

# DIVORCE

Its Reasons and Its Cures



Shaykh Abū Furayḥān Jamāl Ibn Furayḥān al-Hārithī

دار الحديث

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Shaykh Abū Furayḥān Jamāl Ibn Furayḥān al-Hārithī

Translation by  
Jamil Finch

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## Transliteration Table

### Consonants

ء	'	د	d	ض	ḍ	ك	k
ب	b	ذ	dh	ط	ṭ	ل	l
ت	t	ر	r	ظ	ẓ	م	m
ث	th	ز	z	ع	'	ن	n
ج	j	س	s	غ	gh	هـ	h
ح	ḥ	ش	sh	ف	f	و	w
خ	kh	ص	ṣ	ق	q	ي	y

### Vowels

Short	َ	a	ِ	i	ُ	u
Long	َ	ā	ِ	ī	ُ	ū

Diphthongs	َ	aw	ِ	ay
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عَزَّوَجَلَّ	The Mighty and Majestic.
سُبْحَانَهُ وَتَعَالَى	The Sublime and Exalted.
صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ	May Allāh make good mention of His Prophet in the highest company and grant him safety in this life and the next.
رَضِيَ اللَّهُ عَنْهُ	May Allāh be pleased with him.
رَحِمَهُ اللَّهُ	May Allāh show mercy to him.
عَلَيْهِ السَّلَامُ	Peace be upon him.

## Publisher's Foreword

All praise and thanks belong to Allāh, and may the peace and blessings be upon the noblest of Prophets and Messengers, our Prophet Muḥammad, his family and all of his companions.

To proceed:

We are pleased to present the translation of this treatise to the English speaker. No doubt, divorce is a reality that affects many people in a number of different ways, so it vital to have a correct understanding of this issue according to the Qur'ān and Sunnah.

Any additions to the original work are highlighted in the footnotes:

[TN] Indicates that it is from the translator.

[PN] Indicates that it is from the publisher.

Due to the fact that questions frequently arise in the West concerning the *Fiqh* [jurisprudence] of divorce, even though this treatise was not intended to address this, we have added an appendix at the back for easy reference.

Hopefully, in the future we can publish something specific on divorce along with a number of verdicts of the senior scholars.

Shaykh Ṣāliḥ al-Fawzān highlights the importance of having a correct comprehension of divorce:

“All of this shows the obligation of adhering to the rulings of divorce, as it pertains to time and number, and [the obligation] to abstain from the forbidden divorce, as it pertains to time and number.

However, many men fail to comprehend this or they pay it no attention; thus, they fall into regret and anguish, and thereafter they search for ways to escape what they have fallen into and they pester the scholars [from whom they seek verdicts]. All of this results from playing with the Book of Allāh.

Some men use divorce as a weapon, which they use to threaten their wife, if they want to compel her to do something or prevent her from something.

Some men use it in their oaths when dealing and conversing with the people.

These men must fear Allāh and keep the utterance of divorce far from their tongues, unless there is a need for it, and in accordance with the specified time and number.”<sup>1</sup>

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<sup>1</sup> See appendix 1.

## Foreword

All the praise and thanks belong to Allāh, and may the peace and blessings be upon the noblest of Prophets and Messengers, our Prophet Muḥammad, his family and all of his companions.

To proceed:

From the beneficial things that the Muslim leaves behind after his death is beneficial knowledge, which he leaves for those who will come after him. For the Prophet (صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ) said:

“When a person dies, all of his deeds come to an end except three. Then he mentioned: beneficial knowledge.”<sup>1</sup>

Verily, I praise Allāh, the Most High, for making it easy for brother Muṣṭafā Muḥammad Fawzī Hāshim al-Miṣrī—who is the owner of *Maktabah Minārah al Islām*, in Egypt—to oversee and prepare some of my religious lectures and admonitions, whether it be recordings or transcriptions, making them into booklets that are read, through which many people benefit.

Some of these works have been displayed under the following titles:

- A Message Exclusively to the Husbands
- Letters to the Muslim Women

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<sup>1</sup> Collected in *Muslim* (no. 1631) on the authority of Abū Hurayrah (رَضِيَ اللهُ عَنْهُ).

- Marital Rights
- Raising Children in Islām
- *Ṭalāq* (Divorce): Its Reasons and Its Cures

He has compiled these works under the title *Silsilah Rasā'il al-Ushrah al-Muslimah* (*A Series of Treatises to the Muslim Family*).

And I ask that *Allāh* reward me by way of this endeavor on the day that I meet Him.

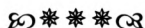
Similarly, I thank brother Muṣṭaphá for his diligence that he put forth in doing this, for indeed I was delighted when he sent me the aforementioned books, which are small in size. I revised and corrected that which was easy to correct and modify. At that point, I gave my consent for it to be published and distributed; and only *Allāh* knows the intentions of His servants.

May peace and blessings be upon our Prophet Muḥammad, his family and his companions.

Written by:

Abū Furayḥān Jamāl b. Furayḥān al-Ḥārithī

Ten days remaining in the month of *Ramaḍān*, in the year 1434H.



## Divorce: Its Reasons and Its Cures

All praise is for Allāh. We praise Him. We seek His assistance. We seek His forgiveness. We seek refuge with Him from the evil of our own souls and the evil of our own actions. Whomsoever Allāh guides, then there is no one who can misguide him, and whomsoever He misguides, then there is no one who can guide him.

﴿يَا أَيُّهَا الَّذِينَ ءَامَنُوا اتَّقُوا اللَّهَ حَقَّ تَقَاتِهِ وَلَا تَمُوتُنَّ إِلَّا وَأَنْتُمْ مُسْلِمُونَ ﴿١٠٢﴾﴾

O you who have believed, fear Allāh as He should be feared and do not die except as Muslims [in submission to Him]. [Sūrah Āl 'Imrān (3): 102]

﴿يَا أَيُّهَا النَّاسُ اتَّقُوا رَبَّكُمُ الَّذِي خَلَقَكُمْ مِنْ نَفْسٍ وَجَدَّوْا وَخَلَقَ مِنْهَا زَوْجَهَا وَبَثَّ مِنْهُمَا رِجَالًا كَثِيرًا وَنِسَاءً ؕ وَاتَّقُوا اللَّهَ الَّذِي تَسَاءَلُونَ بِهِ ؕ وَالْأَرْحَامَ إِنَّ اللَّهَ كَانَ

عَلَيْكُمْ رَقِيبًا ﴿١﴾﴾

O mankind, fear your Lord, who created you from one soul, and created from it its mate and spread from both of them many men and women. And fear Allāh, through whom you ask one another, and the wombs. Indeed, Allāh is ever, over you, an Observer. [Sūrah an-Nisā (4): 1]

﴿يَا أَيُّهَا الَّذِينَ ءَامَنُوا اتَّقُوا اللَّهَ وَقُولُوا قَوْلًا سَدِيدًا ﴿٧٠﴾ يُصْلِحْ لَكُمْ أَعْمَالَكُمْ

وَيَغْفِرْ لَكُمْ ذُنُوبَكُمْ ؕ وَمَنْ يُطِيعِ اللَّهَ وَرَسُولَهُ فَقَدْ فَازَ فَوْزًا عَظِيمًا ﴿٧١﴾﴾

O you who have believed, fear Allāh and speak words of justice. He will [then] amend for you your deeds and forgive you your sins. And whoever obeys Allāh and His Messenger, has certainly attained a great attainment. [Sūrah al-Aḥzāb (31): 70-71]

To Proceed:

Indeed, the most truthful speech is the Book of Allāh, and the best guidance is the guidance of Muḥammad (صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ). The most evil of affairs are newly invented ones. Every innovation is misguidance, and every misguidance is in the fire.

My beloved brothers whom I love for the sake of Allāh:

On this blessed night, Sunday night, the twenty third night of Rabī' al-Thānī, 1430 AH, which corresponds with April 19<sup>th</sup>, 2009, we are attending the weekly sitting, and this is the title: "Divorce: Its Reasons and Its Cures."

Divorce is a problematic social issue that the Islamic society is filled with. The issues of divorce increase from time to time and generation to generation, all according to the place and the situations.

Before we begin discussing the reasons for divorce, I want to mention a foreword. I say to every male and female Muslim the following: I am writing this treatise for them, so that perhaps Allāh will benefit all of us by way of it.

I say:

Indeed, divorce is a social problem. In some countries, it has currently become a societal epidemic that has upset the families [in these lands].

What is divorce? What are its reasons? Is divorce purely negative in all cases? What are its cures? There are many questions. I have written about them what Allāh has aided me to write, and Allāh is the One Who gives success and guides to the straight path.

I will compose this treatise in sections, so that neither the male nor female reader becomes bored.



## Chapter: The Meaning of al-Ṭalāq<sup>1</sup>

The Meaning of al-Ṭalāq Linguistically:

It means to fully lift restrictions. It is taken from the phrase ‘releasing (*Iṭlāq*) of the camel.’ It is to release it from its shackle, meaning to untie it. So when it is released from its restraints – its shackles – and it is untied, its restrictions are lifted and it is free to go. This is what it means to fully lift restrictions.

The Meaning of *al-Ṭalāq* (divorce) Legislatively:

The meaning of *al-Ṭalāq* linguistically and legislatively are the same. It means to lift the restriction of marriage and to end it immediately – or to end it after the passing of a specific amount of time (i.e. with the option to take one’s wife back). It is to end the marriage without any compensation.

It occurs by direct statements, such as ‘You are divorced.’ It also occurs by indirect statements, such as ‘You are free,’ or ‘Catch up to your family,’ or ‘Go to your family.’ All of these statements are indirect.

Divorce also occurs by way of gestures for a person who cannot speak. It also occurs by way of writing.

At this moment, and in this sitting, we are not going to discuss the rulings of divorce, [such as] when it is carried out, or when it

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<sup>1</sup> [TN] The translator inserted this chapter heading.

is not; or what are the recommended, Sunnī wordings to be used and what are not.<sup>1</sup>

Our topic is “The Reasons for Divorce.” These introductions are only so that we may begin our topic tonight.

Al-Shāfi‘ī said:

Al-Ṭalāq in the Book of Allāh (تَبَارَكَ وَتَعَالَى) has three names (i.e. three explicit names): *al-Ṭalāq*, *al-Firāq* and *al-Sarāḥ*. The One Who [is] greatly praised said,

﴿يَأْتِيهَا النَّبِيُّ إِذَا طَلَّقْتُمُ النِّسَاءَ فَطَلَّقُوهُنَّ لِعَدَّتِهِنَّ﴾

O Prophet, when you [Muslims] **divorce** women, divorce them according to Islamic legislation. [Sūrah al-Ṭalāq (65): 1]

Here the word *al-Ṭalāq* is used.

And He (عَزَّوَجَلَّ) said:

﴿فَإِذَا بَلَغْنَ أَجَلَهُنَّ فَأَمْسِكُوهُنَّ بِمَعْرُوفٍ﴾

And when they have [nearly] fulfilled their term, either retain them according to acceptable terms, or part with them according to acceptable terms. [Sūrah al-Ṭalāq (65): 2]

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<sup>1</sup> [Publisher’s note] We have included this as an appendix to this treatise.

Here the word *al-Firāq* is used.

And He (عَزَّوَجَلَّ) said to His Prophet (صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ),

﴿إِنْ كُنْتُمْ تُرِيدُونَ الْحَيَاةَ الدُّنْيَا وَزِينَتَهَا فَتَعَالَيْتُمْ أَمْتَعْتُمْ وَأَسْرَحْتُمْ  
سَرَّاحًا جَمِيلًا﴾ (٢٨)

O Prophet, say to your wives, “If you should desire the worldly life and its adornment, then come, I will provide for you and give you a gracious release.” [Sūrah al-Aḥzāb (33): 28]

Here the word *al-Tasrīḥ* is used.

We ask, and we say: Is divorce legislated, or is it not legislated? No doubt, divorce is legislated in the Qur’ān, the Sunnah and by way of scholarly consensus.

Allāh (تَبَارَكَ وَتَعَالَى) said,

﴿وَإِنْ عَزَمُوا الطَّلَاقَ فَإِنَّ اللَّهَ سَمِيعٌ عَلِيمٌ﴾ (٢٢٧)

And if they decide on divorce – then indeed, Allāh is Hearing and Knowing. [Sūrah al-Baqarah (2): 227]

Allāh (عَزَّوَجَلَّ) said,

﴿الطَّلَاقُ مَرَّتَانٍ فَإِمْسَاكٌ بِمَعْرُوفٍ أَوْ تَسْرِيحٌ بِإِحْسَانٍ﴾

Divorce is twice. Then [after that], either keep [her] in an acceptable manner or release [her] with good treatment. [Sūrah al-Baqarah (2): 229]

Allāh (جَلَّ جَلَالُهُ) said,

﴿ وَإِنْ يَنْفَرَا يُغْنِ اللَّهُ كُلًّا مِنْ سَعَتِهِ ۗ وَكَانَ اللَّهُ وَاسِعًا حَكِيمًا ﴿١٣٠﴾ ﴾

But if they separate [by divorce], Allāh will enrich each [of them] from His abundance. And ever is Allāh Encompassing and Wise. [Sūrah an-Nisā (4): 130]

And Allāh (عَزَّوَجَلَّ) said,

﴿ يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا نَكَحْتُمُ الْمُؤْمِنَاتِ ثُمَّ طَلَقْتُمُوهُنَّ ﴾

O you who have believed, when you marry believing women and then divorce them. [Sūrah al-Aḥzāb (33): 49]

And the Prophet (صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ) divorced some of his wives without taking them back, and some of them he took back, such as Ḥaḥṣah b. ‘Umar b. al-Khaṭṭāb (رَضِيَ اللَّهُ عَنْهَا).<sup>1</sup>

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<sup>1</sup> Al-Ḥākīm collected this narration in “al-Mustadrak” (4/16) (#6753) on the authority of Qays b. Zayd,

“The Prophet (صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ) divorced Ḥaḥṣah b. ‘Umar. Then two of her maternal uncles entered, Qudāmah and ‘Uthmān, the two sons of Maz‘ūn, and she cried and said ‘By Allāh, He did not divorce me because he detested me.’ The Prophet (صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ) came and said, ‘Jibrīl (عَلَيْهِ السَّلَام) said to me, ‘Take Ḥaḥṣah back.

## Chapter: Whose Right Is it to Pronounce Divorce?<sup>1</sup>

If we were to ask: ‘Whose right is it to pronounce divorce? Is it in the woman’s hand, or is it in the man’s hand?’

The default ruling of divorce is that it is in the man’s hand. This is because of the proof that is found in the Qur’ān and Sunnah.

Allāh (تَبَارَكَ وَتَعَالَى) said,

﴿لَا جُنَاحَ عَلَيْكُمْ إِنْ طَلَقْتُمُ النِّسَاءَ مَا لَمْ تَمْسُوهُنَّ أَوْ تَفْرِضُوا لَهُنَّ فَرِيضَةً﴾

There is no blame upon you if you divorce women you have not touched nor specified for them an obligation.  
[Sūrah al-Baqarah (2): 236]

And He (تَبَارَكَ وَتَعَالَى) said,

﴿وَإِنْ أَرَدْتُمْ اسْتِبْدَالَ زَوْجٍ مَّكَاتٍ زَوْجٍ وَءَاتَيْتُمُ إِحْدَهُنَّ قِنطَارًا﴾

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Indeed, she fasts and stands in prayer much. Certainly, she is your wife in Paradise.”

And it was collected by Abū Dāwūd (#2283) on the authority of ‘Umar (رضي الله عنه) that, “The Messenger of Allāh (صلى الله عليه وسلم) divorced Ḥafṣah, then he took her back.” Authenticated by al-Albānī in “The Authentic Ḥadīth of Abū Dāwūd” (#1975).

<sup>1</sup> [TN]: The translator inserted this chapter heading.

But if you want to replace one wife with another and you have given one of them a great amount [in gifts], do not take [back] from it anything. Would you take it in injustice and manifest sin? [Sūrah al-Nisā (4): 20]

And He (تَبَارَكَ وَتَعَالَى) said,

﴿يَأَيُّهَا الَّذِينَ ءَامَنُوا إِذَا نَكَحْتُمُ الْمُؤْمِنَاتِ ثُمَّ طَلَقْتُمُوهُنَّ مِنْ قَبْلِ أَنْ تَمْسُوهُنَّ فَمَا لَكُمْ عَلَيْهِنَّ مِنْ عِدَّةٍ تَعْتَدُونَهَا فَمَتَّعُوهُنَّ وَسَرَحُوهُنَّ سَرَاحًا

جَمِيلًا ﴿٤٩﴾

O you who have believed, when you marry believing women and then divorce them before you have touched them [i.e. consummated the marriage], then there is not for you any waiting period to count concerning them. So provide for them and give them a gracious release. [Sūrah al-Aḥzāb (33): 49]

And He (تَبَارَكَ وَتَعَالَى) said,

﴿يَأَيُّهَا النَّبِيُّ إِذَا طَلَقْتُمُ النِّسَاءَ فَطَلِّقُوهُنَّ لِعَدَّتِهِنَّ

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 Allāh, your Lord. [Sūrah al-Ṭalāq (65): 1]

And there is a Ḥadīth that is narrated by Ibn ‘Umar (رضي الله عنهما). He said,

“I was married to a woman whom I loved, and my father used to dislike her, so he ordered me to divorce her. I refused, and I mentioned it to the Prophet (صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ). So he said, ‘O’ ‘Abd Allāh b. ‘Umar, divorce your wife.’”

Al-Tirmidhī collected this Ḥadīth, and he said its grade is ḥasan, ṣaḥīḥ. Al-Ḥākim collected it [as well] and also said it was authentic.<sup>1</sup>

It is also reported about Ibn ‘Umar (رَضِيَ اللهُ عَنْهُمَا) that he divorced his wife while she was menstruating. So ‘Umar mentioned that to the Prophet (صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ), and he said,

“Order him to take his wife back, then divorce her when she is not menstruating, nor while she is pregnant.”

This Ḥadīth was collected by Ibn Mājah (#2023).<sup>2</sup>

And there is the Ḥadīth about the wife of Qays b. Shammās. The Prophet (صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ) said to him,

“Accept the garden and divorce her.”<sup>3</sup>

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<sup>1</sup> Collected by al-Tirmidhī (4/169/#7253) and al-Ḥākim in “al-Mustadrak” (#7253). Al-Albānī authenticated it in “The Authentic Ḥadīth of Ibn Mājah (#2088)”.

<sup>2</sup> Collected by Ibn Mājah (#2024). Al-Albānī authenticated it in “The Authentic Ḥadīth of Ibn Mājah (#1643)”.

<sup>3</sup> Collected by al-Bukhārī (#5273). ‘Abd Allāh b. ‘Abbās (رَضِيَ اللهُ عَنْهُمَا) narrated the Ḥadīth.

The complete meaning of this Ḥadīth will be presented later when discussing another issue.

In these Aḥādīth, or in these clear texts, is the proof that the man pronounces divorce. Some of the wisdom and reasons for the man being given the right to pronounce divorce are the following matters:

1. The All Wise has legislated that it is obligatory for the man to give the *Mahr* (dowry), and He (i.e. Allāh) has made him responsible for his household. He exerts his energy in order to take care of them, and he provides for them their needs.
2. The man is able to better control his feelings, and he is stronger in forbearance and has more patience than a woman. So he is more diligent about keeping the marriage together.
3. There are costs that the man will incur if he divorces. Here are some examples: [perhaps there is] a delayed *Mahr*, providing during the waiting period, a new *Mahr*, providing for a new wife again, etc. For this reason, Allāh (سُبْحَانَهُ وَتَعَالَى) gave the man authority.

He (سُبْحَانَهُ وَتَعَالَى) said:

﴿الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ  
وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ﴾



Men are in charge of women by [right of] what Allāh has given one over the other and what they spend [for maintenance] from their wealth. [Sūrah al-Nisā (4): 34]

4. If divorce was placed in the hand of the woman, what would happen? The scales would become unbalanced and martial life would not be stable, because the woman is quickly affected, acts on emotion and is fragile. There is not anything in place to carry her to forbearance and deliberation. She is not liable for anything. Money comes to her.
5. Perhaps another man amazes her, so she carries out a divorce, leaves and marries whom she wants and desires.

And there are other examples. Allāh (سُبْحَانَهُ وَتَعَالَى) is All Knowing and All Wise about His creation.

We will now move on to the core of our topic: “The Reasons for Divorce.” It is a possibility that we will not be able to cover [all] the reasons for divorce.

We say...

## **Chapter: Some of the Most Prevalent Reasons for Divorce**

### **Weak Religiosity:**

One of the most prevalent reasons for divorce is weak religious restraints by both spouses, or one of them – from the angle of not performing prayer, not fearing Allāh concerning their actions, not performing the rights of Allāh and not carrying out the rights of the spouse. And this is whether this emanates from the male or the female.

## **Bad Manners Displayed by the Woman or the Man:**

Just as it is said:

“The punishment of a man is the awful character of his wife.”

And it is possible that the man is the one with foul character. It is not always the woman who is the one with poor character. For this reason, this speech is directed at both genders. Perhaps, I myself, am the one who needs [to hear] this speech the most.

Bad mannerisms are a reason for the decline of the condition of marital life. How many times do we hear about the vile character of the wife towards her husband: She is arrogant towards him, she yells at him, and she tries to overpower him by using words and actions that will make him angry. And it is possible that it is the man who is like this. We ask Allāh for well-being.

There are many wives who have degraded their husbands in front of her family, by speech and by action. And there are many wives who have degraded their husbands in front of his family. So if this happens, then this could cause a proud and possibly hasty man, who does not accept this type of behavior to be directed at him, to divorce her, not ever wanting to take her back.

For this reason, degrading people is not a light affair. Beware, O wives, of saying things that will anger your husband, especially in those situations (i.e. in front of your families). It could be a light affair if it occurs between you and him in the house, even though it is still impermissible (i.e. to anger and belittle him); however, [in the home], the husband may remain patient,

forbearing, seek the reward of Allāh and make excuses: “She is pregnant. She is angry. etc.” Perhaps he will excuse her if he is a patient and forbearing person.

However, if the belittlement and vile interaction occurred in front of his family or your family, then perhaps there will not be any patience. So beware, O female servant of Allāh, of this type of behavior. Be a servant for your husband, and he will be a servant for you.

### **Being Forced into Marriage:**

It is possible that a young girl is forced to marry. It is possible that her father or her brothers forced her. This is whether she is forced to marry her paternal or maternal cousin. What is being spoken about specifically is the forcing that takes place between relatives. They force her to marry someone whom they desire her to marry; yet, she does not desire to marry him.

The Prophet (صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ) made it so that a virgin has to be asked for her permission, and he made it so that the non-virgin woman gives her consent; and he informed us that the permission [of the virgin] is her silence.<sup>1</sup>

Therefore, a woman is not forced into marriage. This is whether she is a virgin or not a virgin. Likewise a man, he is not forced into marriage. If a woman is not forced into marriage, then it is more suitable that a man is not forced.

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<sup>1</sup> Al-Bukhārī (#5136) and Muslim (#1419) both collected the Ḥadīth of Abū Hurayrah (رَضِيَ اللهُ عَنْهُ) that the Prophet (صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ) said:

“A previously married woman is not married off until she gives her consent, and a virgin is not married off until she gives her permission. So it was said, ‘O Messenger of Allāh, how is her permission [attained]?’ He said, ‘Her silence.’”

And it was collected by Al-Bukhārī (#5137) on the authority of ‘Ā’ishah (رَضِيَ اللهُ عَنْهَا) that she said, “O Messenger of Allāh, indeed a virgin is shy.” He said, “Her pleasure is her silence.”

Some people have with them tribalism/nationalism from the days of ignorance. They force their son to marry a specific girl (e.g. his paternal cousin or his maternal cousin); that is how it is – and he does not desire to marry her, so they are married despite how he feels. He stays with her for the time frame that Allāh wills, and then the end result is divorce.

This happens much in society; and I say: Societies of ignorance, and by the word “ignorance” I mean ignorance of the Islamic legislation, and I do not intend ignorance that is disbelief.

## **Dislike and Incompatibility:**

These two things cause a lack of carrying out spousal rights. A wife – a woman – gets married, and she was not forced; rather, she married because she desired to and she wanted to. She stays with her husband for the time that Allāh wills, months and years; however, she dislikes him, and she is concerned that she cannot give him his rights.

Thus, she is forced to ask for a divorce. In this situation, it is permissible for her to ask for a divorce if she fears for herself that she will not be able to give him the rights that are incumbent upon her and obligatory towards him.

This is found in the story of the wife of Thābit b. Shammās (رَضِيَ اللَّهُ عَنْهُ). She said to the Messenger of Allāh (صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ),

“By Allāh, I don’t find fault in his character, nor his religion; however, I dislike disbelief after faith.”<sup>1</sup>

Meaning: She viewed disobeying her husband, not giving him his rights and not performing that which is incumbent upon her to be disbelief; in other words, disobedience and sin. She viewed that it was not from the religion. She feared that she would fall into sin, so she asked for a divorce, and the meaning of this Ḥadīth will be discussed at its proper time.

The point of this story is that she disliked him. What did she dislike? She disliked that she would not be able to give him his

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<sup>1</sup> Collected by al-Bukhārī (#5273) in a Ḥadīth narrated by ‘Abdullāh b. ‘Abbās (رَضِيَ اللَّهُ عَنْهُ).

rights, so she asked for a divorce. Compatibility did not return, love did not return and compassion did not return, so staying together in this situation is remaining upon fire. She does not give him his rights that he requests, so at this point - they are two opposites.



### **The Salary of the Wife:**

It occurs in these times that if the wife is a doctor, a teacher or a worker, and she has a salary, then indeed this salary, for some – and maybe many people – has caused misery, wretchedness, separation and problems within martial life.

The husband wants some of her salary, her mother wants some of her salary and her father wants some of her salary, yet she needs her salary. Thus, the salary becomes a torment for her and her family; and by family I intend martial life. Everybody is focused on the worldly life, thus the martial life is spoiled because of this wealth. This is something that occurs in our society.

### **Spreading Secrets:**

It is possible that the wife is a chatterbox. No word remains in her mouth or on her tongue concerning what takes place between her and her husband. It does not matter whether it is important or not important; she spreads it to her companions and friends.

“We went...” “We left...” “We stayed...” “We spoke...” “We ate...” “We drank...” etc. Nothing remains in her mouth. She may chatter to her friends or her mother. It is possible that this is a trial for a man, too. He might be a chatterbox.

In these situations, a man is not pleased with a wife like this; not a single secret remains in her home. He may remain patient for a month, a year – but he may not remain patient the whole of his life. He will be forced to divorce her to protect himself from her evil.

### **The Wife Asking, and Being Persistent, About Divorce:**

She asks her husband every time he enters and exits for a divorce. This poor soul does not know she has fallen into a tremendous sin and wrongdoing, if she does not have a legislated reason.

Indeed, the Prophet (ﷺ) warned against that and mentioned a threat regarding the one who does it. On the authority of Thawbān (رضي الله عنه), he said,

“The Messenger of Allāh (ﷺ) said, ‘Any woman who asks her husband for a divorce without due reason, then the fragrance of Paradise is impermissible for her.’”

Ibn Mājah collected this narration, and it is authentic.<sup>1</sup>

And in another Ḥadīth on the authority of Ibn ‘Abbās (رضي الله عنهما),

The Prophet (ﷺ) said,

“The woman who asks her husband for a divorce without due cause, will not smell the fragrance of Paradise. And indeed, its fragrance can be smelt from the distance of the one who travels for forty years.”

Ibn Mājah collected this Ḥadīth.<sup>2</sup>

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<sup>1</sup> Collected by Ibn Mājah (#2055), and it was authenticated by al-Albānī in “al-Irwā (#2063).”

<sup>2</sup> Collected by Ibn Mājah (#2054), and it was declared weak by al-Albānī in “Weak Narrations of Ibn Mājah (#445).”

So the woman who asks for a divorce from her husband, without due reason, is in great danger.

### **The Husband Hastily Divorcing His Wife:**

Some husbands, they do not have any patience, nor any deliberation. They are quick to act and they become enraged quickly. In reality, this type of man needs a muzzle on his mouth, and he needs to learn deliberation and patience. He must learn that marital life is not [always] a bed of beautiful flowers, and that it is not [always] fertile earth and moist land; rather, there are thorns in the path, and there are floods and mountains.

It is upon the man to embody the role Allāh has placed him in, so he does not display haste, nor does he become irate. He must be forbearing, patient, measured and seek the aid of Allāh. He is not rash. Anger does not bring forth good. Therefore, as long as Allāh has placed divorce in your hand, O slave of Allāh, then you be as great as the responsibility.

## **A Huge Age Difference between the Spouses**

It is possible that the age disparity between the spouses is huge and it is possible that this gap is a reason for divorce, and it is possible that it is not. This is not a foundational reason; however, it could be a reason. It is not a condition that an age gap is a reason; however, in some situations, it is a reason.

If I did not hear about it with my own two ears, I would not have mentioned it as a reason, because the Prophet (ﷺ) married 'Ā'ishah (رضي الله عنها) and he (ﷺ) was approximately 52 or 53 years old, and our mother 'Ā'ishah (رضي الله عنها) was nine years old, and he stayed with her for only nine years. Similar to that were the Companions. However, I mentioned it because in these times some conditions have changed.

Had I not certainly heard the condition and occurrence with my own two ears, I surely would not have listed it as a reason. This is the incident: Less than a month ago, I heard on the radio program “*Nūr alā ad-Darb*” some answers from the Eminent Muftī of the Kingdom of Saudi Arabia, 'Abd al-'Azīz b. 'Abd Allāh Āl al-Shaykh. A female questioner asked,

I am married, and I am young. I have four children, the oldest of them is 17 years old. My husband is more than thirty years older than me, and he has not approached me in over ten years. I desire that which wives desire from their husbands, so should I ask him for a divorce?

This is the text of the question.

He answered with some advice for her and gave the ruling of permissibility to ask for a divorce if she could not be patient, because this is one of her rights, since it has been ten years since he has approached her.

In summary, a huge age gap between the spouses could be a reason for divorce.

### **A Lack of Affection and Intimacy from Both Spouses or One of Them:**

This is also something that occurs. There are many complaints in our court systems, and some of them are due to what we referred to: women requesting their rights to intimacy. This is because the husband may not be able to fulfill her desires, so many divorces happen because of these reasons.

## Ungrateful for Blessings and Good Acts:

This is whether it is from the wife or the husband. Yes, the Ḥadīth mentions women, and this is usually the case – just as it is mentioned in the Ḥadīth of Ibn Mas‘ūd (رَضِيَ اللَّهُ عَنْهُ). He said,

“The Prophet (صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ) spoke to us, and he said, ‘Give charity, O women; for indeed, you are the largest amount of people in the fire on the Day of Judgment.’ A woman stood up who was not from the upper class of women, and she said, ‘O Messenger of Allāh, why are we the largest amount of the people of the fire?’ He said, ‘Because you curse [people] much and are ungrateful toward your husbands.’”<sup>1</sup>

The meaning of this is that she denies the good in her husband due to a stance that he takes that she does not like. She says, “I have never seen any good from you.” “You never did anything for me.” “You do not take care of my needs.” This type of speech and behavior is a form of denying blessings, which weighs on his soul, especially if she behaves this way in abundance, denying the good in him – which leads her to say, “Divorce me”.

Likewise, perhaps it is the husband that when he enters and exits, he denies the good that his wife does. He denies what she does in the house. He denies what she does when she greets him. He denies that she cleans and organizes the home. He acts like he is ignorant of all of this. He does it time and time again, so the

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<sup>1</sup> Collected by al-Bukhārī (#304), Muslim (#79) and Nasā’ī in “al-Kubarā (#9213)” in a Ḥadīth narrated by Abū Sa‘īd al-Khudrī (رَضِيَ اللَّهُ عَنْهُ).

reality truly changes, therefore she does become lax in doing these things. She may even transgress bounds and stop doing that which is obligatory upon her. Thus, problems begin, and frustration occurs. From there, nothing is seen for their future except divorce.



### **The Lavish Upbringing of the Woman:**

The lavish lifestyle that the woman was raised in while living in her father's home, meaning she was raised lavishly [i.e. could be a cause of divorce]. She has a maid, she has driver, she has a large home and her own room to sleep in. She has this, and she has that.

Then, when she comes to the house of her husband, he does not have a driver, nor a maid; his home is modest, his table is on the ground, yet she is accustomed to eating at a table. She used to be served, and now she is the one serving. The conditions around her have changed, and she is not prepared for this type of life. The lavish lifestyle she used to live will remain on her mind and in her thoughts. She wants to live that way, but she does not find her previous lifestyle. At that moment, under any circumstances, she wants to be at her father's home, because she cannot handle her current situation after being raised luxuriously.

This is a reason for divorce, and it is a reality amongst us and in our society. It is tangible. We see it in some societies; we see it much.

### **[Unjustified, Unlegislated] Jealousy:**

Jealousy is a common characteristic of a wife. It is said that the wife displays more jealousy than the husband. The wife who is very jealous without reason will endure many problems, problems that cannot be enumerated.

Examples of jealousy for no reason are watching every movement of the husband. She acts as his accountant, like a candle or a lantern. If he enters, if he exits, if he lifts the phone to his ear, if he texts a message or if he hangs up the phone – she is there watching. This is not jealousy; this is nothing but a sickness. When this occurs, trust is lost, and if trust, love and affection are lost, then nothing remains except separation.

What is the benefit of life [together] if these three things are lost: trust, love and affection? Nothing remains. He is forced to send her to her family. He says, ‘She is a woman who watches me, harasses me and has lost trust in me. What can I expect from her?’ The action of divorcing her proves this is what he is thinking.

### **Exhibiting Controlling Behavior:**

It is said about this type of wife that she is controlling. It is said about her that she loves an excess amount of control; she wants dictatorship over her husband and over her life. Devilish whisperings also enter into this. She also does not want him to love anyone except for her. She becomes annoyed if she sees him respecting his mother, bonding with her and carrying out her requests. She becomes annoyed if she see him caring for his brothers and sisters, and she dictates to him. She does not want him to display love and care for anyone except for her. She wants him to submit to only her. She wants to be his dictator. This is the type of wife, if she continues with this type of behavior, then it would be acceptable for him to divorce her.

## **Displaying Dissatisfaction**

There is a type of wife that is rebellious and who displays dissatisfaction with the life of her husband. She is not pleased with poverty and is not content with little; rather, she frequently requests the finer things of life and material things. She does not have patience with a modest financial situation and good health.

She puts pressure on the husband with this type of behavior until he carries out her desires and requests. She requests from the husband things he is not able to do. She is only concerned with herself and her happiness, and she is not concerned about her husband or her home. Many marriages that reach this level end in divorce.

### **The Negligent Wife:**

There is a type of wife referred to as negligent. She does not concern herself with her husband at all, nor her household. She does not try to fulfill his needs or requests of good spousal interaction, nor does she try to fulfill his request of her to give importance to the affairs of the home.

When a woman does not give importance to her household, her children or her husband, this is a solid reason for divorce. When negligence occurs, the husband feels that she does not love him or he feels that he is unimportant. That could cause him to be cold with her. The husband could likewise begin to neglect her and be unaffectionate. Then problems, separation, distance and a lack of connection between them begin.

It is imperative that she gives importance to beautifying the home, beautifying herself and beautifying her clothing. Giving importance to tidiness and beautification for the spouse is beneficial. All of this is expected and something good. A husband loves these things, and they are expected from the wife. This is so her shortcomings in these affairs do not become a cause for him to look at someone else or marry someone else.

We say to her, O female servant of Allah, your mirror is your husband. Display the beauty that he desires. Be a righteous wife to him. Be pleasant for him with your clothing and the upkeep of your home.

**Parents Entering into the Affairs of the Spouses, Whether it Be the Husband's Parents or the Wife's Parents:**

Usually, it is the parents of the wife who enter into the affairs of the two spouses. It is possible that the wife is the reason they get involved. She may continuously be joined to her mother and is always connected and tied to her. She depends on her for everything. This type of wife is described as shy and unable to handle all of the responsibilities.

In most cases, the mother is the one who decides all of the affairs and is the dictator in the whole home. The daughter goes to her for everything. This type of behavior shows that she is not fit to be a wife; rather, she is not fit to be a mother for her children. This is because they will be raised as children who do not have confidence in themselves and without any personality, due to their mother not having confidence in herself.

She is unconcerned with her husband's thoughts; she does not seek his counsel - and he is the one whose opinion should be given preference; he is the one who owns the home. She discards all of this. Therefore, this is an acceptable reason for divorce.

### **The Absentee Wife:**

There is a type of woman who is always absent. My brothers, our current situation is that women are persisting on leaving the house to go to work, and they believe that the times have changed. I am speaking about the reality. The woman has begun to want to participate in the workplace, trying to follow in the footsteps of a man. We trace this back to the East and the West: equality between men and women. Some of our women have begun to cling to this phrase, and they are deceived by it.

From one angle, some men do not like this at all, and from another angle they feel that they are not in need of this help. They believe that giving importance to his home, his children, and to his needs is a greater duty than going to work. To me, this is absolutely correct. When the husband goes to the house, he wants to find his wife in front of him. He does not want to find the servant – or if he wants something from his wife, she says to him, ‘I am tired from work. I’m just like you.’

If we were to say that they agreed for her to work, meaning he gave her permission to work, then it is imperative that the wife properly balance between her work and the rights of her husband, the rights of her children and the rights of her home. They should not be deprived of her with the excuse of work.

If she deprives them, her husband could lose the feeling of closeness to her, and he could lose the feeling of her sharing in all aspects of his life and important affairs. This is something that could lead to the presence of differing between them, and it could eventually lead to divorce.

In some situations, the wife is busied from duties of the house and children due to being preoccupied with excessively beautifying herself and going to hairdressers and beauty salons to maintain her beauty – and she neglects the home.

I know societies; rather, I know families where the wife busied herself with going and coming from beauty salons and fitness centers, even massage parlors. She does all of that in order to maintain the beauty of her body, giving excessive importance to herself. During the course of this, she neglects her husband and her children.

What will save the husband from this wife who is coming and going all the time? This leads to the end of patience for a man, and after that, it leads to divorce.



## **An Excessive Dowry and Oppressive Burden for the Cost of the Wedding Party, Which Weighs Down on the Shoulders of the Husband:**

Someone may say, “This is a reason for turning away from marriage.” We say, no, it is also a reason for divorce. How? Because what the husband spent on the dowry and wedding party causes him to repeatedly think about the debts he incurred and the money he spent on his marriage. So anytime his wife spends money in an unbecoming manner, that ignites the fire of anger in the husband, and he takes it out on her by divorcing her.

The Noble Messenger, the Prophet of Mercy and Guidance (صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ) encouraged that the dowry be small, and he supplicated for the one who receives it. In the Ḥadīth of ‘Ā’ishah (رَضِيَ اللهُ عَنْهَا), the Prophet (صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ) said:

“The most tremendous women in blessings are those who are easiest to take care off.”

Aḥmad (#25,119) and Nasā’ī (#9229) collected this Ḥadīth.<sup>1</sup>

Rather, the Prophet (صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ) became angry about excessive dowries. On the authority of Abū Hurayrah (رَضِيَ اللهُ عَنْهُ), he said:

“A man came to the Prophet (صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ) and said, ‘I married a woman from the Anṣār.’ The Prophet (صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ) said to him, ‘How much was the dowry?’ He said, ‘Four Awāq.’

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<sup>1</sup> Al-Ḥākim authenticated this Ḥadīth, and al-Dhahabī agreed with him.

The Prophet (ﷺ) said to him, ‘Four Awāq!?’ It is as if you cut silver out of the side of this mountain.’”

Imām Muslim collected this Ḥadīth, and it is authentic.<sup>1</sup>

The Prophet (ﷺ) deemed this amount to be too much. He said, “Four Awāq!?” – meaning: This is a great affair, and he (ﷺ) disliked a large dowry as it related to the condition of this husband.

Ibn Taymīyah (رحمته الله) said in his book “Minhāj as-Sunnah,”

“Trying to lower the dowry is Sunnah. For this reason, the scholars view that it is recommended that the dowry not be more than the Messenger of Allāh (ﷺ) gave his wives and accepted for his daughters. It has been narrated that ‘Alī gave Fāṭimah his armor.’”<sup>2/3</sup>

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<sup>1</sup> Muslim collected this Ḥadīth (#1424).

<sup>2</sup> Abū Dāwūd collected the following Ḥadīth (#2126) on the authority of a man who was from the Companions of the Prophet (ﷺ),

“When ‘Alī wanted to marry Fāṭimah, the daughter of the Messenger of Allāh, and to consummate with her, the Messenger of Allāh prevented him until he gave her something. He said, ‘O Messenger of Allāh, I do not have anything.’ So, the Prophet (ﷺ) said to him, ‘Give her your armor.’ So he gave her his armor and consummated the marriage with her.”

<sup>3</sup> See *Minhāj as-Sunnah*, volume 4, pg. 25.

These are some of the most important reasons for divorce. And just as I said to you, we are not able to gather all of the reasons for divorce, because they differ from country to country and situation to situation.

## Cures for Divorce

- **Both Spouses Fearing Allāh:**

If both spouses fear Allāh concerning one another, the marriage will progress. Certainly, the fear of Allāh is the head of all affairs.

﴿يَتَّيِبُهَا لَازِدِيكْ ءَامِنُوا اتَّقُوا اللّٰهَ﴾

O you who believe, fear Allāh. [Sūrah al-Baqarah  
(2): 278]

- **Each Spouse Knowing the Rights of the Other:**

This is so he does not oppress her, and she does not oppress him. Each spouse has rights, and it is upon each spouse to fear Allāh regarding the rights of the other.

- **Establishing a Marital Life that is Built Upon Respect, Acknowledgement of Each Other's Worth, Love and Compassion:**

The actions of the wife should illustrate what comes in this Ḥadīth:

“Those women who when her husband becomes angry, she comes and places her hand in his hand and says, ‘I will not taste sleep until you are pleased.’”<sup>1</sup> This is whether she is the oppressor or the oppressed.

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<sup>1</sup> Al-Bayhaqī collected this Ḥadīth in “The Branches of Faith” (#8358).

The actions of the husband should repeatedly illustrate his statement (صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ), “A believing man does not detest a believing woman. If he seems something in her he dislikes, he is pleased with something else.”<sup>1</sup> ... Aḥmad and Muslim (#1469) collected this Ḥadīth.

His actions should also illustrate his statement (صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ):

“The best of you are those who are best to their families, and I am the best of you to my family.”

Ibn Mājah and al-Tirmidhī collected this Ḥadīth.<sup>2</sup>

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<sup>1</sup> Al-Bayhaqī collected it in *Shu‘ab al-Īmān* ... (#8,358).

<sup>2</sup> Al-Tirmidhī (#3,895) and Ibn Mājah (#1,977) collected this Ḥadīth which was narrated by Ibn ‘Abbās. Shaykh al-Albānī authenticated it in “*Ṣaḥīḥ Ibn Mājah* (#1608)”.

- **Each Spouse Being Satisfied with Islamic Intimacy:**

This is done by way of love, a cheerful face, and kind speech. Each spouse should rush towards that.

For example, a woman needs to hear sweet and loving words from her spouse. If she does not hear them from her husband, the Shayṭān may play with her, enticing her to listen to them from a stranger, so she enters into destruction.

We have a fine example in the Messenger of Allāh (صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ). He used to play with ‘Ā’ishah, joke with her and race her.<sup>1</sup> He used to lay his head in her lap while she was menstruating. Al-Imām Aḥmad collected this Ḥadīth.<sup>2</sup>

Even with intercourse, it is befitting for the husband to know its etiquette.

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<sup>1</sup> In a Ḥadīth collected by Abū Dāwūd (#2578), on the authority of ‘Ā’ishah (رَضِيَ اللهُ عَنْهَا),

“She was with the Prophet (صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ) during a journey, and she said, ‘So I raced him, and beat him on foot. Then, when I gained some weight, I raced him [again], and he beat me. He then said, ‘This race was for that race.’” Al-Albānī authenticated this Ḥadīth in Ṣaḥīḥ Ibn Abū Dāwūd (#2323).

<sup>2</sup> Al-Imām Aḥmad collected this Ḥadīth in his Musnad ... (#24435). He collected it on the authority of ‘Ā’ishah (رَضِيَ اللهُ عَنْهَا),

“The Messenger of Allāh (صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ) used to place his head in her lap while she was menstruating, and he would read the Qur’ān.”

In his book “*al-Ṭib al-Nabawī*,” Ibn al-Qayyim said,

“From the things that are befitting before intercourse is the following: playing with the women, kissing her and sucking her tongue. The Messenger of Allāh (صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ) used to play with his wives and kiss them.

Abū Dāwūd collected in his Sunan that he (صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ) used to kiss ‘Ā’ishah and suck her tongue.<sup>1</sup>

It has been mentioned that Jābir b. ‘Abdullāh said, ‘The Messenger of Allāh prohibited intercourse before foreplay.’”<sup>2/3</sup> This is the end of the speech of Ibn al-Qayyim.

Also, it is befitting that the husband does not rush his wife after he fulfills his desires, and that he is not selfish in that he only loves to fulfill his desires, and that is enough. Certainly, a woman feels what a man feels as it relates to delight, pleasure and desire. For this reason, the Prophet (صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ) guided us to that, and shyness

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<sup>1</sup> Abū Dāwūd collected the following Ḥadīth (#2386) on the authority of ‘Ā’ishah that “The Prophet (صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ) used to kiss her while he was fasting, and he would suck her tongue.” Al-Albānī graded it weak in Ḍa’īf Abū Dāwūd (#515).

<sup>2</sup> See *Zād al-Ma’ād fī Khayr al-‘Ibād* (4/253). As it relates to the Ḥadīth of Jābir, al-Albānī graded it weak in Ḍa’īf al-Jāmi’ (6056). He said, “fabricated.

<sup>3</sup> See *al-Ṭib al-Nabawī* by Ibn al-Qayyim, pg. 196.

did not prevent a clarification. And we are followers of his Sunnah.

On the authority of Anas, he said:

“The Messenger of Allāh (صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ) said: ‘When one of you has intercourse with his wife, then fulfill one’s duty with her; if he fulfills his need before she fulfills her need, he must not withdraw/rush her until she fulfills her need.’”<sup>1</sup>

In explanation of the following Ḥadīth, al-Munāwī said:

“When one of you has relations with his wife, he should have intercourse with her with [a desirable measure of] force and strength, and he should perform intercourse well and show love and concern.

If he ejaculates before she climaxes, and she possesses desire, he should not withdraw/rush her and cease; rather, he should allow her time and let her fulfill her desires, just as he fulfilled his desires.

He should not cease until it becomes clear that she fulfilled her desire just as he fulfilled his.

This is from living with each other in kindness, helping to preserve chastity, good interaction, fine manners and gentleness. And in another wording, just as it is found in “al-Wishāḥ”, [from the affairs of good intercourse are]

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<sup>1</sup> Abū Ya‘lá collected it in his Musnad (4/208). Al-Albānī graded it weak in “*Da‘īf al-Jāmi*” (#451).



privacy, sucking the lips and caressing the breasts.” This is the end of al- al-Munāwī’s speech.<sup>1</sup>

Al-Albānī said in al-Irwā:

“The Ḥadīth of Anas is attributed to the Prophet (صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ), and it states, ‘When he fulfills his needs, he should not rush her/withdraw until she fulfills her desire.’ Aḥmad and Abū Ḥafs collected it, and he pointed out its weakness.”<sup>2</sup>

Al-Munāwī said:

“We benefit from this Ḥadīth and what is after it the following:

If a man ejaculates quickly, meaning that he cannot control himself until his wife climaxes, it is recommended for him to seek a remedy: something that will delay his [swift] ejaculations. Seeking a remedy is a means to something recommended, and means (i.e. remedies) take the rulings of goals (i.e. making sure his wife climaxes).”<sup>3</sup> This is the end of the speech of al-Munāwī.

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<sup>1</sup> See “*Fayḍ al-Qādīr*” by al-Munāwī (1/418).

<sup>2</sup> See “*Irwā al-Ghalīl* (1/71)”.

<sup>3</sup> See “*Fayḍ al-Qādīr*” by al-Munāwī (1/418).

In the book “*al-Kāfi*”, Ibn Qudāmah said:

“If he fulfills his desire before her, it is disliked from him to withdraw until she climaxes. This is due to what is found in the Ḥadīth of Anas. Then he mentioned the previous Ḥadīth.”<sup>1</sup> This is the end of the speech of Ibn Qudāmah.

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<sup>1</sup> See “*al-Kāfi* in the Fiqh of Ibn Ḥanbal”, by Ibn Qudāmah al-Maqdisī (3/81).

- **Good Character:**

It is upon the wife to be well mannered in her words and speech. It is upon her to choose [the best] speech for her husband like she chooses the best food for herself; rather, it is more serious. She should put his desires over her desires, even if it causes tiredness and weariness. She bears the burden and shoulders this venture. She displays that she is willing to behave this way with her husband.

The husband should display good character with his wife, his character with her should not be different than the character he shows to the public.

**The Wife Should Not Disobey the Husband, She Should Live and Interact with Him in the Best Manner, and She Should Show Him Attention in All Affairs:**

I see it fit to convey a piece of advice that a mother gave to her daughter. Indeed, it is comprehensive and complete for a person who understands and comprehends it. The wise, intelligent woman, Umāmah b. al-Ḥārith, advised her newlywed daughter. She said,

“My dear daughter, if advice was to be left off due to beautiful character or esteemed value, then certainly I would have hidden it and kept it far away from you; however, this is a reminder to the unaware and assistance to the intelligent.

My dear daughter, if a woman did not need a husband because her parents were affluent and they yearned for her assistance, then you would be the freest of need for a husband; however, women were created to be companions of men, and men were created to be companions of women.

My dear daughter, you have left the protection from which you have sprouted, and you have left behind the life in which you have grown, going to a nest that you do not know and to a companion that you are unfamiliar with. He has become, by his authority over you, a king. So be a slave to him, and he will be a willing servant to you.

[My dear daughter], adhere to ten qualities for him, and he will be a treasure for you:

1. Be content with what the [two] of you have.
2. Live pleasantly with him by hearing and obeying.

Certainly, in contentment is tranquility of the heart, and when you treat him well you will please your Lord.

As for the third and fourth, then they are these:

3. Safeguard where his eyes land.
4. Safeguard what his nose smells.

So that his eyes never see anything ugly from you, and his nose never smells any repugnant odor.

As for the fifth and sixth, then they are these:

5. Prepare his meals on time.
6. Keep his surroundings tranquil when he sleeps.

The discomfort of hunger is infuriating, and deprivation of sleep is irritating.

As for the seventh and the eighth, then they are these:

7. Safeguard his wealth.
8. Take good care of his servants and his family.

Safeguarding his money is a sign of good planning, and

taking care of his family is a sign of good management.

As for the ninth and tenth, then they are these:

9. Do not spread his secrets.

10. Do not disobey his commands.

If you spread his secrets, you will not be safe from him misleading you, and if you oppose his commands, you will make him angry.

Beware of displaying joy when he is upset and sadness when he is happy. The first is irresponsible, and the second is antagonistic.

The more you honor him, the more esteem he will have for you; the more you are in agreement with him, the longer your time will be with him.

And know, my beloved daughter, you will not be able to carry this out until you give preference to his pleasure over your pleasure, and until you give preference to his desires over your own, concerning what you like and dislike. May Allāh give you good; I leave you in the protection of Allāh.”<sup>1</sup>

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<sup>1</sup> See *Majma' al-Amthāl* (2/262, 263).

## Conclusion

Is divorce always evil and disliked?

The answer is no. This is because the marriage could reach a point where it is crucial to get a divorce, and it is a need to do so. The condition of the spouses will not be proper except with divorce – after they have exhausted all measures to reconcile between themselves; however, agreement was not achieved nor was differing put to an end.

Ibn Taymīyah (رَحْمَةُ اللَّهِ) said,

Allāh made divorce permissible on an as needed basis, just as he made impermissible things permissible on a dire need basis.<sup>1</sup>

One of the proofs that shows that divorce is permissible, when needed, is His statement (تَبَارَكَ وَتَعَالَى),

﴿ وَإِنْ عَزَمُوا الطَّلَاقَ فَإِنَّ اللَّهَ سَمِيعٌ عَلِيمٌ ﴾

And if they decide on divorce – then indeed, Allāh is Hearing and Knowing. [Sūrah al-Baqarah (2): 227]

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<sup>1</sup> See *Majmū' al-Fatāwá* (2/431).

And His statement (تَبَارَكَ وَتَعَالَى),

﴿ وَإِنْ يَتَفَرَّقَا يُغْنِ اللَّهُ كُلًّا مِّن سَعَتِهِ ۗ وَكَانَ اللَّهُ وَاسِعًا حَكِيمًا ﴿١٣٠﴾ ﴾

But if they separate [by divorce], Allāh will enrich each [of them] from His abundance. And ever is Allāh Encompassing and Wise. [Sūrah al-Nisā (4): 130]

In his explanation of the Qur’ān, Ibn Kathīr (رَحْمَةُ اللَّهِ) said,

“Allāh has informed us that if the two spouses separate, then indeed Allāh will make him free from need of her, and He will make her free from need of him. This will occur by Allāh providing him with someone better for him, and replacing him with someone better for her.”<sup>1</sup>

And in the Ḥadīth of Ibn ‘Abbās (رَضِيَ اللَّهُ عَنْهُمَا) he said,

“The wife of Thābit came to the Messenger of Allāh (صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ) and said,

‘By Allāh, I do not critique his character, nor his adherence to the religion; however, I fear that I will be ungrateful after I have accepted Islām.’ So he (صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ) said, ‘Will you give him his garden back?’ She said, ‘Yes.’ He (صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ) said, ‘O Thābit, accept the garden, and let her free.’”<sup>2</sup>

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<sup>1</sup> See Tafsīr Ibn Kathīr (2/431).

<sup>2</sup> Al-Bukhārī collected this Ḥadīth (#5273). The narrator is Ibn ‘Abbās (رَضِيَ اللَّهُ عَنْهُمَا).



May Allāh exalt the mention of and grant safety to our Prophet Muḥammad, his family and all of his companions.

Written by:

Abū Furayḥān Jamāl b. Furayḥān al-Ḥātithī  
1425AH/3/25

# Appendix 1

## Rulings and Regulations of Divorce<sup>1</sup>

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<sup>1</sup> [PN] This has been summarized from the book *al-Mulakhkhas al-Fiqhī* (2/385-397) of Shaykh Ṣāliḥ al-Fawzān.

### **Its Ruling:**

It differs depending upon circumstances and situations. At times divorce is allowed, at times it is detested, at times it is recommended, at times it is obligatory and at times it is forbidden.

- It is allowed if the husband needs to resort to this due to the bad manners of the wife and her harm, and the objective of marriage is unfulfilled if [marital life] continues in this fashion.
- Divorce is detested if it is without reason or need like when the two spouses are in a good, righteous state. Some of the Imāms hold divorce in this situation to be forbidden [*Ḥarām*]. The strongest opinion is that it is allowed but detested due to the ḥadīth:

أَبْغَضُ الْحَلَالِ إِلَى اللَّهِ الطَّلَاقُ

“The most detested of permitted things to Allāh is divorce.”<sup>1</sup>

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<sup>1</sup> Collected by Abu Dāwūd (no. 2178) and Ibn Mājah from the ḥadīth of Ibn ‘Umar.

[PN] This hadith was declared weak [*Ḍa‘īf*] by Shaykh Albānī in *Ḍa‘īf Sunan Ibn Mājah* (no. 394). For a detailed discussion refer to *al-Irwā* (no. 2040).

The reason why it is detested [under these circumstances] is because it involves ending the marriage, which comprises of numerous desired benefits according to the divine legislation.

- Divorce is recommended if there is a need for it like when the wife is subjected to harm if the marriage continues, as [in situations] where there is discord between the two spouses or if she despises him. Verily, the continuation of the marriage under such conditions is harmful to the wife, and the Prophet (صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ) said:

“There should be no harming nor reciprocating harm.”<sup>1</sup>

- Divorce is obligatory upon the husband if the wife is irreligious, such as if she abandons the Prayer or delays it past its time and he is unable to correct her situation, or she lacks decency as it pertains to her honor.

Under these circumstances, divorcing her is obligatory according to the strongest of the two opinions.

Shaykh al-Islām Ibn Taymīyah (رَحِمَهُ اللهُ) said:

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<sup>1</sup> Collected by Aḥmad (no. 2867) and Ibn Mājah (no. 2240) from the ḥadīth of ‘Ubādah. In the latter, there is also a similar version narrated by Ibn ‘Abbās.

“If she fornicates, then it is not allowed for the husband to keep her, otherwise he is a wittol.”<sup>1</sup>

Likewise, if the husband is irreligious, then it is upon the wife to request a divorce or seek separation through a *Khul'ah* and compensation. She cannot remain with him while he neglects his religion.

- It is forbidden for the husband to divorce his wife while she is menstruating, in a state of postnatal bleeding or in a state of purity after the husband has had sexual relations with her and it is unclear whether she is pregnant or not. Similarly, if he divorces her three times [on one occasion]; an explanation of this will follow shortly – if Allāh wills.

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<sup>1</sup> Refer to *Majmū' al-Fatāwá* (32/141) of Ibn Taymīyah.

## The Proof for the Lawfulness of Divorce is the Qur'an, Sunnah and Consensus of the Muslims:

❖ Allāh, the Most High, said:

﴿الطَّلُقُ مَرَّتَانٍ﴾

“Divorce is twice.” [Al-Baqarah: 229]

And He, the Most High, said:

﴿يَا أَيُّهَا النَّبِيُّ إِذَا طَلَّقْتُمُ النِّسَاءَ فَطَلِّقُوهُنَّ لِعَدَّتِهِنَّ﴾

“O Prophet! When you divorce women, divorce them at their *Iddah* (prescribed periods).” [Al-Ṭalāq: 1]

❖ The Prophet (صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ) said:

“Divorce is solely the right of him who takes hold of the calf of the woman<sup>1</sup>.”<sup>2</sup>

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<sup>1</sup> [PN] This means that divorce is the right of the husband who is allowed to take hold of the calf of the woman.

<sup>2</sup> Collected by Ibn Mājah (no. 2081: [2/532] Divorce) and al-Dāraqṭinī (no. 3946: [4/ 24] Divorce) from the ḥadīth of Ibn ‘Abbās.

[PN] Shaykh Albānī declared this ḥadīth sound [*Ḥasan*] in *al-Irwā* (no. 2041).

This was collected by Ibn Mājah and al-Dāraqṭunī. There are also other aḥādīth.

- ❖ More than one of the people of knowledge have conveyed a consensus of the scholars on the legitimacy of divorce.

### **Its Wisdom Is Clear:**

Divorce is from the excellent virtues of the religion of Islām, for verily it provides a solution for marital problems, when there is a requirement for it.

Allāh, the Most High, said:

﴿فَأَمْسَاكُ بِمَعْرُوفٍ أَوْ تَسْرِيحُهُ بِإِحْسَانٍ﴾

“Then, either keep [her] in an acceptable manner or release [her] with good treatment.” [Al-Baqarah: 229]

And He, the Most High, said:

﴿وَإِنْ يَنْفَرَا يُعْنِ اللَّهُ كُلًّا مِنْ سَعَتِهِ ۗ وَكَانَ اللَّهُ وَاسِعًا حَكِيمًا﴾

“But if they separate (by divorce), Allah will provide abundance for everyone of them from His Bounty. And Allah is Ever All-Sufficient for His creatures' needs, All-Wise.” [Al-Nisā: 130]

If there is no benefit in the continuation of marital life or it is harmful to the wife or one of the two spouses is morally corrupt and irreligious, then divorce is an escape and a relief.



How much do those societies, which forbid divorce, suffer from calamities, harms, suicides and the decline of the family! The magnificent religion of Islām permitted divorce and stipulated guidelines that actualize the [intended] benefits and repel the harms.

All of the great divine laws of Islām comprise of numerous benefits, as it pertains to now [in this life] and later [in the Hereafter]. So all praise belongs to Allāh for His benevolence and grace.

## Regarding Whose Pronouncement of Divorce Is Valid:

[The pronouncement of divorce is valid for] the discerning husband who willfully does so and who understands it, or the one whom he appoints [to represent him], based on his (صلى الله عليه وسلم) saying:

“Divorce is solely the right of him who takes hold of the calf of the woman.”<sup>1</sup>

- As for the one who has lost his intellect, then he is excused as it relates to this, such as the insane, the unconscious, the sleeper, the one suffering from a sickness that impedes his consciousness like pleurisy, the one compelled to drink an intoxicant, and the one who takes an anesthetic or its like for medicinal purposes. If any of these individuals pronounce divorce, while in a state where they have lost their intellect due to any of the aforementioned reasons, then it is invalid.

This is due to the statement of ‘Alī (رضي الله عنه):

“Every divorce is valid except for the divorce of the one with an impaired intellect.”<sup>2</sup>

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<sup>1</sup> It has previously been cited. [PN] Refer to p. 65.

<sup>2</sup> This was mentioned by Bukhārī in *Ta’liq* form (9/481) and al-Tirmidhī who narrated it in *Marfū’* form [attributed to the Prophet] by way of Abu Hurairah.

This is because the intellect is the basis for [a person being accountable for] the rulings and regulations.

- As for the one who loses his intellect due to the consumption of an intoxicant and this was done by choice, and he then pronounces divorces in this state, then the people of knowledge differ concerning whether his divorce is valid. There are two positions on this matter:

One of them is that it is valid [and counts]. This is the stance of the four Imāms and a number of the people of knowledge.

- If a person is wrongfully forced to pronounce divorce and he divorces her to avert this injustice and compulsion, then his divorce is not valid due to the ḥadīth:

“There is no divorce nor emancipation under [Ighlāq]<sup>1</sup> force.”<sup>2</sup>

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[PN] It is authentic in *Mawqūf* form [i.e. the statement of a Companion], but not authentic in *Marfū'* form [i.e. from the Prophet]. Refer to *al-Irwā* of Shaykh Albānī (no. 2042).

<sup>1</sup> [PN] I have used the word force here because that is the explanation mentioned by Shaykh al-Fawzān. However, it has also been explained by the scholars to refer to extreme anger.

<sup>2</sup> Collected by Abū Dāwūd (no. 2193: [2/446]) and Ibn Mājah (2046: [2/514]) from the ḥadīth of 'Ā'ishah. [TN] Shaykh Albānī declared this hadith to be sound (*Ḥasan*).

This was collected by Aḥmad, Abū Dāwūd and Ibn Mājah.

The meaning of ‘*Ighlāq*’ is compulsion.

[This is also] due to His Saying:

﴿ مَنْ كَفَرَ بِاللَّهِ مِنْ بَعْدِ إِيمَانِهِ إِلَّا مَنْ أُكْرِهَ وَقَلْبُهُ مُطْمَئِنٌّ بِالْإِيمَانِ ﴾

﴿ مَنْ كَفَرَ بِاللَّهِ مِنْ بَعْدِ إِيمَانِهِ إِلَّا مَنْ أُكْرِهَ وَقَلْبُهُ مُطْمَئِنٌّ بِالْإِيمَانِ ﴾

“Whoever disbelieved in Allah after his belief, except him who is forced thereto and whose heart is at rest with Faith.” [Al-Naḥl: 106]

Disbelief is worse than divorce, and it has been pardoned for the one who is compelled to manifest it, therefore this is even more applicable to divorce.

However, if the individual compelled to divorce his wife is one who has taken an oath not to have relations with her and four months pass, and he continues to refuse to have relations with her and expiate his oath, then his divorce is valid.

- The divorce of the angry person is valid if he is aware of what he is saying, whereas the divorce of the man who is overcome by anger to the extent that he does not know what he is saying is invalid.

- The divorce of the one who is joking is valid [and counts] because he intended to utter these words, even if he did not intend for it to count.  
And Allāh knows best.

## The Sunnī<sup>1</sup> Divorce and the Innovated Divorce

- The *Sunnī* divorce is the divorce that has occurred in the legislated manner that Allāh and His Messenger have prescribed.

[The description of this] is that the husband divorces the wife by pronouncing one divorce when the wife is pure [from menses and postnatal bleeding] and during a time of purity before the husband has had intercourse with her; and he leaves her until she completes her 'Iddah [waiting period].

This is the *Sunnī* divorce as it pertains to the number of divorces pronounced, because he pronounced divorce once and then left her to complete the 'Iddah.

It is the *Sunnī* divorce as it relates to time because he divorced her when she was pure and before he had intercourse with her.

This is due to the Saying of Allāh, the Most High:

﴿يَا أَيُّهَا النَّبِيُّ إِذَا طَلَقْتُمُ النِّسَاءَ فَطَلِقُوهُنَّ لِإِدَّتِهِنَّ﴾

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<sup>1</sup> [PN] This means that it conforms to the Sunnah.

“O Prophet! When you divorce women, divorce them at their *Iddah* (prescribed periods), and count (accurately) their *Iddah* (periods).” [Al-Ṭalāq: 1]

Ibn Mas‘ūd (رَضِيَ اللَّهُ عَنْهُ) said about the meaning of this verse:

“This means when they are pure and prior to intercourse.”<sup>1</sup>

‘Alī (رَضِيَ اللَّهُ عَنْهُ) said:

“If the people implemented what Allāh has commanded in matters of divorce, then a man would never regret [divorcing] a woman. He pronounces divorce once and then leaves her for three menstrual periods. If he desires [during this time], he may take her back.”<sup>2</sup>

He may take her back as long as she is still in her *Iddah* [waiting period]. This is because Allāh gives the man who has divorced his wife the opportunity to take her back if he regrets divorcing her, and he has not fully exhausted the number of divorces and she is still in *Iddah*.

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<sup>1</sup> Collected by al-Bayhaqī (no. 14915: [7/532]).

<sup>2</sup> The like of this was collected by Ibn Abū Shaybah (no. 11736: [4/58]).

However, if he has used all his divorces [meaning that it is the third and final divorce], then he has lost the opportunity to take her back.

- **The Innovated Divorce<sup>1</sup>**

The innovated divorce is the divorce pronounced by an individual in a manner which has been forbidden.

1. This is when the man divorces his wife three times [on one occasion] with a single statement [i.e. I divorce you three times].
2. He divorces her while she is menstruating or in a state of postnatal bleeding.
3. He divorces her when she is pure but he has had intercourse with her and it is unclear whether she is pregnant or not.

The first type is referred to as an innovated divorce as it relates to the number of divorces pronounced, and the second is referred to as innovated as it relates to time.

- The innovated divorce as it pertains to the number [of divorces pronounced on one occasion] makes the wife

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<sup>1</sup> [PN] It is referred to as 'innovated' because it opposes the legislated manner. Refer to *al-Sharḥ al-Mumtī* of Shaykh Ibn 'Uthaymīn.



unlawful for the man until after she marries another husband.

﴿فَإِنْ طَلَّقَهَا﴾

“And if he has divorced her.”

Meaning for the third time.

﴿فَلَا يَحِلُّ لَهُ مِنْ بَعْدُ حَتَّى تَنْكِحَ زَوْجًا غَيْرَهُ﴾

“Then she is not lawful unto him thereafter until she has married another husband.” [Al-Baqarah: 230]

- As for the innovated divorce, as it relates to time, then it is recommended for the man to take her back due to the ḥadīth of Ibn ‘Umar (رَضِيَ اللَّهُ عَنْهُ):

He divorced his wife while she was menstruating and the Prophet (صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ) commanded him to take her back. Collected by the compilers [of the six books of ḥadīth].<sup>1</sup>

If he takes her back, then it is obligatory for him to keep her until she becomes pure, then if he chooses he may divorce her.

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<sup>1</sup> Collected by Bukhari (no. 5332: [9/597]), Muslim (no. 3638: [5/303]), Abū Dāwūd (no. 2179: [2/438]), al-Tirmidhī (no. 1177: [3/478]), al-Nasāī (no. 3399: [3/452]) and Ibn Mājah (no. 2019: [2/500]).

- It is forbidden for the husband to divorce in an innovated fashion, regardless of whether it pertains to time or the number of divorces.

This is due to the Saying of Allāh, the Most High:

﴿الطَّلَاقُ مَرَّتَانٍ فَإِمْسَاكَ بِمَعْرُوفٍ أَوْ تَسْرِيحٌ بِإِحْسَانٍ﴾

“Divorce is twice. Then, either keep [her] in an acceptable manner or release [her] with good treatment.” [Al-Baqarah: 229]

And His Saying, the Most High:

﴿يَا أَيُّهَا النَّبِيُّ إِذَا طَلَقْتُمُ النِّسَاءَ فَطَلِّقُوهُنَّ لِعَدَّتِهِنَّ﴾

“O Prophet! When you divorce women, divorce them at their *Iddah* (prescribed periods), and count (accurately) their *Iddah* (periods).” [Al-Ṭalāq: 1]

This means that they are in a state of purity and prior to intercourse.

When it reached the Prophet (صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ) that a man divorced his wife three times [on one occasion] he said:

“Is the book of Allāh being taken in jest while I am among you?”<sup>1</sup>

Additionally, if a man who divorced his wife three times [concurrently] was brought before ‘Umar (رَضِيَ اللهُ عَنْهُ) he would beat him.<sup>2</sup>

When it was mentioned to the Prophet (صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ) that Ibn ‘Umar (رَضِيَ اللهُ عَنْهُ) divorced his wife while she was menstruating he became angry and commanded him to take her back.<sup>3</sup>

All of this shows the obligation of adhering to the rulings of divorce, as it pertains to time and number, and [the obligation] to abstain from the forbidden divorce, as it pertains to time and number.

However, many men fail to comprehend this or they pay it no attention; thus, they fall into regret and anguish, and thereafter they search for ways to escape what they have fallen into, pestering the scholars [from whom they seek verdicts]. All of this results from playing with the Book of Allāh.

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<sup>1</sup> Collected by al-Nasā’ī (no.). [PN] Shaykh Albānī declared this ḥadīth to be weak in *Da‘īf Sunan al-Nasā’ī* (no. 3401).

<sup>2</sup> Collected by Ibn Abū Shaybah (no. 17784: [4/92]).

<sup>3</sup> Collected Muslim (no. 3642: [5/306]).

Some men use divorce as a weapon, which they use to threaten their wife, if they want to compel her to do something or prevent her from something.

Some men use it in their oaths when dealing and conversing with the people.

These men must fear Allāh and keep the utterance of divorce far from their tongues, unless there is a need for it, and in accordance with the specified time and number.

## The Types of Divorce with Respect to the Wording

With regards to the wording of a divorce, then it can be divided into two categories:

### First Type: Explicitly Clear Statements

These are the terms that have been specified for it, which do not imply anything else. It is the word *Ṭalāq* [divorce] and that which is derived from it:

- The verb in the past tense like *Ṭallaqtuki* [I divorce you].
- The active participle [*Ism al-Fā'il*] such as *Anti Ṭāliq* [you are divorced].
- The passive participle [*Ism al-Maf'ūl*] such as *Anti Muṭallaqah* [you have been divorced].

This does not include:

- The verb in the present tense nor the verbal command, such as *Taṭluqīn* [you will be divorced] and *Uṭluqī* [seek your divorce].
- The passive participle from the pattern *فَعَّلَ*, such as *Anti Muṭalliqah*.

The divorce is not valid with these three wordings because it does not clearly indicate that it has actually occurred.

## **The Second Type: Figurative Expressions**

They are expressions that can imply divorce or something else. [For example,] if he was to say: “You are released, or free, or severed;” or, “You are a free woman.”

Similarly, [if he was to say]: “Leave [the home]” and “Return to your family,” and the like of these statements.

- The difference between explicit statements of divorce and figurative expressions is that when explicit statements [are uttered] the divorce is valid and takes place, even if he did not intend it, whether he was serious, joking or playing.

This is based on his saying (صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ):

“There are three matters that when said seriously are taken seriously and when said in jest are taken seriously: marriage, divorce and taking one’s wife back.”<sup>1</sup>

Collected by the five compilers of ḥadīth, but not recorded by al-Nasā’ī.

As for when figurative expressions are used, then divorce does not take place unless he has the intention which coincides with this wording. This is because these expressions can

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<sup>1</sup> Collected by Abu Dāwūd (no. 2194: [2/447]), al-Tirmidhī (no. 1186: [3/490]) and Ibn Mājah (2039: [2/510]) from the ḥadīth of Abu Hurairah.

imply divorce or other meanings. Therefore, they are not understood to necessitate a divorce unless the person intends this. If he does not intend by these words divorce, then it is not valid except in three cases:

1. If he utters this type of figurative expression during an argument between him and his wife.
2. If he utters this when angry.
3. If he utters it in response to her request for a divorce.

In these three cases the divorce is valid and takes place when the man utters a figurative expression, even if he claims that he did not intend it. This is because circumstantial factors indicate that he actually did intend it, and he is not believed when he says, "I did not intend it." And Allāh knows best.

## **It Is Permitted for the Husband to Appoint a Representative to Divorce on His Behalf:**

It is permitted for the husband to appoint someone to divorce on his behalf, whether the representative is a stranger or the wife herself. It is allowed for him to appoint her in this matter and place her affair in her hands.

The representative acts on behalf of the husband [and the same rulings apply] as regards to the explicit wording, figurative expression and the number of divorces, as long as the husband did not stipulate a certain way [for the divorce to occur].

- Divorce is not valid from the husband or his representative unless it is spoken. If he merely intends it with his heart, then it does not count until they move their tongue and utter it.

This is based on his saying (صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ):

“Verily, Allah has pardoned my nation for their thoughts within themselves, as long as they do not utter or act upon them.”

Therefore, divorce is not valid unless it is spoken, except in two instances:

1. If he writes clearly with legible writing an explicit wording for a divorce and he intends it, then it is valid.



There are two opinions on this matter, yet the majority hold that it counts.

2. The second scenario where the divorce is valid without being spoken is the divorce conveyed through sign language of a mute husband, if it is understood.
- It is permissible to attach conditions to the divorce [a conditional pronouncement of divorce]. This means that the divorce only occurs if something is present<sup>1</sup> or absent<sup>2</sup>, using ‘if’ or one of its sisters.

For example, if the husband said:

“If you enter the house, you are divorced.”

Verily, he has made the occurrence of the divorce conditional on the fulfilment of the condition, which is to enter the home. This is a conditional [divorce].

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<sup>1</sup> [PN] “If you have spoken to Zayd, then you are divorced.” This depends upon something that has already happened.

<sup>2</sup> [PN] “If you speak to Zayd, then you are divorced.” This is dependent upon something that has not yet happened.

## **If Doubt Arises Concerning the Divorce**

The intent here is doubt with regards to its wording, or doubt with regards to its number or doubt with regards to the occurrence of its condition.

- If the husband is uncertain whether he pronounced divorce or not, then his wife is not divorced solely based upon this because the marriage is established with certainty and it is not voided through doubt.
- If the husband is uncertain whether the condition he stipulated for the divorce has transpired or not – like if he said, “If you enter this home, then you are divorced” – and he is doubtful if she entered the home or not, then verily she is not divorced based upon doubt. This is based upon what [was explained] earlier.
- If the husband is certain that he pronounced divorce, but he is uncertain of the number of divorces, then only one is counted because this is certain and anything additional is doubtful; and certainty is not abandoned due to doubt. This is a beneficial comprehensive principle relative to all rulings.

It is derived from his statement (صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ):

“Leave that which causes you doubt for that which does not.”<sup>1</sup>

Additionally, his saying (صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ) to the one who was certainly in a state of purification yet he was uncertain whether something occurred to nullify it [i.e. his Wudu] or not:

“Do not leave the Prayer unless you hear a noise or smell an odor.”<sup>2</sup>

There are also other aḥādīth.

This shows the excellence of the divine legislation [of Islām] and its perfection – and all praise belongs to Allāh.

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<sup>1</sup> Collected by al-Tirmidhī (no. 2523: [4/668]).

<sup>2</sup> Agreed upon. Collected by Bukhārī (no. 137: [1/312]) and Muslim (no. 802: [2/272]).

## Glossary

### A

**Āyah:** (pl. *āyāt*) “sign,” a verse of the *Qur’ān*.

**Āhād:** a narration which has not reached the level of *mutawātir*.

**Ahādīth:** see *hadīth*.

**‘Alayhis-salām:** “may Allāh (سُبْحَانَهُ وَتَعَالَى) protect and preserve him.” It is said after the name of a Prophet of Allāh or after the name of an Angel.

**Anṣār:** “helpers;” the Muslims of al-Madīnah who supported the Muslims who migrated from Makkah.

**‘Arsh:** Throne of Allāh (جَلَّ جَلَالُهُ).

**‘Aṣr:** the afternoon Prayer.

**Awliyā’:** see *Walī*.

### B

**Bid’ah:** Heresy (any innovatory practice).

**Burāq:** An animal bigger than a donkey and smaller than a horse on which the Prophet (صَلَّى اللهُ عَلَيْهِ وَعَلَى آلِهِ وَسَلَّمَ) went for the *Mi’rāj*.

### D

**Dā’ī:** one engaged in *da’wah*, caller.

**Da’aef:** “weak,” unauthentic narration.

**Da’wah:** invitation, call to Allāh (عَزَّوَجَلَّ).

**Dīn:** a completed way of life prescribed by Allāh (تَبَارَكَ وَتَعَالَى).

**Dhikr:** (pl. *adhkār*) remembrance of Allāh (جَلَّ وَعَلَا) with the heart, sayings of the tongue and actions of our limbs.

## E

**Īmān:** faith, to affirm all that was revealed to the Prophet (صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ).

## F

**Fāhish:** one who uses foul language.

**Fard Kifāyah:** collective obligation - if fulfilled by a part of the community then the rest are not obligated.

**Fatwā:** (pl. *fatāwā*) religious verdicts.

**Faqīh:** A scholar who can give religious verdicts.

**Fiqh:** Islāmic jurisprudence, understanding.

**Fitnah:** (pl. *fitan*) Trials, persecution, conflicts and strifes.

**Fitrah:** the natural disposition that one is born upon.

## G

**Ghulū:** going to an extreme.

**Ghusl:** A ceremonial bath necessary for the one who is in a state of *Janābah*.

## H

**Hadīth:** (pl. *ahādīh*) the saying, actions and approvals narrated from the Prophet (صَلَّى اللهُ عَلَيْهِ وَعَلَىٰ آلِهِ وَسَلَّمَ).

**Halāl:** lawful.

**Hanīf:** pure Islāmic Monotheism (worshipping Allāh alone and nothing else).

**Harām:** unlawful and forbidden.

**Hasan:** fine, good; a term used for an authentic *hadīth*, which does not reach the level of *Sahīh*.

**Harj:** killing.

**Al-Harūriyyah:** an especially un-orthodox religious sect that branched off from the *Khawārij*.

**Hijrah:** migration from the land of *Shirk* to the land of Islām.

**Hukm:** a judgment of legal decision (especially of Allāh).

## I

**'Ibādah:** worship, worship of Allāh.

**Ihsān:** worshipping Allāh as though you see Him. However, since you cannot see Him, then know that He sees you.

**Ijmā':** consensus, a unified opinion of Scholars regarding a certain issue.

**Ijtihād:** exertion of effort; the process of arriving at a reasoned decision by a Scholar on an issue.

**Imām:** leaders; leaders in Prayer, knowledge in *fiqh*, leader of a state.

**Isnād:** the chain of narrators linking the collector of the saying to the person quoted.

**Istikhārah:** a Prayer consisting of two units (*rak'ah*) asking Allāh for guidance.

**Istiwā:** ascending; the ascending of Allāh above the Throne (in the manner that befits His Majesty).

## J

**Janābah:** state of a person after having sexual intercourse or sexual discharge.

**Janāzah:** (pl. *janā'iz*): Funeral.

**Jihād:** striving, struggling, fighting to make the Word of Allāh supreme.

**Jum'ah:** Friday.

**Jinn:** invisible creation, created by Allāh from smokeless fire.

**Junub:** a person who is in the state of *janābah*.

## K

**Ka'bah:** a square stone building in *al-Masjidul-Haram* (the great mosque in Makkah which Muslims go to for pilgrimage and which all Muslims direct their face in Prayer).

**Al-Kabā'ir:** the major sins.

**Khārijī:** (pl. *Khawārij*): those who declared that a Muslim becomes a disbeliever due to committing a major sin alone.

**Khalīfah:** (pl. *khulafā'*): the head of the Islāmic government to whom the oath of allegiance is given.

**Khilāfah:** an Islāmic state.

**Khutbah:** (person *khatīb*), religious talk (sermon).

**Kufr:** (person *kāfir*) act of disbelief in the Religion of Islām.

## M

**Madhhab:** position or opinion of a Scholar; school of Islāmic Jurisprudence.

**Makrūh:** not approved of, undesirable from the point of view of Religion, although not pun‘Ishāble.

**Manhaj:** way; method; methodology.

**Marfū’:** raised; a narration attributed to the Prophet (صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ).

**Masjid:** mosque.

**Mawbiqāt:** great destructive sins.

**Mudallis:** one who practises *tadlīs*.

**Muhājir:** (pl. *muhājirūn*, *muhājirīn*) one who migrated from the land of the disbelievers to the land of the Muslims for the sake of Allāh.

**Muhaddith:** scholar of the science of *hadīth*.

**Muftī:** one who gives *fatāwā*.

**Mujāhid:** (pl. *mujāhidūn*): a Muslim warrior in *Jihād*.

**Mujtahid:** one who is qu‘Alīfied to pass judgment using *ijtihad*.

**Munkar:** “rejected;” a narration which is un-authentic itself and contradicts and authentic narrations.

**Muqallid:** one who practices *taqlīd*.

**Mushrik:** (pl. *mushrikūn*) polytheists, pagans and disbelievers in the oneness of Allāh (عَزَّوَجَلَّ) and His Messenger (صَلَّى اللهُ عَلَيْهِ وَعَلَىٰ آلِهِ وَسَلَّمَ).

**Mustahabb:** recommended; an action if left it is not pun‘Ishāble and if done it is rewardable.

**Muttaqūn:** those who are pious.

**Mutawātir:** a *hadīth* which is narrated by a very large number of narrators, such that it cannot be supported that they all agreed upon a lie.

**Muwahhid:** (pl. *muwahhidūn*) one who unifies all of his worship and directs it to Allāh alone.

**Mawdū’:** fabricated; spurious; invented (narration).

**Mawqūf:** stopped; a narration from a Companion (not going back to the Prophet (صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ)).

**Mawsūl:** “connected;” a continuous *isnād* (can be narrated back to the Prophet (صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ)).



## N

**Nāfilah:** (pl. *nawāfil*) Optional practice of worship.

**Niyyah:** intention from the heart.

**Nusuk:** a sacrifice.

## Q

**Qadar:** Divine pre-ordainment; that which Allāh has ordained for his creation.

**Qiblah:** the direction the Muslims face during Prayer.

**Qiyās:** analogical deduction of Islāmic laws. New laws are deduced from old laws based upon similarity between their causes.

**Qunūt:** "devotion;" a special supplication while standing in the Prayer.

**Quraysh:** one of the greatest tribes in Arabia in the pre-Islāmic period of Ignorance. The Prophet (صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ) belonged to this tribe.

## R

**Rāfidī:** the correct title for the extreme *Shī'ah*. Those who bear m'Alīce and grudges against the noble Companions (رَضِيَ اللهُ عَنْهُمْ) to the extent that they declare them to be apostates. They also hold that the *Qur'ān* which the Muslims have is neither complete nor preserved from corruption.

**Ramadān:** the ninth month of Islāmic calendar, in which Muslims observe fasting.

## S

**Sahābah:** Muslims who met the Prophet (صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ) believing in him and died believing in him.

**Sahīh:** authentic, the highest rank of classification of authentic *ahādīth*.

**Salaf/Salafus-Sālihīn:** pious predecessors; the Muslims of the first three generations: the Companions, the successors and their successors.

**Salafī:** one who ascribes oneself to the *salaf* and follows their way.

**Sīrah:** the life story of the Prophet (صَلَّى اللهُ عَلَيْهِ وَعَلَىٰ آلِهِ وَسَلَّمَ).

**Sharī'ah:** the divine code of law of Islām.

**Shawwāl:** the month after *Ramadān*.

**Shaytān:** S'Ātān

**Shī'ah:** (see *Rāfidī*) a collective name for various sects claiming love for *Ahlul-Bayt*.

**Shirk:** associating partners with Allāh directly or indirectly; compromising any aspects of *Tawhīd*.

**Sūrah:** a chapter of the *Qur'ān*

**Sunnah :** "example, practice;" the way of life of the Prophet (صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ), consisting of his words, actions and silent approvals. The *Sunnah* is contained in various *ahādīth*.

## T

**Tābi'ī:** (pl. *tābi'īn*) the generation that came after the Companions of the Prophet (صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ).

**Tafsīr:** explanation of the *Qur'ān*.

**Tāghūt:** anything worshiped other than the real God (Allāh) (i.e. false deities).

**Tahajjud:** voluntary, recommended Prayer between the compulsory prayers of '*Ishā'* and *Fajr*.

**Takhrīj:** to reference a *hadīth* to its sources and analyze its *isnāds*.

**Taqlīd:** blind following; to follow someone's opinion (*madhhab*) without evidence.

**Taqwā:** acting in obedience to Allāh, hoping for His mercy upon light from Him and *taqwā* is leaving acts of disobedience, out of fear of Him, upon light from Him.

**Tarjamah:** notes about a reporter of *hadīth*.

**Tawwāf:** the circumambulation of the *Ka'bah*.

**Tawhīd:** Islāmic Monotheism. The Oneness of Allāh. Believing and acting upon His Lordship, His rights of Worship and Names and Attributes.

## U

**Uhud:** A well-known mountain in al-Madīnah. One of the greatest battles in Islāmic history came at its foot. This is called *Ghazwah Uhud*.

**'Ulamā':** (singular: '*ālim*) scholars.

**Umm:** mother of, used as an identification.

**Ummah [nation]:** "nation", the Muslims as a whole.

**'Umrah:** a visit to Makkah during which one performs the *tawwāf* around the *Ka'bah* and the *Sa'ī* between *as-Safā* and *al-Marwah*. It is called the lesser *Hajj*.

**Usūl:** the fundamentals.

## W

- Wahyī:** the revelation or inspiration of Allāh to His Prophets.
- Wahdatul-Wujūd:** the belief that everything in existence is infact Allāh. This deviant belief is held by many *Sūfis*.
- Wakīl:** disposer of affairs.
- Witr:** “odd;” the last Prayer at the night, which consists of odd number of *raka’āt* (units).
- Walimah:** the wedding feast.
- Wasīlah:** the means of approach or achieving His closeness to Allāh by getting His favours.
- Wudū’:** an ablution (ritual washing) that is performed before Prayer and other kinds of worship.

## Y

- Yaqīn:** perfect absolute faith.
- Yathrib:** one of the names of al-Madīnah.

## Z

- Zakāt:** charity that is obligatory on everyone who has wealth over and above a certain limit over which a year has passed (2.5% of saved wealth).
- Zakātul-Fitr:** an obligatory charity by the Muslims to be given to the poor before the Prayer of *’Īdul-Fitr*.
- Zamzam:** the sacred water inside the *haram* (the grand mosque) at Makkah.
- Zanādiqah:** atheists, heretics.

## Our Call to the Ummah

[1]: We believe in Allāh and His Names and Attributes, as they were mentioned in the Book of Allāh and in the *Sunnah* of the Messenger of Allāh (ﷺ), without *tahrīf* (distortion), nor *ta'wīl* (figurative interpretation), nor *tamthīl* (making a likeness), nor *tashbīh* (resemblance), nor *ta'fīl* (denial).

[2]: We love the Companions (رضي الله عنهم) of the Messenger of Allaah (صلى الله عليه وسلم), and we hate those who speak against them. We believe that to speak ill of them is to speak ill of the Religion, because they are the ones who conveyed it to us. And we love the Family of the Prophet (صلى الله عليه وسلم) with love that is permitted by the *Sharī'ah*.

[3]: We love the People of *Ḥadīth* and all of the *Salaf* of the *Ummah* from *Ahl al-Sunnah*. Imām al-Shāḥibī (d.790H) - رحمه الله - said, “The *Salaf al-Ṣāliḥ*, the Companions, the *tābī'in* and their successors knew the *Qur'ān*, its sciences and its meanings the best.”

[4]: We despise *'ilm al-kalām* (knowledge of theological rhetoric), and we view it to be from amongst the greatest reasons for the division in the *Ummah*.

[5]: We do not accept anything from the books of *fiqh* (jurisprudence), nor from the books of *tafsīr* (explanation of the *Qur'ān*), nor from the ancient stories, nor from the *Sīrah* (biography) of the Prophet (ﷺ), except that which has been confirmed from Allāh or from His Messenger (ﷺ). We do not mean that we have rejected them, nor

do we claim that we are not in need of them. Rather, we benefit from the discoveries of our Scholars and the jurists and other than them. However, we do not accept a ruling, except with an authentic proof.

[6]: We do not write in our books, nor do we cover in our lessons, nor do we give sermons with anything except the *Qur'ān*, or the authentic and authoritative *ḥadīth*. And we detest what emanates from many books and admonishers in terms of false stories and weak and fabricated *ahādīth*.

[7]: We do not perform *takfīr* upon any Muslim due to any sin, except *Shirk* with Allāh, or the abandonment of Prayer, or apostasy. We seek refuge in Allāh from that.

[8]: We believe that the *Qur'ān* is the Speech of Allāh, it is not created.

[9]: We hold that our 'obligation is to co-operate with the group that traverses the methodology of the Book and the *Sunnah*, and what the *Salaf* of the *Ummah* were upon; in terms of calling to Allāh (سُبْحَانَكَ وَبِحَمْدِكَ), and being sincere in worship of Him, and warning from *Shirk*, innovations, and disobedience, and to advise all of the groups that oppose this.' 'So co-operating upon righteousness and piety (*taqwā*) and mutual advising necessitates warning against evil and not co-operating with the wicked.'

[10]: We do not deem it correct to revolt against the Muslim rulers as long as they are Muslims, nor do we feel that

revolutions bring about reconciliation. Rather, they corrupt the community.

[I1]: We hold that this multiplicity of present day parties is a reason for the division of the Muslims and their weakness. So therefore we set about ‘freeing the minds from the fetters of blind-following and the darkness of sectarianism and party spirit.’

[I2]: We restrict our understanding of the Book of Allāh and of the *Sunnah* of the Messenger of Allāh (صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ) to the understanding of the *Salaf* of the *Ummah* from the Scholars of *ḥadīth*, not the blind-followers of their individuals. Rather, we take the truth from wherever it comes. And we know that there are those who claim *Salafīyah*, yet *Salafīyah* is free from them, since they bring to the society what Allāh has prohibited. We believe in ‘cultivating the young generation upon this Islām, purified from all that we have mentioned, giving to them a correct Islamic education from the start - without any influence from the disbelieving western education.’

[I3]: We believe that politics is a part of the Religion, and those who try to separate the Religion from politics are only attempting to destroy the Religion and to spread chaos.

[I4]: We believe there will be no honor or victory for the Muslims until they return to the Book of Allāh and to the *Sunnah* of the Messenger of Allāh (صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ).

[15]: We oppose those who divide the Religion into trivialities and important issues. And we know that this is a destructive *Da'wah*.

[16]: We oppose those who put down the knowledge of the *Sunnah*, and say that this is not the time for it. Likewise, we oppose those who put down acting upon the *Sunnah* of the Messenger of Allāh (صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ).

[17]: Our *Da'wah* and our *'Aqīdah* is more beloved to us than our own selves, our wealth and our offspring. So we are not prepared to part with it for gold, nor silver. We say this so that no one may have hope in buying out our *Da'wah*, nor should he think that it is possible for him to purchase it from us for *dīnār* or *dirham*.

[18]: We love the present day Scholars of the *Sunnah* and hope to benefit from them and regret the passing away of many of them. Imām Mālik said (d.179H) - رَحِمَهُ اللهُ - , “The knowledge of *ḥadīth* is your flesh and blood and you will be asked concerning it on the Day of Judgment, so look who you are taking it from.”

[19]: We do not accept a *fatwā* except from the Book of Allāh and the *Sunnah* of the Messenger of Allāh (صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ).

These are glimpses into our *'Aqīdah* and our *Da'wah*. So if one has any objection to this, then we are prepared to accept advice if it is truthful, and to refute it if it is erroneous, and to avoid it if it is stubborn rejection. And Allāh knows best.



