattended in all other religions, when it is done in the name of Islam, it is really abhorred.

This is because Allah forbids injustice to women in Islam. With this single Law being misused, thousands of women are stranded in the streets.

They claim that the Quran says, “Divorce is twice, and the third time is final.”

Does it mean thrice in one sitting?

When Allah, through our Prophet ﷺ, says, ‘say prayers five times’,

Does it mean saying all 5 consecutive Prayers at the same time? NO!

‘Thrice’ means ‘three different occasions,’

How can it allow some men to think it is their birthright, to announce Talaq, Talaq, and Talaq, and throw their wives into the streets at any moment (like it is allowed by the Jews)? They sanction it, even if pronounced in a fit of anger or his faculties are numbed by alcohol!

And Islam is supposed to honour and protect women!!

Things came to such an extent that Divorce takes place even if sent through a letter or SMS, or WhatsApp! When the Ulema are approached, they declare their helplessness to revoke it. They confirm that the divorce is final.

If they want to reconcile, she has to marry another, and only after he divorces her can this be allowed. This is called HALALA.

We know that it is a sin and not accepted by most Scholars, except by those who want to bring in their own judgment.²⁷

Despite this, we find that certain Madhhabs still hold on to their views that it is irrevocable, though it is a sin. How can a Law that is sinful be allowed or implemented? They fail to realise that it is all interpolated by some of the former rulers. Therefore, the need of the hour is to unite and do Ijtihad (consultation) and codify the law strictly according to the Shari’ah so that no more confusion arises in the future.

Today, thanks to the interference of the supreme court judgement in August 2017,

²⁷ <https://islamqa.info/en/96194/722291/175624/45174> --Dated 19-3-2018

which took upon itself to verify the true concept of Divorce as mentioned in the Quran, they have accepted the ruling and declared that triple Talaq is to be counted as only ONE, giving reference to the different Scholars, who opposed the Triple Talaq in one sitting to be considered as irrevocable. (It is a real shame that to get justice, we have to approach other means.)

However, the Supreme Court's interference has its repercussions. The ruling that divorce cannot be obtained without each case being heard by the court is rather cumbersome and leads to many problems, as mentioned above.

4. WHAT DOES ISLAM SAY IN THE QURAN AND HADITH AS REGARDS TO DIVORCE?

Islam mentions Talaq not only in the Surah Talaq but in many other Surahs, which most ignore. This is why most misinterpretations occur, bringing destruction in its wake.

Most of the Fatawa found in the following chapter are my BAIS and MAIS on the subject of Fiqh. I have also added quotes from the Tafseer of the Holy Quran. I hope it will be useful for those who do not take this subject seriously.

يَا أَيُّهَا النَّبِيُّ إِذَا طَلَقْتُمُ النِّسَاءَ فَطَلِّقُوهُنَّ لِعَدَّتِهِنَّ وَأَحْصُوا الْعِدَّةَ وَاتَّقُوا اللَّهَ رَبَّكُمْ لَا تُخْرِجُوهُنَّ مِنْ بُيُوتِهِنَّ وَلَا يُخْرِجَنَّ إِلَّا أَنْ يَأْتِيَنَّ بِفَاحِشَةٍ مُّبَيِّنَةٍ ۚ وَتِلْكَ حُدُودُ اللَّهِ ۚ وَمَنْ يَتَعَدَّ حُدُودَ اللَّهِ فَقَدْ ظَلَمَ نَفْسَهُ لَا تَدْرِي لَعَلَّ اللَّهَ يُحْدِثُ بَعْدَ ذَلِكَ أَمْرًا - فَإِذَا بَلَغَ أَجْلَهُنَّ فَأَمْسِكُوهُنَّ بِمَعْرُوفٍ أَوْ فَارِقُوهُنَّ بِمَعْرُوفٍ وَأَشْهِدُوا ذَوِي عَدْلٍ مِّنكُمْ وَأَقْبِمُوا الشَّهَادَةَ لِلَّهِ ۚ ذَلِكَ يُوعِظُ بِهِ مَنْ كَانَ يُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ ۚ وَمَنْ يَتَّقِ اللَّهَ يَجْعَلْ لَهُ مَخْرَجًا -

The meaning of the following verses in Surah Talaq 65:1,2 clearly indicates the process through which a divorce takes place:

“O Prophet, when you [Muslims] divorce women, divorce them for [the commencement of] their waiting period and keep count of the waiting period, and fear Allah, your Lord. Do not turn them out of their [husbands'] houses, nor should they [themselves] leave [during that period] unless they are committing a clear immorality. And those are the limits [set by] Allah. And whoever transgresses the limits of Allah has certainly wronged himself. You know not; perhaps Allah will bring about after that a [different] matter.”

The Sura Talaq in the Quran deals with the aspect of Divorce and the necessity of precautions to guard against its abuse. The relations of the sexes are an important factor in the social life of the community. But our Prophet has informed that of all permitted Laws, (unjust) Divorce is the most hateful in the sight of Allah—²⁸

‘However, like Polygyny, Divorce is a necessary evil, and cannot be absolutely banned. While the sanctity of marriage is an essential part of family life, the compatibility of individuals and the weakness of human nature require certain safeguards, so that it does not become a fetish at the expense of human life. That is why the question in case

²⁸ Abu Da’ud, Sunan, xiii.3: Source: Surah Talaq: 65, introduction of the Holy Quran

of Divorce in this Sura is linked with insolent impiety and its punishment.’²⁹

‘Reconciliation is possible and everything should be done fairly and squarely, and all interests should be safeguarded.’³⁰

‘Everything should be done to strengthen the social and spiritual aspects of marriage and keep down the stray impulses of animal instinct. The parties are to think seriously in a mood of piety, keeping the fear of Allah in their minds.’³¹

- If a man and woman find that they cannot live in peace together, then there is no meaning in continuing with their marriage indefinitely.

If the Knot is tied for “till death do us part,” a man or woman, to find a way to escape from the relationship, goes to the extent of murder!!

Or leads to false accusations and counter accusations that ruin the future of one or both spouses, as already mentioned. -

However, if both the husband and wife agree to MUTUALLY SEPARATE, then divorce is granted easily without much ado.

This very fact is followed in Islam, with even better injunctions!

And Allah has ordained Man/Woman to Divorce only as a last resort when all efforts fail!

And after the elders of both families have attempted reconciliation, they are given three chances to reconcile between themselves. Only then are they allowed to separate.

Allah, through the Quran, clearly explains these facts---- (Sura Talaq and other Surahs). But the facts are being twisted and misinterpreted so that man may justify his unjust actions. The very fact that the Quran abhors the aspect of false accusations^[24:4], and that divorce should have arbitrators, indicates that a JUST judge (Qazi) and witnesses are needed to decide the case, and not left as per the wish of the individual.^{Quran 65:2}

- Even after all this, Allah orders man to keep his limits and be fair with the children. He should not cheat them when giving inheritance and avoid his children from his former wife! ^{Al-Quran, Surah Baqarah, 2:236}

- The children should **not** be brought up with hatred for their mother/father unless they really behave against the tenets of Islam!

- Although the subject of Talaq is mentioned in a separate Surah in the Quran, Allah tells

²⁹ Tafseer No. 5504 & introduction to Sura Talaq (65) in Holy Quran: Hadith—Abu Dawood, Sunan—8:3

³⁰ Holy Quran; Tafseer No.: 5508-09

³¹ Holy Quran; Tafseer No: 5506

us in various other Surahs to fear HIM and deal justly in all matters, including the provision of wives and children.

- For this, certain conditions are laid out for the Muslim men to follow.

After marriage,

- “If you fear a breach between them, appoint arbitrators, one from his family and the other from her family, and if they both wish for peace, Allah will cause their reconciliation.” — (Al-Quran Surah an-Nisa 4: 35)

So Talaq without an arbitrator or judge (family court) is not in Islam.

It may have been imbued from the Jewish tradition!!

Allah clearly says:

- “---When you divorce women, divorce them at their Iddah (prescribed periods), and count accurately. And turn NOT them out of your houses, nor shall they leave, except in case of open adultery!!” (al-Quran, Surah Talaq, 65:1)

- And Allah further warns, “Those are the limits set by Allah and one who transgresses them, then, he indeed has wronged himself!!” For, “you know not that, maybe Allah will afterwards bring some new thing to pass (in way of reconciliation).”

“Those who take an oath not to have sexual relations with their wives can do so for 4 months, and if they want to return, Allah is all-forgiving. And, if they decide upon divorce, then Allah is All-Hearer. All-Knower.” Al-Quran, Surah Baqarah, -2:226, 7

- “Then, when they are about to fulfil the Iddah [a period of three months]-^{Quran 2:228}, either take them back in a good manner or part with them in a good manner and take for witness 2 JUST persons from among them. *And, whoever fears Allah and keeps his duty to HIM, HE will make his matter easy for him.*” — (Al-Quran, 65:2, 4)

This gives time for them time to reconsider their decision

HE also has warned of the grievous consequences of injustice in the forthcoming verses!

“And make not Allah’s name an excuse in your oaths, against your, doing good and, acting piously and making peace among mankind.” — (Al-Quran, Surah Baqarah, 2: 224)

i.e., One cannot say, ‘O! I have uttered Talaq, so I cannot take her back.’

That means just having uttered Talaq out of anger, or when not in his senses, IS NOT an excuse to divorce irrevocably. ³²

³² Vol VII: Chapter 11. Sahi Bukhari]

Mohamed ﷺ has said, “After taking an oath, which is harmful to the family, if I realise that something is better, I will free myself from that oath, and do that which is better.”— ³³

- And, “By Allah, if any of you insists on fulfilling an oath by which he may harm his family, he commits a greater sin in Allah’s consideration than that of dissolving his oath and making its expiation with which Allah has commanded.” —³⁴

- Does not man consider it a sin to leave his wife stranded and without protection when and where he fancies?

- Further in the Book of Divorce in the Bukhari Hadith, we have ample proof about the way of how Divorce is to be implemented!

- In Sahih Al Bukhari (Vol 7, Hadith No 213), Ibn Umar (RA) narrated that our Prophet (ﷺ) had said that “If a man decides on divorce,

WAIT TILL THE ILA PERIOD (THE OATH TAKEN BY THE HUSBAND THAT HE WILL NOT TOUCH HIS WIFE FOR A CERTAIN PERIOD---MAXIMUM 4 MONTHS-, and then,

“THE HUSBAND HAS TO RETAIN HER IN A HANDSOME MANNER, OR DIVORCE HER IF HE SO DECIDES IN A HANDSOME MANNER.” [Al-Quran Surah Talaq, 65: 2]

- And the divorce does not occur unless the husband himself declares it (with full faculty of his senses).

‘A Divorce given by a drunk, or when not in his senses, or under compulsion, is not valid!’³⁵

- And Divorce in writing can be accepted only if he is dumb and cannot express his intention, except through writing!!!---³⁶

And please ponder how even in conditions where bitterness usually prevails, a Mu’min (Believing Muslim) is asked to keep his cool.

We find in the following Hadith:

- After uttering Divorce once (any number of times in one sitting is ONCE), you can reconcile. ³⁷

- ‘The verse: “Do not prevent them from reconciliation” (Al- Quran Surah Baqarah, 2:232)— was revealed when a man divorced his wife in one sitting. And later wanted to take her back,

³³ Sahi Muslim- Hadith-- 3:1269///Sahi Bukhari—Vol. 8: H. No. 621)

³⁴ Sahih Bukhari, Vol. 8, H. No 621

³⁵ Abbas (ral)--Sahi Bukhari –Vol VII: Chapter 11

³⁶ Sahi Bukhari- Vol VII: 5299

³⁷ Summarized Sahih Bukhari, Hadith No 1847.

and her brother refused to let them reconcile—Ibn Khathir] ³⁸

- 'If a man divorced his wife in anger and later, he repents and they want to reconcile and live equitably, then it is not right for outsiders to prevent or hinder re-union.' ³⁹

- Maulana 'Usmani quotes from Musnad Ahmad ibn Hambal, that once Rukanah pronounced three divorces against his wife, but later he was very sorry for it. When the Prophet ﷺ asked him, 'How did you divorce your wife?' Rukanah replied that he had pronounced three divorces. The Prophet ﷺ asked, "Did you pronounce it in one sitting?"

When he said, 'yes', the Noble Prophet said: "Treat it as one divorce only, and if you want, you can take your wife back." *And Rukanah took his wife back. This hadith of the Prophet, narrated by Ibn Abbas, is found in Sahih Muslim, Sunan Abu Da'ud and other authentic collections of Hadith literature.* ⁴⁰

- *The Quran explains clearly that at most, it can be counted as only one Talaq. Because, "Allah will not call you to account, for that which is NOT intentional in your oaths, but He will call you to account, for (the sin) that which your hearts have earned."* – (Al-Quran 2: 225)

- *When I pointed all this out to some Ulema, they protested, saying, "Uttering an Oath" does not indicate Talaq, and if a man even utters the word Talaq, it is like an arrow gone out of his mouth. So once uttered, he cannot repent and take her back"*

THEY HAVE NO PROOF FROM THE QURAN!

- *Why are they not mentioning that Umar r.a used to punish such people with lashes and humiliation? How then are the Ulema (religious leaders) justifying their version that, if a man utters Talaq even in his sleep, the divorce is irrevocable?*

Thousands of couples have had to separate, even when they wanted to reconcile, because of this unreasonable, adamant stand of these Ulema!!! (Personal research)

- *"A divorced woman shall wait for three months (periods) and should not conceal if she is pregnant, and, if she wishes for reconciliation, she has a right over her husband and the husband has a greater right over her to take her back"- (Al-Quran 2:228)*

- *Mohamed ﷺ has also said, 'if he divorces her during the menstrual period, he should take her back till after she is clean and wait till the next period. Meanwhile, if they*

³⁸ Sahi Bukhari H. No. 5331

³⁹ Tafseer 265-Saudi Quran/ Sahi Bukhari 5331

⁴⁰ Source: Islamic Research Foundation International, Inc

reconcile, then it is good, or if he is certain to let her go, then so be it!’⁴¹

Thus, we know man and wife CAN reconcile after Talaq has been uttered in one sitting, even if he says it a hundred times in one sitting!

“Then (after 3 different occasions) if they separate (for a valid reason), they will each be provided for.” – (Al-Quran, 4:130)

‘It is not lawful to take back from her the Dower you had given to her, or any other gift you gave, unless by mutual agreement!!’ (Al-Quran 2:229)

- When he divorces her, he should give a gift according to his means!!’ – (Quran 2: 236,241).

- “But, if you intend to replace a wife with another and you have given one of them a CANTAR (Of gold or wealth), take NOT the least bit of it back. Would you take it wrongfully without a right and a manifest sin?” (Al-Quran 4:20)

This does not mean that you can divorce a wife for another if you give enough compensation. Allah says in the next verse- “how can you do it when they have taken a solemn and strong covenant from you?” – (Al-Quran 4:21)

- Regarding the replacement of wives, we find that this was the norm before the Prophet ﷺ, in the days of Jahiliya. In Islam, a Man may not divorce his wife with the intention to marry another. This is made clear in Surah Ahzab^{33:52}, where Allah orders the Prophet ﷺ not to marry anymore nor replace one for another.

- “Lodge them where you dwell, according to your means, and ‘DO NOT’ treat them in a harmful way, so that they are obliged to leave.” (Al-Quran 65:6) (Till the Iddah Is over)

- “When you divorce women and they fulfil their term of Iddah, either take them back on equitable terms or set them free on equitable terms. But do not take them back to injure them (or) to take undue advantage. If anyone does that, he wrongs his soul. Do not treat Allah’s signs as jest and fear Allah and know that Allah is well acquainted with all things”
2: 231

- The above verse shows that, if you really fear Allah, you will behave justly and, whether you wish to reconcile or not, do not have spite and vengeance in your mind, and do not blame them or talk ill of them and hurt them in any way.

- “The Divorce is twice (two separate occasions) and when the term is over, either take them back, or set them free honorably.” (Al-Quran, 2:229-230).

⁴¹ 46(Vol 7, Sahi Bukhari Hadith No 178)

i.e. 'Then the third time, after a minimum of three months is over, if he so wishes may take back his wife, but if he decides on divorce, after all attempts of reconciliation fail, then he should part ways with kindness and honour.

IT IS CLEAR FROM THE ABOVE VERSES THAT:

- *The subject regarding TALAQ is not only in the Surah Talaq, but also in many other Surahs.*
- *Triple Talaq (3 Talaq in one sitting) does not sever the bonds of a couple irrevocably.* ⁴²
- *In Islam, Marriage (Nikah) is not so fragile but a 'firm and strong Covenant', which should be fulfilled to the utmost. —^{Al-(Quran 4:21)}*
- *During the time of our Prophet ﷺ and his Caliphs Abu Bakr (ral) and Umar (ral), the ruling for uttering Talaq was ONE of the three Talaq. Mohamed (ﷺ) once cried out in anger, "Are you playing with the Book of Allah?" when he heard that a follower had divorced his wife in one sitting. Of course, such a divorce was not considered final. (But the Ulema insist that he allowed it to be final).*
- *When we argue this point, we are told: During the time of Umar (ral), he allowed the triple Talaq to be granted at a sitting. They fail to realise that the Four Caliphs did nothing, which opposed the teachings of the Quran and Sunnah!*
- *Allah declares: "It is not for a believer, man, or woman, when Allah and HIS Messenger have decreed a matter that they should have any option in their decision. And whoever disobeys Allah and HIS Messenger, he has indeed strayed in plain error" — (al-Quran 33: 36)*
- *Then how can Umar ral, who was a pinnacle of Islam, have declared something against the Quran and Sunnah?*
- *Thus, if we find something opposed to what the Quran says and Our Prophet ﷺ had done, we need not accept it, because this may well have been fabricated, to suit the whims of Man. And, we can be sure that Umar (ral) will never have done something which our Prophet ﷺ had not approved!*
- *Although the court of Law is not essential to deal with this subject, which will only prolong the sufferings, it is incumbent that there should be witnesses and an imam to pronounce the verdict.*

⁴² [Hadith An-Nasai 6:142- Source Ibn Khathir]

KHULA

- As for the wife demanding a divorce, it is called Khula. A Khula takes place when the husband consents to his wife's request for a divorce. If the husband refuses consent, Islamic law permits qadis and Imams to dissolve the marriage.

Allah says in Surah Baqarah that if she is asking for Divorce (Khula), then she can give back some of the wealth he had given her, as compensation. (Al-Quran 2:229)

If the compensation given to the woman or man is according to the Quranic injunctions, it is clearly just.

However, today in 2025, in many countries, a man has to give half his assets to his wife, even if it is she is the one demanding Khula (Divorce) from him.

This clause is clearly unjust, and there are many incidents where unscrupulous women demand a divorce with the sole intention of attaining their wealth. Man-made laws are clearly unjust and have to be reviewed in the context of our Quran and Sunnah if we want to be pleasing to Allah and attain HIS Grace.

5. WHEN IS DIVORCE IN A SINGLE SITTING ALLOWED?

1) IF A GIRL IS FORCED TO MARRY, and SHE asks protection with Allah from him. Then he is ordered to free her immediately. He should not touch her without her consent, and need not give her the Dower (the bridal money given at the marriage by the man to the woman).⁴³ In such cases, when the husband has not ‘touched’ his wife, she has no waiting period and can leave immediately for her own place if she so wishes.

Allah commands in the Quran:

- “When you marry believing women and divorce without having touched—then no Iddah for her and free them in a handsome manner” (Al-Quran 33:49)

- “There is no blame upon you if you divorce women, you have not touched nor specified for them an obligation. *But give them [a gift of] compensation - the wealthy according to his capability and the poor according to his capability - a provision according to what is acceptable, a duty upon the doers of good.*” - (Al-Quran 2:236)

How cruel! One may ask. Man divorcing his wife without even touching her?

But it really is a boon for the women that Allahu Ta’ala has declared this clause!! In Islam, to marry a girl with her consent is essential. (S.B. 5136) If forced to marry, she can demand a divorce without him touching her. (Otherwise, imagine her plight if Indian common law had to be implemented. The case will drag on in the court without giving her freedom.)

Allah gives an example through the incident as an example, where Mohamed ﷺ himself married a prisoner of war— [Umaymah bin Sharhil, daughter of Al Jain], and when she said, “Do not touch me,” he immediately gave her freedom by divorcing her, and sent her honorably back to her people with a gift! —⁴⁴

Such was the honour given TO WOMEN during his time. No one can be forced to marry.

2) In cases where a man sees with his own eyes his wife having extramarital relations, but is unable to produce 4 witnesses, then he should first take a solemn oath 4 times that he is telling the truth and, last, invoke curses on himself from Allah if he is lying. This is called Lian.

Even then, if his wife refutes the charge upon oath four times and invokes curses from Allah upon herself, that he is telling lies, then she cannot be punished! In such a case, the

⁴³ Sahi Bukhari, Vol. vii, H. No. 5254, 5267, 5257

⁴⁴ Sahi Bukhari Hadith:5254/ 5265/ 5257

couple will get a divorce on the spot, and the matter of punishment is left to Allah! (24:5-8)

But this is only in the presence of the judge (Qazi) --- Sahi Bukhari Hadith No. 5308-9

However, he cannot ask back the Dower or any gift he had given her! - Sahi Bukhari Hadith--5311, 5312, 5349, 5350

3) If a man marries a prostitute 'by mistake' then he can obtain immediate Divorce from her' by producing four witnesses, which will be easy, "If she is guilty of open lewdness" (Al-Quran, Surah An-Nisa, 4: 15)

4) And "Falsely accusing the wife of being unchaste is one of the 7 greatest sins in Islam--- (Al-Quran 4:31).

5) As Allah has ordained in the Quran, one who does it ought to be given 80 stripes of the whip as punishment!

"And those who accuse chaste women, and produce not four witnesses, flog them with eighty stripes, and reject their testimony forever. They indeed are the Faasiqun (liars, rebellious, disobedient to Allah)." [Al-Quran, An-Nur 24:4]

وَالَّذِينَ يَزْمُونَ الْمُحْصَنَاتِ ثُمَّ لَمْ يَأْتُوا بِأَرْبَعَةِ شُهَدَاءَ فَاجْلِدُوهُمْ ثَمَانِينَ جَلْدَةً وَلَا تَقْبَلُوا لَهُمْ شَهَادَةً أَبَدًا وَأُولَئِكَ هُمُ الْفَاسِقُونَ-

AND, "Allah curses the one who falsely accuses a truly chaste woman"!! (al-Quran, 24:23)

6. IS ISLAMIC LAW FOR DIVORCE JUST?

- When compared with other religions, Islam enjoins justice, because it allows incompatible couples to separate with honour. When a couple decide to divorce, they should do so with utmost honour and kindness. They should not throw mud at each other, nor should they defame the other, unless they have gone against the tenets of Islam. Tafseer Holy Quran: 257

We do not find this kind of etiquette in any other religion.

- Moreover, divorce should be the last resort. By this easy method, they do not have to endure long periods of separation, which may lead them astray, by waiting for 'verdicts of the court,' which may take years to decide the case. And after all the waiting, the verdict may not be in their favour, or they may have to pay huge compensation if they fail in the case. And,

1. Islam ordains man to restrain his anger and hatred to the utmost!

2. Allah has discouraged Divorce and advised holding utmost restraint when exercising this right.

3. “If a woman fears cruelty or desertion on her husband’s part, there is no sin on them both, if they make terms of peace between themselves and making peace is better.” (Al-Quran, Surah an-Nisa, 4:128) i.e., they should try to talk it out.

4. Any woman [or man] who asks her husband [or wife] for divorce without justification, then ⁴⁵ The scent of paradise will be forbidden for her (him) - ⁴⁶

5. ‘It is not permissible for a woman to ask her husband to divorce his first wife’- ⁴⁷
‘To slander against a woman (or man) is the gravest sin, unless they have ample proof, and will incur a great punishment in this life and in the Hereafter. Others may think it a small matter to speak lightly of something that blasts the character or reputation of a person. Slander, in the eyes of Allah, is a most heinous crime. And, especially when it involves the honour and reputation of pious women (and men), it incurs the curse of Allah on them!’ ⁴⁸

a. Another condition when a man should give immediate divorce is when the wife demands it.

E.g. The wife of Thabit bin Qais wanted freedom from her husband because she feared that she would have to behave un-Islamically if she stayed with him. She was asked to return the garden which her husband had given her, and ordered him to divorce her **ONCE**. [That means she must wait with him till the Iddah, giving them time to reconsider]⁴⁹ i.e. A woman may get Khula from her husband,

b. If he is impotent or has incurable ailments, and she fears that she may go astray if she continues to live with him.

c. She may even demand divorce if he insists on marrying another without any fault of hers!! ⁵⁰

In these cases, she is asked to return some of the Dower he had given because it is she who demands it. Here again, a witness is essential. ⁵¹

⁴⁵ SAHI Bukhari Vol 7: 5273-77, -, H.197 [and in Quran 2:229]

⁴⁶ At-Tabari H.4 No. 569

⁴⁷ Sahi Bukhari:5144, 5152 / Muslim: 1413.

⁴⁸ Tafseer in the Holy Quran, No 2415 of Sura 24:19 and 104:1

⁴⁹ Sahih Bukhari Vol 7: 5273-77, / and in Quran 2:229

⁵⁰ Sahih Bukhari: Vol. vii: H. No. 5136

⁵¹ Sahih Bukhari Vol. 7, H. No. 197, and No. 5274—5277

d. The law allows a woman freedom from her husband (Khula) if he has deserted her and does not respond to her bid for Khula, for 1 year or more.

ALL OTHER REASONS REQUIRE THREE DIFFERENT OCCASIONS TO DECIDE TALAQ IRREVOCABLY.

Divorce is a serious matter, which has to be decided in full faculty of mind. So, if a man utters Talaq, Talaq, and Talaq as a joke to threaten his wife, it will be counted as 'one Talaq', to warn the man that it should not be taken as a jest! It was a common practice among the Arabs to utter Talaq or take an Oath that he will not touch her, to harass her or just for the fun of it!

'There were cases where men took an oath that they would not touch their wives and kept them aloof for many months to harass them.

In such cases, our Prophet ﷺ has ordered that their period of Oath can last for 4 months, and if they repent, they can break their oath and return to their wives at any time. – This is an **ilah period**. He should decide within this period.

If they prolong their harassment, then the community has a right to interfere, and they should either reconcile or divorce.' If he refuses to do so, he can even be imprisoned (for a short period) to make him decide! But the divorce does not occur unless he declares it.

- Sahih Bukhari, Vol. VII, No: 5290

c. This same applies to wives, too. Today we find that the wife too leaves the house, and refuses to return, even when she has been requested, and does not give a chance to explain each other's predicament. If she abandons her husband and children and leaves them for an indefinite period, the husband has a right to call her back, and if she does not respond and agree to reconcile, then he has no option but to send a letter of divorce. But this too can be done only in the presence of witnesses and after all attempts of reconciliation fail.

This harassment we find even today, among some men/ women who do not fear Allah's Wrath!!

'The termination of a marriage is a most serious matter for family and social life. And the couple have every right to go back and make reconciliation, provided their mutual love is intact and they can live on honorable terms with each other. If these conditions are fulfilled, it is not right for outsiders to prevent or hinder re-union.' (Holy Quran Tafseer No. 265)

Hence, if they repent and want to live together, they should not be prevented from making a fresh *Nikah before the Talaq* is uttered for the 3rd time. – (Quran: 2:232)

'ISLAM TRIES TO MAINTAIN THE MARRIED STATE AS FAR AS POSSIBLE, ESPECIALLY WHEN CHILDREN ARE INVOLVED...' - HOLY QURAN TAFSEER NO: 254 Thus, we know that, among all permitted acts, divorce without justification is the most hateful to God. And,

WOMEN ARE GIVEN THE MAXIMUM PROTECTION IN TERMS OF DIVORCE.

- 'If she is asking Khula without any valid reason, she is sinning'---
- Allah says, "O you who believe! You are forbidden to inherit women against their will, and you should not treat them with harshness, so that you may take away part of the Mehr (dower), you have given them, unless they commit open illegal sexual intercourse.
- "And live with your wives/husbands, on a footing of kindness and equity (honorably). If you dislike them, it may be that you dislike something on which Allah has placed a great deal of good."— (Quran 4: 19)
- However, today, we find that some women misuse this concession and try to treat their husbands harshly with the intention of attaining monetary benefits from them through Divorce.
- Any woman [or man] who asks her husband [or wife] for divorce without justification, then the scent of paradise will be forbidden for her (him). At-Tabari H.4 No. 569
- Our prophet has declared: "The best of believers is those who are best to their wives, and I am the best to my wives. - ⁵²
- Mohamed ﷺ forbade women from laying a condition in a marriage contract that his former wife should be divorced.
- 'It is not permissible for a woman to ask her husband to divorce his first wife' -⁵³

This is to safeguard the rights of the former wife, and also it proves that one should not marry another, nor divorce his first wife, just because he is fed up with her or he finds another more attractive for lust or lewdness, as is among the Jews!

ABUSE IN THE FAMILY:

- 'As such, there are 2 aspects to a person's personality. One is, he/she who shows their best face in public but will be just opposite- abusing and harassing his/her spouse mentally, but he/she cannot prove it.

We must not think that this harassment and abuse is in India alone. It is prevalent worldwide across all religions. When ideas or opinions differ, it is usually forced on their

⁵² Al-Tirimidhi; 3895; ibn Majah; 1977, Classed as sahih by al Albani, in Sahih al-Tirimidhi.

⁵³ Sahih Bukhari, 5144, 5152: / Sahih Muslim, 1413.

spouses, and at the slightest protest from them, the harassment starts. Even in the U.S, Domestic violence is the top cause (almost 50%) of deaths among pregnant women, not associated with childbirth!'- [Source: Al Jamuah American Magazine: May 2010]

In such a case, when Faith and honour are at stake, or the torture is unbearable, the person himself/herself has to decide whether he/she can continue any longer or not. It is here that Allah allows divorce, and He knows the reason and will help him/her!

“And if you decide on Divorce, then Allah is all knower and seer” (Quran 2: 227)

THUS, FROM THE PREVIOUS PASSAGES, WE INFER THAT SPOUSAL ABUSE IS NOT ALLOWED IN ISLAM.

‘It need not necessarily be physical abuse (beating), but verbal abuse hurts far more! Constantly demeaning the culture of your spouse, family upbringing, or inability to earn more: Discouraging keeping a relationship with one’s spouse’s kith and kin, etc.

All of this results in heartache and depression and leads to physical ailments.

- Prophet ﷺ has defined a Muslim as, ‘One from whom neighbors and other Muslims are safe from his hands and tongue.’- (5185 Sahi Bukhari)

‘WHAT CAN BE WORSE IF YOUR OWN SPOUSE IS NOT SAFE FROM YOU?’

Who can be more disqualifying as a Muslim? Who can be more hypocritical?

Then can you still call yourselves a Muslim, let alone a good Muslim and believer, when your very own spouse is not safe from you?’

The main aim of Divorce being sanctioned in Islam is so that,

- a) One is not forced to live like a slave, unable to pursue ‘the true path which Allah has shown us;’⁵⁴
 - b) If the men are drunkards or run after Fahisha, and there is no way of correcting them, the wives have full right to demand Khula.
 - c) If by the marriage, the husband or wife is in danger of being forced into pursuing ways other than what Allah has ordered and as our Prophet ﷺ has shown us. - then it is that Divorce be chosen as a way to save ourselves from the Wrath of Allah. (Sahih Bukhari 5205)
- ‘For neither husband nor wife can lay the blame (of their wrong deeds), on the other, and Evil has no authority over us, except as we deliberately choose it. (Quran 37: 22-30)
- And “No bearer of burden can bear the burden of another.” (Al-Quran 53:38)

⁵⁴ Sahi Bukhari, Book of Nikah, H. No. 1850

7. WHY DO MEN HAVE THE FINAL SAY IN DIVORCE?

In Islamic marriages, the man is the one who suffers the greater loss, in matters both financial as well as mental peace. This is because;

1. He will have to forego any amount of money he might have given her, “even if it were a Canter of gold” - (Surah An-Nisa, 4:20 Quran), and if not given already, he will have to give a gift according to his status for her maintenance (not monthly maintenance, which can easily be stalled), but a lump sum.
2. He will have to give money-- a fixed amount-- for the upkeep of his children.
3. He will have to prepare for a fresh Mehr (Dower) when he wants to marry another.
4. As already mentioned (in the main Book), it is psychologically proven that it is the man who is more shattered mentally when a separation takes place.

Therefore, unless he is desperate and cannot stand her ill deeds any longer, a true Muslim man will not divorce his wife. Only in such a case will he be ready to forego all for some peace, by getting rid of her!

This is valid for a True Muslim Society where the Mehr is high and where he does not marry and divorce for play or for lewdness or obscenity or when he sees other beautiful girls.

BUT HERE THE POSITION IS COMPLETELY OPPOSITE TO THE CONDITIONS LAYED BY ISLAM!!

Men marry and divorce at will, thinking it is their birthright. If they are fed up with their wives, they begin to torture them, thus forcing them to leave the household. They force them thus, with the thought that if she asks for divorce, he need not repay any cash and even take back some of the Mehr he had given to her.

THIS IS NOT IN ISLAM.

For Allah says in 4:19 - “O you who believe! You are forbidden to inherit women against their will, and you should not treat them with harshness that you may take away part of the Mehr, you have given them, unless they commit open, illegal, obscene acts.”

And they cannot hold out on them, if the wives ask for Khula, but divorce them within the period of at least 4 months after all attempts for reconciliation fail. These 4 months usually drag on to at least a year because of the attempts at reconciliation of their kith and kin.

8. DOES DIVORCE BENEFIT MANKIND?

Now, let us analyse: “Protection of Muslim Women’s Law”,

Will a woman, having the right to get a divorce from her husband, do any good to her?

When I asked in a religious assembly about the injustice meted out to women, when the husband is allowed to divorce her, at even any flimsy reason in the “Protection of Muslim Women in India, the reply I got is, “the women also have the right to get divorce (Khula), separation from Husband. So why are they complaining?”

Is it not rather unjust to talk about this right of the woman, which helps only towards her further ruin? Can every woman, who exercises this right to Khula, be truly relieved of all the burden of her previous married life?

The man may have another wife easily, but what about the heartbreak and what about the future of the children? In a country like India, very few men will come forward to take the responsibility of their wife’s children from an earlier marriage. Then how can she even hope for a new married life?

As a result, most such women opt for a single life and have to bring up their offspring single-handed. So, where is she going to benefit from this right of hers?

If at all she gets another spouse, where is the guarantee that this one will be perfect?

Thus, we find that, by exercising this right, the situation of destruction of families is only further worsened, as we are experiencing now.

And life is not a joke.

If she/he tastes a food and does not like it, OR if she/he wears a dress and it is not fitting, then she/he can throw it away. But once a couple is married and has had a taste of each other (sorry if I am sounding crude), then it is very disastrous if they begin to hate each other!

Hence, a spouse, whether man or woman, should consider all the pros and cons before deciding on the extreme step. Divorce cannot be given or demanded in anger!

Only if she/he is forced to do something against the tenets of Islam if she stays with him, or she/he is unbearably tortured, can she opt for separation.

Divorce is sanctioned in Islam, so that they will not be trapped in such matrimony, that may ruin their life here and their Hereafter.

1. THEN HOW CAN A COUPLE AVOID THIS SITUATION?

Islam shows us how,

Man has only to follow the injunctions of the Quran and the Sunnah of our beloved Prophet ﷺ to avoid such a situation!

“Mutual consultations with each other will benefit you and, once you have resolved upon a matter, put your trust (Tawakkul) in Allah and go ahead. Indeed, Allah loves the Muttaqu’n (Righteous)” ---(Al-Quran 3:159)

“And, upon Allah, a Mu’min puts his trust” — (Al-Quran 3:160)

These verses hold true in the case of choosing a life partner also!

- a. Therefore, when one decides to choose a life partner, one has to first ask Allah’s Guidance. Consult with others about the character of the girl or boy, you [or your ward] are going to marry. Once decided, say Istikhaarah Salaat, where you should ask Allah to make it easy, if the match is suitable for you. Otherwise, HE will make you realise it is not good for you and will make it easy for you to withdraw from such an alliance.
- b. Selecting your spouse should be after much pondering.
- c. Maturity of mind is essential, so that one does not fall for the traditional ‘love at first sight’, which is only infatuation and not real love. ‘That is why today many youth of the West who are brought up with Islamic injunctions, prefer their wards to choose their partner for them.’
- d. Once decided, put your trust in Allah’s guidance, and go ahead; and small grievances and problems should not be taken seriously. For NO man or woman is perfect.
- e. The proverb ‘No pain and no gain’ is true here also, and if you want to make the marriage work, you should take pains for it, and not ‘demand your rights alone and neglect your duties.’

ALLAH SHOWS US HOW TO BEHAVE IN DETAIL IN VARIOUS VERSES OF THE QURAN:

- “Husband and wife are a covering to one another” — (Al-Quran 2:187)
i.e., they should cover up the drawbacks of their spouses and:
 - “Do not scoff at one another, nor defame or insult one another, or be sarcastic.
 - Do not call offensive nicknames! “Such are Wrongdoers” - (Al-Quran 49:11)
 - “Avoid suspicion as much as possible, for suspicion in some cases is a sin!!
 - Spy not on each other, nor speak ill of each other behind their backs. It is like eating a brother’s flesh” — (Al-Quran 49:12)

- “Seek not against them means of annoyance”
- Do not betray confidence— (Al-Quran 66:3)
- “Woe to the slanderer and backbiter and miser. -- He thinks that his wealth will last forever! —Nay, he will be thrown into the crushing fire” (Al-Quran 104:1-4)

This is for all Muslim brothers and sisters, including spouses. Therefore, he/she should not speak ill of his/her spouse, even if it is true, unless it becomes unbearable!

We find women (some men also) complaining to their parents about every little scuffle that takes place between them and their spouses! This should be avoided.

Instead, they should try to directly express their feelings in a good manner to each other, and solve the matter among themselves. Shaitan is very happy when a couple quarrels and tries to add fuel to the fire to separate them. This is his priority-

“...They learn from them that which causes separation between a man and his wife.”^{2: 102}

If only the couples realise this and seek refuge with Allah from the cursed Satan and try to reconcile and understand each other, there will be no bitterness among themselves.

The Fire is not only in Hell alone, but the torture and frustration we have to bear here in this world too!!

MUSLIMS ARE THOSE WHO LIVE IN THIS WORLD FOR THE SOLE AIM OF PLEASING HIS/HER CREATOR.

“Do you think you will get Heaven (so easily), without Allah testing you as to who does Jihad (struggles), and those who are patient and firm in their Faith?” - (Al-Quran 3:142)

Therefore, life in this world can never be a bed of roses. That bliss we will attain only in Heaven, where we can reach only if we are pleasing to Allah.

Hence, man or woman, they should introspect on whatever they do; If they are doing according to the dictates of Allah, as shown by our dear Prophet ﷺ.

Mohamed ﷺ has enjoined kind treatment and honoring of one’s wife, and he said: ‘The best of people are those who are the best to their wives, and I am the best of them to my wives.’⁵⁵

And Allah declares that: “Men are in charge of women by [right of] what Allah has given one over the other and what they spend [for maintenance] from their wealth. So *righteous women are devoutly obedient, guarding in [the husband's] absence what Allah would have*

⁵⁵ Narrated by At-Tirmidhi, 3895; Ibn Majah, classed as Sahih by Al-Albani in Sahih at-Tirmidhi.

them guard..." Al-Quran, 4:34

Men usually are the ones who belittle their wives in the presence of others just to prove their superiority!! Today, women, too, have started this trend. Whether male or female, let them remember that they will be termed by Allah as Wrongdoers.

Allah also says,

“Beautified for man is the love of things he covets: woman, children, wealth- Pleasures of the present world. But with Allah is the excellent return for their deeds” — (Al-Quran 3: 14)

“And the inequities of this life will be rectified in the Hereafter!!!”

“He gives hurt to all, to purge out the true believer, who surrenders fully to Allah.” --- (Al-Quran 3:141).

“Every soul will taste death, and WE test you by evil and by good, by way of trial, and to us is your return” — (Al-Quran 21:35)

THUS:

If they realise that, little problems between husband and wife are only a trial,

If they (BOTH) introspect themselves now and then,

If they clarify their misunderstandings in an honorable manner,

And try to rectify their mistakes, such situations of No Return can be avoided.

Would it not be better to insist, to counsel the couple to sacrifice their Ego and pride and try to adjust and have a give-and-take policy, which is necessary for a happy and lasting relationship?

And, Allah declares:

- “Who spends in prosperity and adversity and CONTROLS ANGER AND FORGIVES PEOPLE, Allah loves the doers of good!” (Al-Quran 3:134)

- ‘Temper, nagging, sarcasm, speaking at each other in people’s presence, reverting to past faults which should be forgiven and forgotten--- all this is forbidden-----The reason is simple! We are living under HIS watchful presence, and how petty and contemptible will our little squabbles appear in HIS presence!’ Tafseer of the Holy Quran No.548.

- ‘To Love Allah is the highest motive of our conduct, for it leads to the Love of Allah’s creatures; to win the approbation and Love of Allah, is the Highest Reward, for transcending any compensation or satisfaction we can obtain in this life’ - Tafseer of the Holy

Quran No.4582

And, Allah specifically says in the Quran, that although “recomposing for an evil is an evil, whoever forgives and makes reconciliation, his reward is due from Allah.” (Al-Quran 42: 40)

Allah has set rules for men and women separately, so that there will be no confusion, and we need not argue and debate on minor matters!!

- The beauty of a woman/man lies not in her/his looks alone, but in her/his behaviour and character. If she/he lives a life, giving love and sacrificing a little of her /his comforts for the other inmates of the house, she/he can make it a home:

The Home which Allah has promised for MAN/WOMAN, a place of tranquility and peace!

- On the other hand, Allah says in Surah Taghabun, “Verily among your wives (spouses), and children are enemies for you, therefore beware of them.”^{64:14 & 15,}

--- Here, I would like to point out that, in most Books, the meaning of the verse is mentioned: “*your wives and children are your enemies.*”

أَيُّهَا الَّذِينَ آمَنُوا إِنَّ مِنْ أَزْوَاجِكُمْ وَأَوْلَادِكُمْ عَدُوًّا لَكُمْ فَاحْذَرُوهُمْ

While in truth it is:” Spouses and children.” {The word is ‘Azwajun’ - spouses and not ‘Zaujaathun’- wives. The word is conveniently covered up for the benefit of Man!

While we find that:

- If a woman induces her husband to earn through unlawful means
- If she insists on him to take a loan and paying interest (Riba), to fulfil her unreasonable demands
- If she prevents him from doing his duty towards his parents and Kith & Kin
- If she nags him to frustration and
- Ignores his natural sexual overtures, etc.

Then she is his enemy because she becomes the cause of his going astray, away from Allah’s order!

Similarly, if the Husband,

- Induces her to do something which is not Islamic, e.g.;
- Forces her to wear make-up to please his Boss,
- Forces her to drink or take drugs or do some obscene act,
- Forces her to do shirk!
- Forces her to be a false witness,
- If he does not allow her to wear a Hijab.

- Does not allow her to say her 5 times prayers, etc.

Then, he is being an enemy to her, and she has the right to get freedom from him if he does not repent!

- Ibn Taymiah said; If the wife commits adultery, the husband should divorce her. Similarly, if the husband is neither religious nor upright concerning religion, the wife must ask for divorce (Khula), or at least she should not stay with him as long as he remains so.

(Summary of Jurisprudence pg. No. 428)

- Imam Zakir Aijaz, in his book, 'How to bring up children?' says:

'There can be no greater evil posing a threat to the religious and moral training of a family than a chaste girl coming into the grips of an immodest, immoral, and ungodly husband, who,

- a) Cares little for the sanctity of wedlock with the believing woman,
- b) Does not discharge any responsibility imposed upon him as her husband
- c) Is insensitive to honor and civility.

'There are innumerable damsels who were leading a life of purity and modesty with their parents before marriage, but have been turned into lewd women after they were married to dishonorable and shameless families and iniquitous husbands. They are compelled to be immodest, drink and dance with other men and thus forced to break the boundaries of religion and morality!

Is he not then an enemy to her?

And Allah asks us to 'stand for Justice even if it is against our own selves.'

And our Prophet has said that **ONE SHOULD NOT OBEY HER HUSBAND** if asked to sin.' -

Sahih Bukhari-V-5205.

Here, if he/she does not repent and mend his/her way, then there is no other option but Divorce.

- And as already mentioned, a Man/woman marries for their beauty, wealth, or honor. All these are **NOT** lasting. But if they are chaste and have fear of displeasing Allah, then for HIS sake, they will live and let live, and try to adjust and change the other lovingly.

Thus, life can be, if not blissful, at least peaceful, which is what most couples lack.

On the other hand, usually we find in today's world that the girl applies for divorce for just the opposite reasons, like having to wear Hijab, not being allowed to mingle with men,

etc.!!!

- And today in India, debate is on that all divorces should go through the court of Law and cannot be decided by the Qazi or Ulema. This man-made decision brings many problems in its wake. The case in court drags on for several years, because of the huge backlog of cases pending there, and as mentioned earlier, it will not bring any solace to the estranged couple and is only a waste of money and time.

2. WHEN IS DIVORCE ALLOWED?

“The men are (should be) protectors and maintainers of women because Allah has given one more (strength than the other and they support them from their means. [This way, a woman is free from the necessity of ‘having to earn’ for her living.]

Therefore, the righteous women are devoutly to guard their husbands’ property and their chastity (Al-Quran 4:34)

It means that whether he is present or not, the good wife will do nothing that will cause him disrepute or loss of property. She will do everything to justify that position, by guarding her own virtue as well as his reputation and property.

This way, both are at peace because he can work with all his might, feeling secure at the thought that his wife is at home to look after things in his absence.

In such a case where a man is loyal to his wife and does everything possible to keep her comfortable, he has the right to reprimand her, IF she deviates from the righteous conduct and is guilty of any un-Islamic actions.

For it is his duty to “enjoin Salaat (and righteousness) on your family and be patient in offering them” — (Al-Quran 20:132)

وَأْمُرْ أَهْلَكَ بِالصَّلَاةِ وَاصْطَبِرْ عَلَيْهَا لَا نَسْأَلُكَ رِزْقًا نَحْنُ نَرْزُقُكَ وَالْعَاقِبَةُ لِلتَّقْوَى

It is in such circumstances that Allah advises;

“As to those women, on whose part you fear Disloyalty and ill conduct (un-Islamic conduct)

1. Admonish them (first),
2. Then refuse to share their beds,
3. And last beat them (lightly), (‘Dhzariba’ in Arabic means ‘beat lightly’)

But if they return in obedience, seek not against them means of annoyance” (Al-Quran 4:34)

- However, because Allah has permitted punishing his wife, he should be careful not to abuse this power, and should seek refuge with Allah from the corruption of Shai'tan.
- Mohamed ﷺ has said, 'You will be accountable for the punishment you mete out even on your servant (slave)! If the punishment is more severe than his mistakes, you will have to answer for it to Allah.'

When this is the case for a servant, how much more should he be careful with his wife?

As far as beating is concerned, Allah has given an example in the life of Ayoub (as) [JOB] in the Quran ^{38:44},

All may know how the Prophet Ayoub (AS) [JOB] was afflicted with many a loss, in family and wealth, and he was even covered with sores. This was a test for his constancy and to prove to others that even in times of adversity, they should never accuse or abuse Allah. Even when he was suffering with intolerable pain, he only uttered the praise of Allah.

"O My Lord, hurt has touched me, but YOU are the Greatest of Beneficent"^(Al-Quran 21: 83)

'During his ailment, his wife, induced by Satan, told her husband, "You still call HIM Beneficent?" This utterance of disbelief so infuriated Ayoub (as) that he swore to give her 100 lashes as soon as he recovered!

But Allah ordered him to fulfil his oath by using stripes of thin grass for striking, so that he may fulfil his oath, and at the same time not hurt her much.'⁵⁶

This clearly shows the situation and circumstance when a man may admonish or punish his wife (and children), and how slight the punishment should be, that too, when they deviate from the righteous path.}

Therefore, beating here means only a light reprimand and not high-handedness as in the Jews and Christians! He should beware of becoming hateful to Allah when, thinking himself a grade above a woman, he becomes brutal, bullying his wife, snarling at her for every mistake she makes, forgetting that he is also prone to mistakes!

When he wishes to reprimand his wife for being disobedient, he should first ask himself 'Am I obedient to Allah's Laws Myself?' for,

Allah asks, "O you who believe! Why do you say that which you do not do? Most hateful is with Allah that you say which you do not do."^(Al-Quran 61: 2,3)

If he himself is 'chaste, good and just' in his actions, and 'kind and loving' as Allah tells him

⁵⁶ Explanation-Hadith--Al Qurtubi, Vol. 15; P, 212, Source; Noble Quran/ Ibn Khathir}

to be in the Quran 4:19.

It is his duty to obey Allah's command before he can have the right to punish his wards. *This is to prevent them from going astray, or not abiding by his reasonable wishes, and not for anything and everything.*

For Allah says:

“Whoever transgresses the limits that Allah has set, has wronged himself” - (Al-Quran 65:1)

And a good chaste woman will realize that she is justly being rebuked for her fault and try to make amends, not giving way to ego and arrogance.

However, even when all efforts of reconciliation fail between them, then: “If you fear a breach between them twain, appoint two arbiters, one from his family and one from hers. If they seek to set things right, Allah will cause their reconciliation.” (Al-Quran 4:35)

TO CONCLUDE:

On the whole, we can sum up the matter of Divorce as follows:

- i. ‘Reconciliation is possible and is indeed recommended at every stage. The first serious differences between the parties are to be submitted to a family council, on which both parties are represented.
- ii. Divorce is not pronounced when mutual attraction is at its ebb (during Menses, or when they are living separately)
- iii. Any differences between him and his wife should not be forced into an issue, at a time when sex is least attractive or almost repulsive (during her periods).
- iv. The parties are to think seriously in a mood of PIETY, keeping the fear of Allah, in their minds.
- v. When pronounced, there should be a period of probationary waiting (Al-Quran 65:2)
- vi. A certain amount should be decided to be paid to the estranged wife for her provision, in a lump sum according to his assets, not a measly monthly maintenance! - (Al-Quran 2:236)
- vii. Dower has to be returned, and due provision should be made for many things, like the expenses of the children. This has to be decided by mutual consultation. The future and education of the children have to be brought into consideration. Either a reasonable amount should be allotted or given every month! — (Quran 65:6, 7).
- viii. Every facility has to be given for reconciliation, till the last moment.

- ix. The Arbitrator is essential to prevent injustice or selfishness.’ – (Sahih Bukhari 5508)
 - x. The prescribed waiting period is in the interests of the wife, husband and of any unborn child - (Holy Quran 65:1- Tafseer No. 5506)
 - xi. ‘Hasty, impulsive decisions leading to separation must be avoided as much as possible. This is because you do not know if perchance, Allah will bring down some new situation of reconciliation afterwards.’ – (Sahih Bukhari No: 5508)
- I.e. if you truly wish to reconcile, keep praying. Allah will show you a way out!

3. SIMPLE PROCEDURES ON DIVORCE IN ISLAM:

Thus, Divorce has many procedures to follow:

- 1) If he realizes that she is in the wrong, he should first try to make her see reason. He can explain to her the wrong she is doing and the frustration she is causing him.
- 2) Even then, if she refuses to see reason, he can show his anger by staying away from her for a certain period of time. It can be from one month to 4 months. Our Prophet ﷺ stayed away from his wives for one month (29 days) when they troubled him. This is called the Ilah period.⁵⁷
- 3) But he cannot prolong this for more than 4 months. He should decide within this period. If he refuses to do so, he can even be imprisoned to force him to decide! – ⁵⁸
- 4) If, however, they wish to reconcile, they can come together. Even after staying away for one month, if she does not heed his warning and is adamant in doing wrong, then he can slightly beat her (like with a toothbrush or hanky!).
- 5) In the meantime, when the parents start noticing all this, they can interfere to make reconciliation possible. Here, the guardians of both parties are essential to see to it that justice is done. — (Al-Quran 4:35)
- 6) If, after all this, they still decide to separate, then one divorce is pronounced. They have to stay together for 3 months of the Iddah period.
- 7) After all this, at the end of the third month, if they want to separate, only then can the divorce be considered final.
- 8) Even then, if they want to reconcile, no one should prevent them, but a fresh marriage contract should be signed. (Al-Quran 2:232)

⁵⁷ Sahih Bukhari: H. No. 5289

⁵⁸ Sahih Bukhari: H. No. 5290

9) On the other hand, if they do not reconcile, then the Divorce is final and irrevocable.

10) This way, they can reconcile 3 times. Even if it takes many years of living together and he pronounces divorce and makes amends in the above manner three times, then after the third divorce, it becomes irrevocable.

11) It is after such final divorce, when the divorce has become final and irrevocable, that Allah pronounces the wife Haram to her husband unless she marries another and if they too cannot get along and divorce takes place. This method is called 'Halaala'. -2:230 ⁵⁹

12) The second marriage (Halaala) should not take place with the intention of Divorce.

13) Only if they too cannot get along together and Divorce takes place can the former husband remarry her.

14) Allah's Messenger ﷺ cursed the practice of Tahleel (marrying to divorce for the sake of the former husband to take her back). --- ⁶⁰

When Allah has set so many conditions for Divorce, how can the strong bond of marriage be broken in one sitting, even when angry, drunk, or asleep?

When they decide on Divorce, are they following all these procedures?

If they are not following the Quranic injunctions, how can they be termed Muslims?

Allah has said in the Quran in many verses that if you do not obey Allah and HIS Messenger, you are not a Believer!

And HE says, "Stand out firmly for justice, as witness to Allah, even though it be against yourselves, or your parents, or your kin, whether he be rich or poor!" — Surah An-Nisa, 4: 135

Therefore, the judge or arbitrator who decides remuneration must be just. In the case of divorce, they should ensure that the wife and children receive the benefits due to them, as prescribed by Allah in the Quran, rather than just the return of the dowry (which itself is Haram), as is currently the case. And justice should be meted out to a man if he is innocent and being unjustly accused of abuse or false accusations.

In the West, and also the Tawheed Jamaat of Tamil Nadu has ruled, regarding the compensation that a man is to give, in the case of Divorce.

'SUPPOSE HE HAS 2 HOUSES, HE SHOULD GIVE ONE TO HER.'

However, this arrangement too is being misused by the girls who, in their greed to

⁵⁹ Sahih Bukhari, Hadith No.5331

⁶⁰ Ahmed 1:448, An- Nasai--- 6: 149--- Ibn Khathir Vol. 1, pg. 642-643

misappropriate that amount, torture their husbands to get a Divorce.

Today, the lack of fear of Allah induces men and women to do whatever is possible to get compensation, even if it is unjust. Many men have had to take loans to fulfil such demands, to save themselves from false accusations and imprisonment if they do not pay, even when their wives demand Khula. (There cannot be any hard and fast rules in this matter. The amount should be decided according to the status and condition of the couple.)

4. WHY IS DIVORCE RAMPANT IN OUR SOCIETY TODAY?

i. A woman, who was taught to be a doormat to men, has now started to be aware of her rights, while men and women are not taught their duties and responsibilities.

ii. The influence of TV and erosion of true Islamic Values from modern Society causes young minds to get a set thought of his/her prince charming, while the fact of life is totally otherwise, which they are not taught as they grow.

iii. The mentality of women has changed, and they expect their men to help in the household, while men still expect their wives to serve them, hand and foot, despite getting a fat pay packet, i.e., A woman is supposed to do double work and yet cannot be equal to him!

iv. The selfishness that prevents husband and wife from allowing each other to spend on their kith and kin becomes a venue for bitterness.

v. Unnecessary interference by the parents of both sides, who fanned with ego, want to get the better of each other, leading to many a break of families. This Allah (Sub) vehemently forbids when HE says, "Who sow dissension between spouses or between two brothers, are hated by HIM!" Quran.

vi. Girls and their families, who do not find suitable bridegrooms, try to lure away men who are living peacefully with their wives and children. They try to induce him to marry her after divorcing his first wife, with a reasonable amount from the huge dowry that her parents can offer! This practice is rampant in many places. They do not even have an iota of guilt for the great sin they are committing!

✓ Our Prophet ﷺ has warned that 'if a woman tries to break up a family, she will

not even get the smell of Heaven!’ And ‘NONE should ask the hand of an already engaged girl (or boy)’-⁶¹

✓ Any woman [or man] who asks her husband [or wife] for divorce without justification, then the scent of paradise will be forbidden for her (him) – ⁶²

vii. Still others get fed up or give the excuse of not having children, or worse still, that they have no male issue. They take in another, but divorce the first wife, at the insistence of the new wife, which itself is a great sin.

viii. The lack of moral education fails to make them realise that this life is only probation, and as no one is perfect. One cannot expect 100% happiness here—the words "Happily ever after" will be only in Paradise.

ix. Poverty and depression due to not having enough are also reasons for many divorces. Usually, many quarrels flare up over even little matters. It is here that Allah orders us to be patient and accept that all happens only as ordained by HIM (Qadr) For, however much we persevere, ultimately only the will of Allah will prevail!! Our Prophet ﷺ has said, ‘If you want to live in peace, do not look at those above you but those below you.’—⁶³

x. Ego, arrogance, and selfishness make them not repentant, nor patient. Thus, they give Divorce, at the “drop of the hat”!

xi. The lack of communication between the spouses of the double-income group is another reason. Some, especially those working in IT and nursing shifts, may be unable to meet or have time for each other.

This leads to their being deprived of sex, either because of the tiring work or to be with each other due to the long hours of work. Outstation assignments can also keep them from meeting each other for long years.

xii. Overwork or overindulgence can also be a reason for their incompatibility.

xiii. And the fact cannot be ignored that when girls have started to earn and provide for themselves, as already mentioned, they do not feel the need to accept their husbands as their leaders or providers! (This is due to a lack of moral education. I

⁶¹ Sahi Bukhari Hadith; 5142, 1543, 5144

⁶² 77At-Tabari H.4 No. 569

⁶³ Sahi Bukhari. Hadith No.6490

xiv. In many cases, we find that when the spouses live separately, for livelihood or preference, they are attracted towards illegal relationships or 'Love affairs' by which many families are destroyed! Alas, all this is due to a lack of moral upbringing.

xv. The wife earning more is also a reason for many a divorce. This can be because of the 'wounded pride' in the part of the male, for not being able to earn more than his wife! (However, today, girls excel boys in education, and hence getting more educated men for them is very difficult.)

xvi. Drugs and bad company influence them to turn away from their responsibilities. (This is for both men and women.)

xvii. Films and TV serials, showing premarital and extramarital sex as the in-thing, encourage the spouses to tend to be 'independent,' and rid of responsibilities.

xviii. Marrying from other religions in haste, infatuated with love and lust, tends to wear off as time passes and leads to many Divorces.

xix. *As mentioned earlier, some years into marriage, the couples tend to spurn the sexual overtures of one another, thinking it is not necessary, leading to frustration and hatred!*

Those women who do not allow their husbands to marry another should bear in mind that they should try to satisfy their husbands sexually and in love as much as possible. Our prophet has said: The angels curse the woman who deserts her husband's bed, or refuses to come to him when he calls her. -

xx. The influence of the West seems alluring, while the Liberation of the West is a Myth.

5. INFLUENCE OF THE WEST:

While those in the West are trying to bring back the "so-called old moral values" into their lives, we are blind to this fact and trying to copy them, considering it to be the most modern way of life, completely ignoring the Laws which Allah has ordained for 'Only our benefit'

In days gone by, people lived in joint families. The children grew up together, knowing each other, learning to live with one another in peace. The new generations

USED TO LEARN TO RESPECT THEIR ELDERS AND UNDERSTAND AND ADJUST WITH EACH OTHER.

They lived in huge bungalows, and each had separate quarters to themselves, thus preserving the privacy they needed, yet intermingling with their kith and kin.

Though there were many drawbacks in the joint family, this arrangement of being knitted together enabled them to uphold the kinship and create new alliances without much ado. Moreover, the most remote relations were kept intact, and contact was maintained, by which the background of the whole family was an open book.

In this situation, when a marriage was fixed, it was often between two known families.

The bride and bridegroom knew each other, though not in the matter of sex, which is now the sole criterion for attraction of one to another!!

They knew the shortcomings as well as the good points of their spouse (through their parents). Therefore, a life adjustment was easy.

However, slowly, selfishness crept into the lives of the people. Nuclear families became the norm, and even the sons, who stayed with parents in the beginning, began to opt for separate accommodation.

The present-day family consists only of husband, wife, and children, and throws out, even the closeness of the parents from the circle. Every penny spent on the parents began to be considered a waste of expense. Relationships became eroded, and secrecy and privacy took the place of transparency.

Then one fine day, all of a sudden, when their children reach marriageable age, these couples who had remained aloof from their people and relatives would wake up to the fact that they need a partner for their children!!

A hectic search would ensue. When they find some boy or girl seemingly suitable for their child, well placed in society and earning a five or six-figure salary, they enter into matrimony without knowing the real background of the other party. The choice is based on wealth and beauty or honour, while Allah has ordered to choose the partner based on chastity and piety.

Both parties will show only their best side to the other, even in love marriages. Only after some time, after the knot is tied, the true face of the spouse will emerge, which sometimes will come as a shock to the other. Life then becomes a burden, and adjustments are difficult.

Previously, at least, the girls were asked to bear as much as possible, and life would be led, though under much torture and pain.

Gradually, girls began to wake up. Why should we alone bear the atrocities meted out by the husband and his family? This thought began to make them defiant, and the parents

also brought up their girls to be selfish and self-centered.

The boys were already brought up in the same way. Thus, clashes of ego and inability to adjust have resulted in what we see today, divorce at the drop of a hat!

As I have mentioned, the man-made Laws of Divorce keep changing when the result of the previous decision is found to be ineffective!

Thus, many divorces are taking place in society due to all the above reasons.

6. STATISTICS

WE FIND DIVORCES TAKING PLACE FOR FLIMSY AND AVOIDABLE REASONS:

EXAMPLES:

- A woman went to court complaining that her husband was forcing her to have sex after taking 'Viagra' and watching blue films! She wants a divorce because she is not able to bear the sexual abuse and torture!

- More interesting is, a man has gone to court, complaining that his wife was torturing him for conjugal rights, even when he returned late and tired after hard work! (To avoid such shameless scenes, Islam does not ask for reasons openly. The reasons may vary from anything on earth, but Allah warns that one should practice utmost restraint before deciding on this evil act of separation! (Quran 65: 8,9 & 11))

- A man has gone to court because his wife neglected his child and the house. She was all the time on the mobile, talking to friends and relatives and had no time for him and their child or household duties. We find this common in today's households where the girls are engrossed in their Mobile phones, and neglect their husbands and children even after they come home and need their attention!!

- Another interesting case I wish to share with you: A young couple got married, The boy was from a huge family with many siblings and was used to sharing his things with them.

The girl was from a nuclear family, used to having her things exclusively for herself.

The girl has applied for a divorce because her husband uses her bath towels and soap, and refuses to keep a separate one for himself! It is really unbelievable but true, and the case has been pending in the court for the past 2 years!!!

This is the result of bringing up children selfish and unrelenting!! And their ego does not allow forgetting and forgiving! You yourself can decide if they are justified in separating

for such a flimsy reason. (All the above cases are of non-Muslims)

However, among Muslims, it is no less.

- A girl was too shy to oblige her husband in the first few days of marriage. He got frustrated and, after sending her home, sent a letter divorcing her! How cruel! The psychologist who checked her declared her fit and only required counselling!

- In another case, a girl got married and within 15 days returned home in a huff--- reason--- he smells rotten—she got Khula from her husband and left for the USA and married a non-Muslim. Her father was shattered and died of a broken heart.

Is just 15 days enough to know one's spouse?

Was her preference for this world worth all that she lost – here and the Hereafter?

If only Parents had brought them up as True Islam enjoins.

If only they had counselled them before marriage to be patient and forbearing.

If only they were advised to refer to the Quran and Hadith to clear doubts and misguidance.

If only they had been taught to face the difficulties of life as challenges and take things as they come with wisdom and forbearance, such cases could easily have been avoided.

For Allah says in ^{94:6}: “Indeed, with hardship comes ease,” and,

“And whoever fears Allah, HE shall make for him a way out (of every difficulty), Moreover, HE shall provide for him from where he has never conceived.” - ^{65:2-3}

“Verily those who accuse chaste women (or men) who never even think of anything touching their chastity and are good believers, are cursed in this life and in the Hereafter, and for them will be a great torment.” — (Quran 24:23)

STATISTICS of the 2000s:

As already mentioned, in Western countries, moral degradation has led to:

- Divorces outnumber married couples in the UK^(The week-29-6-2008)

- ‘In the Russian Federation, 65% of marriages end in Divorce, in Ukraine 63%, in the Czech Republic 61%, in the UK 51%, in the US 49%, and in Germany 41%!

- In Sweden, Women are the most ‘liberated and empowered’, with more than half of the Swedish parliamentarians and Civil Servants being women; it is just a coincidence or consequence that 65% or more Swedish women and men live together without marriage, anyone with another for any length of time!

- The traditional arrangement, where men go to work and women stay at home, has fallen from 53% in 1972 to 21% in 1998. Proportionally, the Divorce rate has doubled!
 - As a result, 2/3 of elders are bereft of family support. This has forced the Swedish Government to pass a law to provide care and assist the aged who are orphaned!
 - And the STATE has to step in to fill the void in families. As a result, the social security cost of caring for the aged and infirm has skyrocketed.
- Many in the West are frightened of this time bomb ticking under their nose, and fear that a fatherless America will bankrupt the country soon!
- And they have realised, but too late, that a family structure is essential for a secure and peaceful life!!
- In India too, the rate of Divorce has increased from 4000 pending in the courts of Madras alone in the year 2005 to 6000 in 2006! And the case drags on for years together, with only about 10% accepting reconciliation!! [Source Deccan Chronicle- 18-3-2007]
- All these cumbersome procedures for Divorce have induced couples to avoid marriage, and living-in has become the norm. We can very well imagine the problems we Muslims will face if it is decided that all divorce cases should go through the court procedure only.

7. HOW TO AVOID SUCH SITUATIONS?

May Allah save us from such a situation. The need of the hour is to educate our ummah about the superiority of Islamic Laws if followed according to the way Allah has shown us. If we deviate, we will surely be punished and degraded further.

A True believer will never wish to have haram relations, nor intend to be unjust in their deeds regarding their family life. Islam shows us how to prevent separating and causing a rift in the family by turning to HIM for help and solace. Our Prophet has also shown us how to behave when such problems arise among spouses.

Patience and fear of Allah are the keys to a good relationship, whether with neighbors or friends or with one's spouse. We must realise that we are under the watchful eyes of our LORD.

The first step when we face any quarrels or problems is to seek refuge with Allah from

the accursed Satan. Say: **أَعُوذُ بِاللَّهِ مِنَ الشَّيْطَانِ الرَّجِيمِ**

This will help you see right. Then ponder over what your real problem is?

Will you benefit from the separation that you wish for?

Will you be able to have a better life when you leave your spouse?

Will your children be able to cope with the psychological trauma?

'If any of you wants to prolong your quarrels with your spouse, take a paper and pen and jot down all the good he/she has done to you during your married life. Then decide if the quarrel is worth it when you face your LORD to answer for your deeds. And, make amends before the day is out.' -Quotes

And you will find that 99% of such divorces can be avoided.

Alhamdulillah. I can thank Allah for guiding me to help a few couples from such a situation through my counselling and making them realize the folly they were about to commit.

III. THIRD 'D': DOWRY

None can refute the fact that Dowry is a curse for our society, both among Muslims and non-Muslims, though it is not a component of Islam.

Man, aiming to discourage it, has drafted many laws, but all to no avail. The law to imprison those who offer or receive Dowry is one of them.

But the greed of man was and is such that the more they get, the more they want!

This resulted in the parents having to toil more, to give a reasonable life for their daughters!

In other religions, women could not inherit from their parents. And sons alone were the sole inheritors of the parents' property.

To ensure a reasonable, respectable position for their daughters, a certain amount of wealth was given to them at the time of marriage itself! This was known as Dowry.

In Christianity, the daughters are given Lakhs of Rupees, and among Hindus, all the household articles, from a needle to a fridge and A/C, as well as gold and diamonds, and a house to keep these things and a car, if possible, is a must in Dowry! —The demand is never-ending!!!

Even among Muslims, some have adopted this evil practice!

The parents' worries start when a girl is born, and if they have a second or third daughter, then their whole world is ruined.

In the Judeo-Christian system and Hinduism, which closely resembles it, anything belonging to the wife is the property of the husband.

Their argument is, when he owns the wife, then does he not have a right to her property? The wife belonged to her husband, and therefore, once she was married, she lost her property, her legal personality and her family name to him.

This trend left the woman high and dry, and man-made Laws failed to serve her interests.

1. THE ILL EFFECTS OF DOWRY

- There are cases where the women go as far as murder, to get their share back, or the men killing their wives, to inherit her share of the property, because they are the sole heirs to it!
- There are cases where the women are murdered or thrown out of their houses.
- If a couple give birth to a girl child, the worries start immediately, and they have to work hard to hoard enough (any amount is not sufficient)
- The market price of a groom is so high that if they do not have enough, their daughters are left spinsters.
- It does not, however, guarantee her future happiness, because one who demands a dowry may not be satisfied with what he gets in the primary instalment. The girls' parents will be sucked off their last drop of blood or will be blackmailed that their daughter will be tortured!
- The parents will have to work hard all their lives, only to give it off to their future sons-in-law!!
- The girls themselves will have to earn by hook or by crook (even if their chastity is lost!)
- The boys' parents, if they think that their son will be happy, only by bringing a daughter-in-law with a huge dowry, should be ashamed. When they are out looking for the girl who will bring the most wealth as dowry, they should realise that
- The modern girl now is not so gullible to lay down whatever she brought at their feet. She will assert her right and even ask, 'Have I not bought your son? So now he is mine (literally)!! Then what is the use of getting the entire dowry, which she will eventually take away? And, when in the process, you will lose the very relationship of the son for whom you are begging?
- Those who do not have the means to give a dowry have to 'beg' from others.
- In short, the boy is forcing them to beg of others, to satisfy his greed!
- By demanding dowry, we are indirectly the reason for the numerous female

infanticides.

- Those who give birth to daughters literally kill them, in fear of having to pay a huge dowry! The numerous killings of girl babies and female fetuses are one of the results of this evil practice. And Allah has abhorred such killings in the Quran? (Quran 81:8//17:31)

- *“And do not kill your children for fear of poverty. We provide for them and for you. Indeed, their killing is ever a great sin.”* – Surah al-Isra’, 17: 31

وَلَا تَقْتُلُوا أَوْلَادَكُمْ خَشْيَةَ إِمْلَاقٍ ۗ نَحْنُ نَرْزُقُهُمْ وَإِيَّاكُمْ إِنَّ قَتْلَهُمْ كَانَ خِطْئًا كَبِيرًا

- *“And when the girl [who was] buried alive is asked, ‘For what sin was she killed?’”*

– وَإِذَا الْمَوْءُودَةُ سُئِلَتْ – بِأَيِّ ذَنْبٍ قُتِلَتْ – Surah At-Takwir, 81:8

- The boy’s people assume that what they are receiving is their right, but it is a real shame. Just think!

- Is it not what they are receiving, actually charity? or
- We may even call it daylight robbery!!
- Because they have no right on the girls’ property!

How can we Muslims also follow this abominable practice, when, in Islam, as already mentioned, Dowry is unknown as a condition for marriage?

- While the gift to the wife by the husband (dower), is a precondition for tying the knot!!— (Al-Quran 4:24)

- In Islam, the woman retains her identity and personality and is in no compulsion to hand over her property, or the dower she receives, to her husband or his family unless she does it of her own free will.

And dowry is Haram because;

- The boy, who misappropriates his wife’s property, is devouring something that is not his hard-earned money.

- While it is his duty to spend on his wife’s upkeep, he is taking from her unjustly, which is not his, in any sense of the word.

- On the other hand, Allah ordains him to give Mehr for the girl he is to marry. It may be from a Lakh to a penny according to his capacity.

- It is the girl who can demand the amount she wants as dower!

Allah dissuades man from marrying the orphans under his care if he will not be able to do justice to them. A man has no right to covet the wealth of his spouse. (Al-Quran 4:3).

He cannot marry her and misappropriate her wealth if she is rich, or leave her stranded if she is poor. If at all he marries her {with her consent}, he must be able to give her the full dower notwithstanding that she be rich or poor. Sahih Hadith Bukhari 5092

And Allah commands, "And eat up not one another's property unjustly, nor give bribery to the judges, that you may devour part of their wealth sinfully" --- (Al-Quran 2:188)

Thus, in Islam, if the man accepts dowry from his bride, it is "coveting the wealth of others," and if the man takes dowry and misappropriates it for himself, he is 'devouring something which is not his.' (One who takes another's wealth without just cause, will wake on the last day with no flesh on his face)

"And you are forbidden to devour the wealth of people wrongfully. And I have prepared for the disbelievers among them a painful punishment." --- (Al-Quran 4: 161)

Alas, one who devours another's wealth against Allah's order is termed a disbeliever; one who does not believe that he will be punished *here and in the Hereafter* for his deeds.

- 'It would be better for any one of you to cut a bundle of firewood, and carry it on his back, and then sell it, to earn his living, than begging from someone.' ⁶⁴

- "One who begs without a just cause would come before Allah on the day of Judgment without any skin on his face." That is the state he would be in. He would be a walking skull, hideous because of his begging. ---⁶⁵

HENCE, THERE IS NO DOUBT THAT DOWRY IS HARAM IN ISLAM.

But the greed for money has made man choose what is convenient for him from the other religions, and he has completely forgotten that he is forbidden to follow what is not right, just for the gain of this world.

In the Middle East, governments or wealthy individuals help boys who are unable to pay the dower (Mehr) so that they can get married.

But in India, it is the Dowry that is preferred. We find that rich people get their daughters married off easily, by paying heavy dowries (buying off boys), thus depriving the poor of a decent matrimony!

WHILE THE FORMER IS ACCEPTED IN ISLAM, THE LATTER (DOWRY) IS A REPULSIVE HABIT.

⁶⁴ Sahih al-Bukhari 1470

⁶⁵ {Collected by al-Bukhari (Ṣaḥīḥ al-Bukhārī 1474, Ṣaḥīḥ Muslim 1040)- source: Sunnah.com

2. INJUSTICE TO SONS

Moreover, it results in injustice to sons:

- Our Prophet (ﷺ) said, ‘When a father gives gifts, in his lifetime, to his children, he should show no partiality between them.
- According to Islamic inheritance, parents’ property goes to the children 2:1 for male and female. Here, let alone twice the amount, he may not be getting even an equal share.
- ‘You are allowed to will away to others who are not your heirs, 1/3 of your property. But if by willing it away to others, it will leave your offspring poor and having to ask others for help, avoid it.’ Sahi Bukhari H. No. -6733

Here, when the father has to give away such a huge amount of his income to his daughter and son-in-law and has spent exorbitantly for the wedding ceremony, his sons will get only what is left.

- In such cases, the parents will not even be able to educate their sons because they have had to give away all to their daughters! This way, they are being unjust to their sons!
- The man has the responsibilities of looking after his parents and ‘giving out, of what Allah has provided to his kith and kin as well as for the poor and for propagating Islam.’
- He will not be able to meet the demands if he is not given enough education (both academic and moral). As a result, he will start to look forward to the dowry of the girl whom he will marry and her income, to fulfil his needs. This vicious circle can be broken only if man realizes his duty and becomes capable of earning enough to maintain his wife and dependents, and will not await his wife’s dowry for existence.
- *One of the reasons for the man having to abandon his parents is that he has to live off his wife’s wealth. Then what right does he have to spend it on his parents?*
- And the exorbitant wedding expense drains the blood of the girls’ parents to the last drop, often leaving them in debt for the rest of their lives! Allah has strictly forbidden wasteful expense and termed those “who waste money as the brother of Satan!!” — (Al-Quran 7: 31)

3. HOW MUCH DOWER (MEHR) SHOULD BE GIVEN?

Here in India, Mehr (Dower) is given only as a token by the boy. The example they give is that our Prophet ﷺ said, 'If you do not have money, give at least a copper coin and even if you do not have it, at least teach a verse of the Quran to your wife'.

They hide the fact that he has also said, 'give as much as you are able,' and the girl has a right to demand it of you!

'He ﷺ himself has given 500 Dinars (twelve and a half Uqyah— measures of gold), as Mehr, to marry each of his wives!! – except

Umm Habibah bint Abi Sufiyan (POW)—400 dinars

Sufyah bint Huyah (POW) ---set free in place of the Dower

for Juwaryah—he paid off the contract to buy her freedom,

Rayhanah and Maria (the mother of Ibrahim) were also his prisoners, and they were set free in place of Mehr!' ----- [Hadith At- Tabari 20:284 --Source Ibn Khathir]

When Umar {ral} once commented in his speech that one should not give Mehr more than what the Prophet ﷺ gave. A woman from the Quraysh asked him, How could he forbid what Allah has ordained in the Quran ^{4:20}, which says: "Even if you give a Qintar of gold, you should not take it back". Immediately, Umar (ral) asked forgiveness from Allah and decreed that 'let anyone pay what he likes from his wealth as Mehr.' - Abu Dawood and others

-Source-Ibn Khathir

- Thus, in no way is the dower nor the Dowry paid by Indian Muslims, Islamic.
- It also shows that Umar ral never did anything that went against the Quran
- And it shows that he was humble enough to accept the rulings from even ordinary citizens, when the truth was pointed out to him. Then how can we assume that he changed the law of Triple Talaq into final in one sitting?

Allah says: "If you do good, you do for your own selves, and, if you do evil (you do it) against yourselves" — Al-Quran 17:7

4. THE BEST WAY TO ARRANGE A MARRIAGE

We all know that the Mehr (Dower) in the Middle East is very high, and sometimes boys find it difficult to earn enough as Mehr to marry girls who demand a very high amount. Here, the government and other rich people offer to help the boys collect enough money for them to give the Mehr.

Once, I chanced to meet a Palestinian couple and asked them, 'Why is the Mehr so high in their country?'

She replied 'By this method, the parents have only to bring up their children, both boys and girls, to be equally well versed in religious and academic knowledge.

Once the boy is capable of earning, he can earn his own Mehr.

After the marriage, the girl sets up house and buys the necessary things for the household with the amount of the Mehr! By this method, both the parents of boys and girls are not burdened in the least with unnecessary expenses and can live peacefully, and have time to bring their children the way Allah has ordained!!

For Allah has said, "Give the Mehr with a good heart, but if they, of their own good pleasure, remit any part of it to you, take it and enjoy it without fear of any harm!" – (Al-Quran 4:4)

Hence, the boy is not sinning when his wife offers the Mehr for their better living, and her using the Mehr she receives, for their home is perfectly allowed!

IS THIS NOT THE CORRECT METHOD?

- This way, the burden of having to make extra money for this evil practice can be lifted off the shoulders of the girl's parents!!
 - The incidence of Divorce will be scarce because the young couple will be God fearing and will try their best to adjust with each other in life, in the hope of receiving Divine Blessing and the ultimate Goal --- The pleasure of Allah, for which each of us should strive!
 - They will realize what awaits them if they transgress their covenant with Allah.
- Thus, the need of the hour is that first we should know, and then teach our children the truth of How Merciful and Great and Perfect are Allah's Laws.

We should imbibe into them that to follow HIS Laws is the only way to lead us towards

peace in this world and the reward of Allah's love, for which every Muslim yearns.

It is essential to make our people realize the evils of Dowry and the merits of increasing the Mehr (Dower), as in the Middle East and not let it remain only a token of 10 or 20 grams. As it is now.

Allah promises in 24:32: Men marry for wealth, beauty, or virtue. But "marry those among you who are virtuous ones, male or female, even if it be a slave."

If they are in poverty, Allah will give them means out of His Bounty and Grace, for Allah is Ample giving" and,

"Those who do not have financial means keep themselves chaste till Allah enriches them"-

Al-Quran, 24:33

"Those who persevere in Patience and put their trust in Allah" — Al-Quran, 29:59

DO WE HAVE ENOUGH COURAGE TO ACCEPT AND SURRENDER TO HIS WISHES?

NO! We run after money, thinking it alone will save us! We think Money is our savior, not Allah! Thus, committing the unforgivable sin: Shirk!

Then, where does Allah come into the picture?

And Girls are killed to avoid this burden of Dowry!

And beware! We will be answerable to Allah when the girl child is questioned as to why she was killed! --- (Al-Quran 81:8, 9)

QUOTES:

WHEN YOU LOOK AT YOUR WATCH, REALIZE WHAT EACH LETTER IS FOR:

W: GOOD WORDS. Our Prophet said, ‘One who guards his tongue and private parts is guaranteed Heaven.’ —Hadith Sahih Bukhari. 2107

A: GOOD ACTIONS. All your deeds will reflect in the later years as well as in the Hereafter. Allah says, “whoever believes in Allah and the Last Day and does righteous deeds will have their reward with Allah and on them shall be no fear nor grieve” — (Al-Quran 2: 62)

T: GOOD THOUGHTS: because it is thoughts that lead to actions. And intention counts in whatever deeds you do. Even if you are staunch in your good deeds and words, intending to receive praise from men or to show off, then your deeds will be wasted. — (Al-Quran: Sura Maun. 107)

C: GOOD CHARACTER: The best of men is he who has good character. And your prophet is a good example of the best character for you to follow. - (Al-Quran 33: 21)

H: GOOD HABITS: And we can develop all the above only if you make it a habit. Allah says: “Man will go on doing good or bad deeds till he will be termed a GOOD OR BAD PERSON. And in the end, he will enter paradise or hell according to his deeds.” (Sahih Bukhari, Vol. 8, H. No. 116: Noble Quran for verse: 9: 119)

ALL THESE LETTERS SHOULD REMIND US OF OUR NEED TO ATTAIN ALLAH’S PLEASURE

CONCLUSION

By pointing out the mistakes we find among Muslims, it does not mean that only Muslims are facing such unjust practices. Women (and men) of all other religions also face such discrimination.

However, when Islam forbids injustice and has laid clear injunctions to lead a peaceful and just life, how can we allow our brothers and sisters to pursue atrocities that we are forbidden to do?

There is no doubt that the Indian Islamic law has many discrepancies that are not in Shari'ah, and are not according to the Quran and Sunnah, which is far Superior to any man-made Laws.

Many unscrupulous practices like Dowry, Desertion and Harassment that are not in Islam have been adopted by some Muslims, because of their ignorance and greed. They do not fear the Wrath of Allahuta'ala.

Hence, it is evident that all this should be prohibited and strict laws against such practices should be laid, to ensure that bliss and tranquility may prevail in family life.

Today 2018, January the Supreme Court has interfered in the matter and declared that Triple Talaq in one sitting does not make the marriage void, and Muslims have to adhere to the norms mentioned in the Quran as to matters of Divorce. It is his duty to provide for her and his children. This verdict was welcomed by all because it is according to the true Shari'ah.

a) THE NEGATIVE SIDE:

But the negative side is, the Government wants to change the Shari'ah Law and give it the colour of a criminal offence. It declares that, if they even come to know that any has pronounced Triple Talaq, he will be thrown in jail for 3 years on a non-bailable offence!

We find that the very concept of Justice is thrown to the winds by this draconian man-made law, and has caused uproar among the Muslim Society. Because: False accusation is possible, and even innocent men can be blamed for a crime they have not committed.

Moreover, by this law, there is no chance for reconciliation or maintenance. If the man is in jail, where will he get income for maintenance from?

This is nothing but harassment towards a particular religion.

Another clause regarding Inheritance law is also being debated. The government is trying to make inheritance equal for men and women. They do not realize that the Inheritance for men is more because they have more responsibilities to look after their parents, family, and also kith and kin. Moreover, he has to have money to give the Dower for his future wife.

While the woman has no such responsibility. She can use her money as she pleases, and is asked to spend her wealth in deeds that will please Allah (not on Haram matters).

The Government is trying to interfere and bring the common civil law into the Islamic personal Law, in matters of Polygyny as well as other matters. One can imagine what problems the couple will have to face if it is implemented.

Instead, would it not be better to allow the Muslim Ummah to study the true Fiqh that Allah has ordained and help them lead their lives as has been ordained by GOD: (Allah in Arabic)?

- b) **OUR SUPREME CREATOR** has explained in detail through the Quran and the life of our Prophet ﷺ, as to how to live our lives.

Instead of curbing our Shari'ah, which is more precious than our lives, can the Government not allow us to rectify our mistakes by allowing our Ulema to teach our Ummah the correct way of life?

Would it not be more just that the Government should concentrate more on all who desert their wives, whether Muslims, Hindus, or Christians?

Statistics show that there are thousands of women, among all religions, who are abandoned by their husbands with no fault of theirs.

The plight of the widows left in Varanasi, unable to redeem their lives because they cannot remarry. Even girls of 12 -14 are found here, rotting away their lives.

There are millions in the country who have to sell their flesh for survival because there is no one to protect them. Is it not the duty of the government to turn its attention towards their upliftment?

Is it not the duty of the Government to provide education and security to the downtrodden people, so that they can empower themselves and not be cowed down by wrong beliefs and practices?

At the same time, we Muslims should show the world the superior Law that Allahuta'ala has prescribed, which shows us the true way to prevent such injustice. We should first educate ourselves, the JUST way that we have to lead our lives, as Allah and HIS Messenger ﷺ have shown us. Then teach our youngsters all the pitfalls we will have to face if we try to live as we please, ignoring Allah's command.

Attempts should be taken by the Muslim Ulema to UNITE and codify the Islamic Personal Law exactly according to the Shari'ah, found in the Quran and authentic Hadith, if justice is to prevail in our society, and if we are to be respected by others.

Our Prophet ﷺ was the last. He ﷺ left us, his Ummah, to continue his work by setting his example, through our practices and behavior, and show the world what True Islam is.

c) ARE WE DOING IT?

Is it not high time that our Ulema try to rectify their mistakes and preach to the Ummah, to unite and form a single unit where Justice, equality, and brotherhood are depicted?

It is our duty to explain the greatness of Islam and to teach our youngsters this truth. Every Muslim man or woman has a right to know the true etiquette of his/her religion.

It is our duty to show them that every command from Allah and HIS Messenger has a just reason for the protection of women. That itself will take another book. (Eternal Guidance to peace)

Therefore, it is our duty to propagate the True face of Islam.

Rather than following blindly what has been written by later Muftis, which could easily have been interpolated and distorted to gain some small benefit in this world, why not turn back to the Madhab of our dear Prophet ﷺ, which all the different Madhabs tried to propagate?

It is the need of the hour that we realise that it is very essential to study the true Islamic Law according to the Quran, and as propagated by our Prophet (ﷺ) and implement it to let the world know, the just and great divine Law of Allah, which cannot be compared to any other.

And whoever misappropriates the Islamic Shari'ah, as a weapon against women, and refuses to take his pronouncement back and leaves her and the children in the lurch, ought to be punished severely, as Umar (RA) used to do! — [Ibn Khathir Vo.1, pg. 643]

All thanks to Allah, the AIMPLB has accepted that triple Talaq is not in Islam and one can divorce only according to the Quranic injunctions. Hope they wake up and try to codify

the Law, so that there is no injustice done to both men and women. All they have to do is turn back to the Quran and the authentic Sunnah of our dear Prophet ﷺ, as mentioned in Sura Nisa ^{4:59}. And, remember, our Prophet ﷺ never did anything contrary to the Quran.

Alhamdulillah, today, thanks to Allah, we are glad that Women have entered the bastion of hitherto male dominion, and we can hope for true justice to prevail by their patience and constancy, Insha'Allah. The Social reformer of Hyderabad, Dr Asma Zehra, has been the convener of the women's wing of the AIMPLB. Many women from all over India, and the President of the Muslim League of Tamil Nadu, Fatima Muzaffar, and sisters Fakira and Amira, have been included in the AIMPLB.

May Allah guide these women to steer our men in the right direction. Ameen

May Allahuta'ala guide us towards the straight path and give us and our Ulema strength to stand for justice, in all its dealings.

If attention is focused on the upliftment of the poor and downtrodden and educating them both morally as well as academically, they will themselves realise the discrepancies in their deeds and try to rectify them within the parameters of their religion by consultations and referring directly to their scriptures. Then they will realise that no religion teaches to do injustice in any aspect.

We find that it was the inferences of Swami Vivekananda that brought a sea change in the moral behavior among the Hindus of his time, and continues to have an effect among his followers. If it had not been for great thinkers like him, no amount of Law would have enabled the sati and caste system to be abolished, nor would widow remarriage have been accepted (though it is still adopted by high caste Hindus).

It is only when people are taught to read and learn their scriptures that this is possible. A classic example of this is: Dowry has not been curbed in spite of several stringent laws enacted by the Government. It has resulted only in poor, innocent men and families being harassed. Therefore, let us concentrate on educating our Ummah to understand the correct Justice that Allah has commanded through HIS messenger and HIS Book, that is the greatest miracle, preserved till the end of time to guide mankind through the right path of Justice and PEACE. May Allah guide us to a life pleasing to HIM. Ameen

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