

Allah's Rewards Behind A Divorce

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Glossary of Islamic Terms

Jihad: From the Arabic root *jahada*, meaning to exert strength and effort, to use all means in order to accomplish a task.

Hadis: Narration of the sayings, doings or approvals of Prophet Muhammad *shallallahu 'alaihi wasallam* (peace be upon him).

Talaq or Thalaq: Literally means release. A repudiation of marriage in Islam initiated by the husband.

Iddah or Idah: Literally means period of waiting. A grace period observed by a woman after the death of her husband or a divorce.

Ansari or Anshari: Literally means The Helpers. The people of Madinah who took the prophet Muhammad *shallallahu 'alaihi wasallam* and his followers into their homes when he emigrated from Mekah.

Doa Istikharah: Prayer and supplication to ask for guidance from Allah.

Rakaah or Rakaat: A single iteration of prescribed movements and supplications in solat (prayer).

Ijab and Qabul: Islamic marriage solemnization by the bride's guardian (*wali*) and the groom. Literal meanings are offer and acceptance.

Rujuk: Reconcile and withdraw the divorce. Couple resumes married life.

Ajnabi: No relations either through bloodline or marriage. Literal meaning of *ajnabi* is strangers.

Mahram: A family member with whom marriage is permanently unlawful e.g., a brother. Literal meaning of *mahram* is forbidden.

Quru': Period of a menstrual cycle **or** period between menstrual cycles. There are two schools of thought in interpreting the term.

Islah: Literally means reform. Corrective actions or measures taken in a marriage or reconciliation for the purpose of rujuk following a divorce.

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Marriage if it is done with good intention by a couple through the guidance of al-Qur'an and al-Sunnah will earn them great rewards from Allah *Subhanahu wa Ta'ala*.

But did you know that through divorce too, if done by the separating couple in accordance to al-Qur'an and al-Sunnah, will also earn them rewards from Allah *Subhanahu wa Ta'ala*.

In fact, the rewards could be many times over considering the emotional struggles one goes through in a divorce process i.e., before, during and after. This is because divorce normally invites a host of negative emotions such as hatred, feeling betrayed, the need for avengement, so much so that fighting these feelings becomes a *jihad* in adhering to the teachings of al-Qur'an and al-Sunnah.

Divorce is sanctioned by Islamic Shariah as a last resort or way out for a marriage that can no longer be saved. Ironically, this part of Shariah which is meant to be a solution has become a "sin fiesta" when the divorcing couple start exposing each other's shortcomings on social media. This happens for example in a situation where an ex-husband refuses to turn up in court for a divorce hearing, an ex-wife filing for an unreasonable maintenance amount or a refusal of an ex-husband to pay alimonies.

Lack of Islamic References

If you do a search on the internet on divorce in Islam, almost all references are focusing on the rulings related to divorce and court procedures for divorce.

In my observation (my apology if I have overlooked), there are no references whether on the internet or printed version in Bahasa or English that provide guidance for couples who are divorcing to do it in a peaceful manner i.e., to separate on good terms.

Based on this observation, I feel the need to compile a writing that can guide a couple who are going through a divorce to be able to do it in a peaceful manner,

whether before, during or after the divorce.

It is hoped that this writing will be able to achieve its objective of providing a guide and motivation in going through a divorce that earns Allah's rewards, by the Grace of Allah. A few points that readers need to take note of,

- At a glance, this book may look like it is in support of divorce. This is not so. This book aims at motivating couples who see no other ways but divorce, and to do it in a good way.
- This is a motivational book, not an Islamic rulings book on divorce. Therefore, religious rulings discussions and difference of opinion of some rulings will be kept to the minimum.
- When a "couple" is mentioned, this refers to:
 1. A husband who is divorcing his wife.
 2. A wife who is seeking a divorce from her husband.
 3. A couple who mutually agrees for a separation.

For brevity purposes the term "couple" applies to all three scenarios above.

- Similarly, when "former couple" is used it refers to a couple who have separated through divorce.
- In each chapter a verse from al-Qur'an or a hadis from Allah's Messenger *shallallahu 'alaihi wasallam* related to divorce will be presented. When a couple tries to follow a verse or hadis, or avoid what is forbidden by them, they will earn reward for striving to obey Allah and His Messenger.

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14 Jun 2021 – 07 September 2021¹

¹ Originally written in Bahasa Melayu "Mencari Pahala Allah Di Sebalik Perceraian". Translated into English by Muhammad Khairul bin Muhamed, Nov – Dec 2023.

Reward? Doesn't Islam Hate Divorce?

I am sure the title of the book raises a big question. Because normally, divorce is understood as something despised in Islam. The Prophet *shallallahu 'alaihi wasallam* once said,

أَيُّمَا امْرَأَةٍ سَأَلَتْ زَوْجَهَا طَلَاقًا فِي غَيْرِ مَا بَأْسٍ، فَحَرَامٌ عَلَيْهَا رَائِحَةُ الْجَنَّةِ.

The woman who asks her husband to divorce her where there is no harm done, the smell of Paradise is forbidden for her.²

Also were narrated,³

مَا أَحَلَّ اللَّهُ شَيْئًا أَبْغَضَ إِلَيْهِ مِنَ الطَّلَاقِ.

Allah did not make anything lawful more abominable to him than divorce.⁴

أَبْغَضُ الْحَلَالِ إِلَى اللَّهِ تَعَالَى الطَّلَاقُ.

The most hated of permissible things to Allah is divorce.⁵

The hadis above actually are referring to divorces that are done hastily. If a couple has valid reasons for their divorce and the marriage cannot be saved despite all efforts taken, then the above hadis are no longer referred to. Instead, what is referred to is a saying from Allah *Subhanahu wa Ta'ala*,

وَأِنْ يَتَفَرَّقَا يُغْنِ اللَّهُ كُلًّا مِنْ سَعَتِهِ وَكَانَ اللَّهُ وَاسِعًا حَكِيمًا.

² **Sahih (Authentic):** Recorded by Abu Daud in his *Sunan*, hadis no.: 1899/2226 (*Kitab al-Thalaq, Chapter on khulu'*) and rated *sahih* by al-Albani and Syu'aib al-Arna'uth.

³ When a hadis is *dha'if* (weak), it must not start with, "The Prophet said..." but the weakness is indicated by saying, "It was narrated that...". For more explanation, please refer to my writings (in Bahasa Malaysia) *Hadis Dha'if: Hukum Dan Syarat Pengamalannya* from the book *Amalan-Amalan Di Bulan Ramadhan*. Downloadable from hafizfirdaus.com

⁴ **Dha'if:** Recorded by Abu Daud in his *Sunan*, hadis no: 1862 (*Kitab al-Thalaq, Chapter talak is unfavourable*) and he did not comment. This hadis is *mursal* as explained by al-Sakhawi in *al-Maqashid al-Hasanat*, vol. 1, p. 7. al-Albani rated it as *dha'if* in *Dha'if Sunan Abu Daud*, hadis no: 2177.

⁵ **Dha'if:** Recorded by Abu Daud in his *Sunan*, hadis no: 1863 (*Kitab al-Thalaq, Chapter talak is unfavourable*) and he did not comment. This hadis is rejected for being *mursal*, as explained by Ibn Hajar al-'Asqalani in *Fath al-Bari*, before explaining hadis no: 4852/5254. Al-Albani rated it as *dha'if* in *Dha'if Sunan Abu Daud*, hadis no: 2178.

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' need, All-Wise.
[al-Nisa' 4:130]

When discussing the laws of *talaq* in surah al-Thalaq, Allah *Subhanahu wa Ta'ala* ended the first verse by saying,

...لَا تَدْرِي لَعَلَّ اللَّهَ يُحْدِثُ بَعْدَ ذَلِكَ أَمْرًا.

You know not it may be that Allah will afterward bring some new thing to pass.
[al-Thalaq 65:01]⁶

Both al-Qur'an verses above are not motivating people for divorce but giving them hope if that is the only option available; Allah then will bless the couple His bounty and give them a new life after the divorce.

This is a very important point to understand and to believe in, because there are couples who have reasonable justifications for a divorce but choose not to, out of fear of loss of provision and fear of life challenges after a divorce.

Allah's bounty and new life may come in the form of confidence of being independent, a more calm and peaceful life, free from society's slanders, creativity in generating income, profit in new business venture or investment, a good emotional and physical health – for the couple and the children, finding a new partner or whatever blessing from the **vast bounty** of Allah.

Additional Explanation

There is a famous narration,

تَزَوَّجُوا وَلَا تُطَلِّقُوا، فَإِنَّ الطَّلَاقَ يَهْتَزُّ مِنْهُ الْعَرْشُ.

Marry and don't get a divorce. Indeed, divorce will shake the Arasy.

⁶ In *Tafsir Ibn Katsir* it was explained that the verse means a husband who took back his divorced wife while still in her *iddah*. I am of the opinion that, as the verse is general in nature it can also mean a new life that Allah blesses the divorced couple with.

This narration is actually fabricated. This is explained by al-Albani *rahimahullah* (1420H) in *Silsilah al-Ahadits al-Dha'ifah wa al-Maudhu'ah*, hadis no.: 5894.

It is forbidden from sharing, writing or spreading it other than for the purpose for explaining its inauthenticity.

This Whole Life Is A Test From Allah

This whole life is actually a test from Allah *Subhanahu wa Ta'ala*,

أَحْسِبَ النَّاسُ أَنْ يُتْرَكُوا أَنْ يَقُولُوا آمَنَّا وَهُمْ لَا يُفْتَنُونَ (2) وَلَقَدْ فَتَنَّا الَّذِينَ مِنْ قَبْلِهِمْ فَلَيَعْلَمَنَّ
اللَّهُ الَّذِينَ صَدَقُوا وَلَيَعْلَمَنَّ الْكَاذِبِينَ (3).

Do people think that they will be left alone because they say: "We believe," and will not be tested?

And We indeed tested those who were before them. And Allah will certainly make (it) known (the truth of) those who are true, and will certainly make (it) known (the falsehood of) those who are liars. [al-Ankabut 29:2-3]

The test that Allah gives will be in accordance with the religious level of each individual. Allah does not give test to His slave where His slave will definitely fail the test. Allah's Messenger *shallallahu 'alaihi wasallam* once asked on who receive the heaviest of test? He responded,

الْأَنْبِيَاءُ ثُمَّ الْأَمْثَلُ فَلَا أَمْثَلُ، فَيُبْتَلَى الرَّجُلُ عَلَى حَسَبِ دِينِهِ، فَإِنْ كَانَ دِينُهُ صُلْبًا اشْتَدَّ بَلَاؤُهُ،
وَإِنْ كَانَ فِي دِينِهِ رِقَّةٌ ابْتُلِيَ عَلَى حَسَبِ دِينِهِ، فَمَا يَبْرُحُ الْبَلَاءُ بِالْعَبْدِ حَتَّى يَتْرَكُهُ يَمْشِي عَلَى الْأَرْضِ مَا
عَلَيْهِ خَطِيئَةٌ.

They are the prophets, then the next best, then the next best. A man is put to trial according to his religion. If he is firm in his religion, his trials will be more severe. If he is weak in his religion, he is put to trial according to his strength in religion.

The servant will continue to be put to trial until he is left walking upon the earth without any sin.⁷

Among these tests are marriage and divorce. When we mention test, it is not

⁷ **Sahih:** Recorded by al-Tirmizi in his *Sunan*, hadis no.: 2322/2398 (*Kitab al-Zuhud 'an Rasulallah, Chapter patience during trials*) and said Abu 'Isa al-Tirmizi, hadis is *hasan* (good) *sahih*. Also rated *hasan sahih* by al-Albani.

necessarily in the form of unhappy marriage. This is because Allah's test can be in the form of difficulty or ease, happiness or sorrow. Allah *Subhanahu wa Ta'ala* said,

...وَنَبْلُوكُم بِالشَّرِّ وَالْخَيْرِ فِتْنَةً...

And We shall make a trial of you with evil and with good. [al-Anbiya' 21:35]

Similarly with wealth and children, which are common yardsticks in measuring success and happiness. These in actual fact are forms of test from Allah too,

إِنَّمَا أَمْوَالُكُمْ وَأَوْلَادُكُمْ فِتْنَةٌ وَاللَّهُ عِنْدَهُ أَجْرٌ عَظِيمٌ.

Your wealth and your children are only a fitnah (trial), whereas Allah! With Him is a great reward (Paradise). [al-Taghabun 64:15]

When Allah 'Azza wa Jalla tests a couple with an unhappy marriage or a divorce, it does not mean that Allah hates them or is punishing them.

It may be that Allah loves them and wishes to give them plenty of rewards, as explained by Allah's Messenger *shallallahu 'alaihi wasallam*,

إِنَّ عِظَمَ الْجَزَاءِ مَعَ عِظَمِ الْبَلَاءِ وَإِنَّ اللَّهَ إِذَا أَحَبَّ قَوْمًا ابْتَلَاهُمْ فَمَنْ رَضِيَ فَلَهُ الرِّضَا وَمَنْ سَخِطَ فَلَهُ السَّخَطُ.

The greatest reward comes with the greatest trial. When Allah loves a people, He tests them. Whoever accepts that gets (Allah) pleasure but whoever is discontent with that, earns (Allah) wrath.⁸

The awareness that all aspects of our lives are a test from Allah is very important, because there are those who when tested with unhappy marriage and divorce, will be angry at Allah, lose hope of Allah's Mercy and have intention to leave Islam.

This has been mentioned by *Subhanahu wa Ta'ala*,

⁸ **Hasan:** Recorded by al-Tirmizi in his *Sunan*, hadis no.: 2320/2396-2 (*Kitab al-Zuhud 'an Rasulullah, Chapter patience during trials*) and said Abu 'Isa al-Tirmizi, hadis is *hasan gharib* (strange). It rated *hasan sahih* by al-Albani and rated *hasan* by Syu'aib al-Arna'uth.

وَمِنَ النَّاسِ مَنْ يَعْبُدُ اللَّهَ عَلَى حَرْفٍ فَإِنْ أَصَابَهُ خَيْرٌ اطْمَأَنَّ بِهِ وَإِنْ أَصَابَتْهُ فِتْنَةٌ انْقَلَبَ عَلَى
وَجْهِهِ خَسِرَ الدُّنْيَا وَالْآخِرَةَ ذَلِكَ هُوَ الْخُسْرَانُ الْمُبِينُ.

And among mankind is he who worships Allah as it were, upon the edge,

if good befalls him, he is content therewith,

but if a trial befalls him, he turns back on his face (reverts to disbelief),

He loses both this world and the Hereafter. That is the evident loss. [al-Hajj 22:11]

Therefore, when Allah's test comes in the form of an unhappy marriage and a divorce, do not take it negatively. But look at it positively whereby,

- Allah will not test someone with something His slave is not capable of going through.
- Strive hard to pass the test of Allah which in return will earn His rewards and blessings.
- Maybe the test is Allah's way of giving the couple something new, as His verse in al-Qur'an, ***May be that Allah will afterward bring some new thing to pass.*** [al-Thalaq 65:01]
- Similar to the verse above is Allah 'Azza wa Jalla's reminder,

...وَعَسَى أَنْ تَكْرَهُوا شَيْئًا وَهُوَ خَيْرٌ لَكُمْ وَعَسَى أَنْ تُحِبُّوا شَيْئًا وَهُوَ شَرٌّ لَكُمْ وَاللَّهُ يَعْلَمُ وَأَنْتُمْ
لَا تَعْلَمُونَ.

And it may be that you dislike a thing which is good for you and that you like a thing which is bad for you. Allah knows but you do not know. [al-Baqarah 2:216]⁹

⁹ There are numerous wisdoms in Allah's tests on us. Please refer to a specific writing on this in Bahasa Malaysia with the title *Tuhan Islam Kejam? (Bhg. 2)* compiled in a book *Islam, Jantina dan Seks* at hafizfirdaus.com

Much Good Behind Hate

Allah Subhanahu wa Ta'ala says,

...فَإِنْ كَرِهْتُمُوهُنَّ فَعَسَى أَنْ تَكْرَهُوا شَيْئًا وَيَجْعَلَ اللَّهُ فِيهِ خَيْرًا كَثِيرًا.

If you dislike them (don't be too hasty in divorcing them), it may be that you dislike a thing and Allah brings through it a great deal of good. [al-Nisa 4:19]

The verse above is not to be read in an angry state of mind.

This is because for someone who is under a state of anger and extreme hatred towards his or her partner and emotionally determined for a divorce, will unlikely appreciate the meaning of this verse. The verse will be regarded as nonsensical reminder and will be refuted and denied.

But if it is read in a calm and rational state, one will understand that... ***great deal of good ...*** may come in various forms. Among others,

- **Rewards Aplenty**

If you dislike a partner in a few aspects, try to count and see their strengths in other areas. You will definitely find some. Maybe you will find them more than the weaknesses and of more value.

The Prophet shallallahu 'alaihi wasallam once advised,

لَا يَفْرَكُ مُؤْمِنٌ مُؤْمِنَةً، إِنْ كَرِهَ مِنْهَا خُلُقًا رَضِيَ مِنْهَا آخَرَ.

A believing man must not hate (his wife) believing woman; if he dislikes one of her characteristics he will be pleased with another characteristic.¹⁰

Although the advice is for husbands, it also applicable to wives. It may also mean “a believing woman must not hate her believing husband. If he dislikes one of her

¹⁰ **Sahih:** Recorded by Muslim in his *Shahih*, hadis no.: 2672/1469 (*Kitab al-Ridho', Chapter advice about women*).

characteristics she will be pleased with another characteristic.”

Take note that the Prophet did not say “a husband must not...” or “a muslim husband must not...”. Instead, he said “A **believing** man must not...”, indicating that this advice has something to do with iman (faith in Allah).

This is because iman is something that can form a strong bond between a husband and a wife which won't make it easy for them to be separated through divorce.

When a couple practices verse 19 surah al-Nisa' and the Prophet's advice above, they will get ... **great deal of good...** in the forms of rewards aplenty.

- **Happy Living Together**

No one is perfect. Everyone has weaknesses. Sometimes couples hate these weaknesses and rush for a solution through divorce.

But if they can sit down together to discuss on improvements, pledge to help each other in improving the situation, setting a reasonable timeframe to improve the situation in stages, being patience on small weaknesses, being grateful on many other strengths and consistence with praying to Allah, they will eventually able to live happy together and gain **great deal of good**.

- **Pleasing Children**

'Abdullah ibn 'Abbas *radhiallahu 'anhuma* once explained this verse as,

أن يعطف عليها، فيرزق الرجل ولدها، ويجعل الله في ولدها خيراً كثيراً.

That (through his patience Allah caused) he be pleased with the wife (he once disliked) and (Allah) blessed him through his wife a child and Allah blessed the child with great deal of good.¹¹

Similarly for a wife who hates her husband in the beginning. If she is not impatient for a divorce but instead believes in Allah's promise in verse 19 surah al-Nisa', then

¹¹ Recorded by Ibn Jarir al-Tabari in his *Tafsir*, explanation for verse 19 surah al-Nisa'.

through this patience Allah will cause her to be pleased with her husband, and Allah blesses her through her husband a child and Allah blessed the child with ***great deal of good***.

The good is not limited to children that Allah will give. It can also refer to existing children where when they grow up will bring a ***great deal of good*** to the parents.

Great deal of good as mentioned by Allah *Subhanahu wa Ta'ala* in verse 19 surah al-Nisa' is not limited to three items listed above. Allah's blessing is vast and it may come in something we unable to imagine today.

Marriage Is Effort And Hard Work

Allah 'Azza wa Jalla says,

...إِنَّ اللَّهَ لَا يُغَيِّرُ مَا بِقَوْمٍ حَتَّى يُغَيِّرُوا مَا بِأَنْفُسِهِمْ...

Verily! Allah will not change the (good) condition of a people as long as they do not change their state (of goodness). [al-Ra'd 13:11]

Referring to an unhappy marriage, couples can be grouped into two wrong attitudes. One is those who rush for a divorce and second is those who allow themselves to be in an unhappy environment.

The correct attitude is a balance of the two, whereby the couple put an effort and work hard to improve the state of their marriage. They then manage to transform their unhappy marriage to a happy one.

If we recall previous chapter on Allah's test in marriage and divorce, I did not say that every couple should sit back and do nothing when faced with trials. Instead, they are advised to work hard and excel in the test.

The same also for Allah's reminder, ***If you dislike them (don't be too hasty in divorcing them), it may be that you dislike a thing and Allah brings through it a great deal of good.*** [al-Nisa 4:19], my advice is not to sit back and do nothing but,

- To reflect upon the strengths and virtues of the partner. By focusing on them, and not focusing on partner's weaknesses and shortcomings.

What is proposed is to keep a small diary of partner's virtues. Everyday the wife records her husband's merits and the husband does the same. All merits no matter how small is recorded, example,

"Hubby came home and smiled at me"

"Hubby took out the garbage"

“Hubby complemented my cooking”

The husband will also note down merits of the wife, even small ones.

If there is a feeling of hate towards partner about something or the Shaitan is whispering negative thoughts, refer to the merits and read them.

- Do open discussion with the partner on both parties’ weaknesses and shortcomings.

Strong persons are those who are brave enough to admit their shortcomings. While weak persons are those who hide their weaknesses, also known as egotistical persons. Egotistical persons have inflated views of their own strengths and courage, when it is actually the opposite.

- Determined to improve situations. Work alongside each other towards betterment.

An example of working together – a husband has a weakness which is being temperamental. He promised to control this. A wife can help by avoiding things that can trigger the husband’s rage.

- To give time in order that the improvement can be done in stages. It is impossible to change overnight, change will happen over time.

Using similar example, it may not be eliminated over a short time. It needs self-restraint, where the rage episodes are reduced bit by bit.

- Persistence supplications (*doa*) to Allah.¹²

Since this book is not about marriage, I will only state a few recommendations briefly. All couples are encouraged to upskill their marriage knowledge just like any other fields.

A lot of couples are very well verse in other fields of knowledge even to the point

¹² Supplicating (making *doa*) requires knowledge to increase the chance of it being answered by Allah. Please refer my book on the subject - *Soal Jawab Adab-Adab Berdoa* available for download at hafizfirdaus.com

of upgrading and outdoing one another, but have different attitude with relationship knowledge, which is left stagnant and not dynamic.

Ask You The *Ahl al-Zikir*

Allah *Subhanahu wa Ta'ala* says,

...فَاسْأَلُوا أَهْلَ الذِّكْرِ إِنْ كُنْتُمْ لَا تَعْلَمُونَ.

So ask of those Ahl al-Zikir, if you know not. [al-Nahl 16:43 & al-Anbiya' 21:07]

Sometimes marriage conflict cannot be reconciled through the efforts of the couple alone. Hence, it is recommended that help is sought from other people.

Other people here do not refer to neighbours, netizen on social media or colleagues. Instead, those who possess knowledge in marriage and relationship that can help marriage with turmoil and conflicts. They are none other than marriage counselors.

Asking and seeking advice from a counselor are something encouraged by Islam. Counsellors are those with knowledge and qualified experts in their respective field, and Allah already mentioned to us, ***So ask of those Ahl al-Zikir, if you know not.*** [al-Nahl 16:43 & al-Anbiya' 21:07]

Not Just Any Knowledge

If readers are to observe verse 43 of surah al-Nahl and verse 7 of surah al-Anbiya' above, Allah *Subhanahu wa Ta'ala* does not say “...ask of those Ahl al-‘Ilm...” which means “ask you the people of knowledge” or “ask you the educated ones”. Although many have interpreted the two verses as such, *Ahl al-Zikir* are not people with just knowledge or education.

Ahl al-Zikir carries the meaning of people who remember Allah much. In the context of the two verses, it refers to those who remember Allah a lot when it comes to the knowledge they possess. Because of this constant remembrance, they are honest and trustworthy. They know Allah is aware of what they do and they will be questioned in the Hereafter on the knowledge that they have been blessed with.

Not all people of knowledge or educated people are *Ahl al-Zikir*. Because, some

people are using their education and knowledge to deceive others, do a lot of damage on earth, oppressing the poor for worldly benefits or defending their allies and cronies.

This interpretation, that not all people with knowledge are *Ahl al-Zikir*, can be referred to from the context of the entire discussion of the verse. Allah *Subhanahu wa Ta'ala* says,

وَمَا أَرْسَلْنَا مِنْ قَبْلِكَ إِلَّا رِجَالًا نُوحِي إِلَيْهِمْ فَاسْأَلُوا أَهْلَ الذِّكْرِ إِنْ كُنْتُمْ لَا تَعْلَمُونَ.

And We sent not Messengers before you (O Muhammad) any but men, whom We sent revelation. So ask you of those Ahl al-Zikir, if you know not. [al-Nahl 16:43]

What happened was, the non-believers were asking “Why aren’t the messengers be among the angels?” So, Allah responded through the above verse (also verse 7 surah al-Anbiya’) that from the very beginning of revelations all messengers have been men.

If you do not believe, ask the *Ahl al-Zikir*.

It was not enough to ask only the people with knowledge among the non-believers at the time, because among them were those who were deceitful. They will not hesitate to lie as they never believed in the earlier messengers themselves. And among the people of knowledge also were rabbis who only believed in messengers from the Children of Israel and did not accept the prophethood of Prophet Muhammad *shallallahu 'alaihi wasallam* who was from Bani Hasyim. So, they never gave straight answers.

Still there were the trustworthy ones. They remembered Allah and knew Allah is aware of their answers. They affirmed that all previous messengers were men, as was Prophet Muhammad *shallallahu 'alaihi wasallam* at the time. These were the *Ahl al-Zikir* then.

Once again, not all who have knowledge are *Ahl al-Zikir*. It is nor accurate to interpret verse 43 surah al-Nahl and verse 7 surah al-Anbiya’ above as “ask you the people of knowledge” or “ask you the educated ones”.

Ask The Counselor Who Are *Ahl al-Zikir*

Back to original discussion of this chapter, if marriage conflict is irreconcilable through the efforts of the couple alone, then they are required to seek help by asking or consulting a marriage counselor. Not an ordinary marriage counselor but a counselor who is *Ahl al-Zikir* whereby he or she is genuinely helping with the knowledge Allah has blessed him or her with.

This instruction is based the following command from Allah *Subhanahu wa Ta'ala*,

...فَاسْأَلُوا أَهْلَ الذِّكْرِ إِنْ كُنْتُمْ لَا تَعْلَمُونَ.

So ask of those *Ahl al-Zikir*, if you know not.. [al-Nahl 16:43 & al-Anbiya' 21:07]

Allah command **“So ask...”** is an instruction, and we must follow.

Clarifying Some Misconceptions

First Misconception: Some people have the perception that when consulting a counselor, whether about marital or other issue, it is a sign of weakness. They view that only a weak person, who are not able to solve own emotional problems or mental distress will need to see a counselor.

Therefore, they refuse to see a counselor. Or they might see one in a discreet manner thinking if people find out then all their weaknesses and inability to manage themselves will be known.

I say, a weak person is actually those who don't want to see a counselor with unreasonable excuses as above. While a strong person is those who have the courage to see a counselor and not ashamed of sharing their experiences.

Second Misconception: There are also some who feel that when troubled with problems, just pray to Allah and wait for Allah's assistance. Not seeking help or

consulting a counselor because counselors are just human, just like everybody else.

I say, seeing a counselor is part of Allah *Subhanahu wa Ta'ala*'s command in His verse, ***So ask of those Ahl al-Zikir, if you know not.*** True, it is only Allah that can help, but it is a *sunnatullah* (laws of Allah) of cause-and-effect that Allah's help come through the actions of others. In this case, Allah's help may come in the form of useful advices and reminders of a counselor.

Third Misconception: Some also thought that seeing a counselor will be exposing own and partner's shameful characteristics, which is forbidden in Islam.

I say, what is forbidden is to share shameful and sinful acts with no benefits whatsoever. Whereas sharing a shameful aspect of oneself with someone who keeps discussions confidential and able to recommend corrective actions, is permissible.

The *dalil* is the following hadis as narrated by A'isyah *radhiyallahu 'anha*, ***Hindun binti Utbah, wife of Abu Sufyan, came to see Allah's Messenger shallallahu 'alaihi wasallam and complained,***

يَا رَسُولَ اللَّهِ، إِنَّ أَبَا سُفْيَانَ رَجُلٌ شَحِيحٌ، لَا يُعْطِينِي مِنَ النِّفَقَةِ مَا يَكْفِينِي وَيَكْفِي بَنِيَّ إِلَّا مَا أَخَذْتُ مِنْ مَالِهِ بِغَيْرِ عِلْمِهِ، فَهَلْ عَلَيَّ فِي ذَلِكَ مِنْ جُنَاحٍ؟

O Allah's Messenger, Abu Sufyan is a miser and he does not give me what is sufficient for me and my children and I took of his property without his knowledge. Is what I did wrong?

فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: خُذِي مِنْ مَالِهِ بِالْمَعْرُوفِ مَا يَكْفِيكَ وَيَكْفِي بَنِيكَ.

The Prophet shallallahu 'alaihi wasallam said, Take what is sufficient for you and your children.¹³

In the above hadis Hindun has revealed the shortcoming of her husband to the

¹³ **Sahih:** Recorded by Muslim in his *Shahih*, hadis no.: 3233/1714 (*Kitab al-Aqdiyah, Chapter punishment for Hindun*).

Prophet, that he is stingy. The Prophet however did not reprimand about the sharing, indicating it was not wrong.

Fourth Misconception: There are also those who thought seeing a counselor is a costly endeavor i.e., hourly rate fees with multiple sessions and requiring many hours.

I say, counselor services are available free through State Religious Department. If there is need for a paid counselor, consider whatever paid as an investment for a good return. Not to forget the reward from Allah *Subhanahu wa Ta'ala* for obeying His command to ***ask of those Ahl al-Zikir, if you know not.***

Family Members As Arbitrators

Allah Subhanahu wa Ta'ala says,

وَإِنْ خِفْتُمْ شِقَاقَ بَيْنِهِمَا فَابْعَثُوا حَكَمًا مِنْ أَهْلِهِ وَحَكَمًا مِنْ أَهْلِهَا إِنْ يُرِيدَا إِصْلَاحًا يُوَفِّقِ اللَّهُ بَيْنَهُمَا إِنَّ اللَّهَ كَانَ عَلِيمًا خَبِيرًا.

If you fear a breach between the couple, appoint (two) arbitrators, one from his family and the other from her's;

If they both wish for peace, Allah will cause their reconciliation. Indeed Allah is Ever All-Knower, Well-Acquainted with all things. [al-Nisa' 4:35]

If effort by the husband and wife to resolve their conflict failed.

If consulting a marriage counselor for reconciliation failed.

If divorce seems to be the only option.

Then before initiating a divorce there is one more step instructed by Allah Subhanahu wa Ta'ala as in the above verse. Summarized as following,

1. Appoint an arbitrator from the husband's family to represent him and another one from the wife's side.
2. Only one from each side is required and sufficient. Multiple arbitrators representing both sides will lead to chaotic discussions and the higher chance of confidential information being leaked out.
3. Preferably a parent represents his or her respective child. But if parents are no longer around, a sibling can be appointed, an uncle or an aunt.
4. The appointed arbitrator must genuinely want to help to resolve the conflict between the husband and the wife as Allah said, ***If they both wish for peace***. The arbitrator must not play agent provocateur who only wants to see the divorce take place, provoking the couple in any way or being impartial and only defend

his family member.

5. If all these are done right as above, **Allah will cause their reconciliation (husband and wife).**
6. **Reconciliation** given by Allah 'Azza wa Jalla to the couple is not necessarily a life together again. If Allah has decreed that they will be good in living together, the couple will be together again. But if Allah has decreed that there will be no good in them being together, they will separate in peace and on good terms. **Indeed Allah is Ever All-Knowing, Well-Acquainted with all things.**

Young couples must take note of this reminder from Allah *Subhanahu wa Ta'ala* in verse 35 surah al-Nisa' above. Do not say something like, "What? My retired old man at home to represent me in my marriage issue??" Your parent may not be the best judge but they possess the best tool around i.e., supplications which are heard and granted by Allah.

Allah's Messenger *shallallahu 'alaihi wasallam* said,

ثَلَاثُ دَعَوَاتٍ مُسْتَجَابَاتٌ لَا شَكَّ فِيهِنَّ دَعْوَةُ الْمَظْلُومِ وَدَعْوَةُ الْمُسَافِرِ وَدَعْوَةُ الْوَالِدِ عَلَى وَلَدِهِ.

Three doa are surely answered (1) the doa of the oppressed, (2) the doa of the traveler and (3) the doa of the parents upon their child.¹⁴

Meeting Format

If we inspect verse 35 surah al-Nisa' above, Allah *Subhanahu wa Ta'ala* does not specify about the arbitration meeting for the marriage conflict. This shows that the meeting or discussion is open to situation and environment. What is recommended,

¹⁴ **Hasan:** Recorded by al-Tirmizi in his *Sunan* hadis no.: 1828/1905 (*Kitab al-Birr wa al-Silah 'an Rasulallah, Chapter about call of parents*) and he didn't mention the status. It rated *hasan* by al-Albani and rated *hasan li ghairihi* by Syu'aib al-Arna'uth.

1. A meeting of 4 in one session. The husband and his representative, the wife and his representative.
2. A meeting of 3 in two different sessions. The husband, the wife and the husband's representative during first session. Then, the husband, the wife and the wife's representative in the second session.
3. A meeting of 2 in two different sessions. The husband meets the wife's representative and vice versa.

Before any meeting or discussion, the couple should have already discussed with their respective representative the challenges and conflicts they are facing. The meeting location can be pre-arranged wherever that is convenient.

Do Not Forget *Doa Istikharah*

At any time during a divorce, do not forget to pray *Doa Istikharah*. It can be done even though the couple is already determined for a divorce. This is because divorce is a big life-changing event, therefore one must seek guidance from Allah *Subhanahu wa Ta'ala*.

Following is a Question and Answer on *Doa Istikharah* from my book *Soal Jawab Adab-Adab Berdoa*.

Question: What is *Doa Istikharah*?

Answer:

Doa Istikharah is when one makes a very important decision in his life, he then performs a two rakaah voluntary prayer (*solat sunat*) and make supplication to Allah that his choice is right, it is made easy and blessed by Allah. He then continues in his effort to realize the choice, with a strong conviction that it is the best choice for him.

Doa Istikharah is a way one proves his *tauhid* (oneness of God) to Allah, where he places his confidence and reliance to Allah *Subhanahu wa Ta'ala* alone in his choice and the course of his life.

Contrary to popular belief, *Doa Istikharah* is not when someone is unsure between two or many choices that he has, he then prays for 'a divine sign' for the correct choice. Also not true is, as a result of *Doa Istikharah* one will get a dream (or series of dreams) or bad omen. This is just a common belief with no religious basis.

More on *Doa Istikharah*, let us look at the following hadis. Jabir bin 'Abdullah *radhiallahu 'anh* narrated,

كَانَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يُعَلِّمُ أَصْحَابَهُ الْإِسْتِخَارَةَ فِي الْأُمُورِ كُلِّهَا، كَمَا يُعَلِّمُهُمُ السُّورَةَ مِنَ الْقُرْآنِ يَقُولُ:

The Messenger of Allah (peace be upon him) used to teach his companions to make Istikharah in all things, just as he used to teach them surahs from the al-Qur'an. He said,

إِذَا هَمَّ أَحَدُكُمْ بِالْأَمْرِ فَلْيَرْكَعْ رَكَعَتَيْنِ مِنْ غَيْرِ الْفَرِيضَةِ، ثُمَّ لِيَقُلْ:

“If any one of you is concerned about a decision he has to make, then let him pray two rakaah of non-obligatory prayer, then say,

اللَّهُمَّ إِنِّي أَسْتَخِيرُكَ بِعِلْمِكَ وَأَسْتَقْدِرُكَ بِقُدْرَتِكَ، وَأَسْأَلُكَ مِنْ فَضْلِكَ فَإِنَّكَ تَقْدِرُ وَلَا أَقْدِرُ، وَتَعْلَمُ وَلَا أَعْلَمُ، وَأَنْتَ عَلَّامُ الْغُيُوبِ،

“O Allah, I ask for Your decision by Your knowledge and Your decree by Your ability, and I ask of You from Your great favor. For You are able and I am not able, and You know and I do not know, and You are the Knower of things concealed.

اللَّهُمَّ فَإِنْ كُنْتَ تَعْلَمُ هَذَا الْأَمْرَ - ثُمَّ تُسَمِّيهِ بِعَيْنِهِ - خَيْرًا لِي فِي عَاجِلِ أَمْرِي وَآجِلِهِ فِي دِينِي وَمَعَاشِي وَعَاقِبَةِ أَمْرِي - فَاقْدُرْهُ لِي وَيَسِّرْهُ لِي، ثُمَّ بَارِكْ لِي فِيهِ،

O Allah, if You have known that this matter (naming it here) is good for me in my religion, my livelihood and the outcome of my affair, then decree it for me, make it easy for me and then bless it for me.

اللَّهُمَّ وَإِنْ كُنْتَ تَعْلَمُ أَنَّهُ شَرٌّ لِي فِي دِينِي وَمَعَاشِي وَعَاقِبَةِ أَمْرِي فِي عَاجِلِ أَمْرِي وَآجِلِهِ فَاصْرِفْني عَنْهُ، وَاقْدُرْ لِي الْخَيْرَ حَيْثُ كَانَ ثُمَّ رَضِّنِي بِهِ.

And if You have known that this matter is bad for me in my religion, my livelihood and the outcome of my affair, then turn it away from me and turn me away from it, and decree for me what is good wherever it may be. And then make me content with it.”¹⁵

There are a few lessons that can be taken from this hadis.

¹⁵ **Sahih:** Recorded by al-Bukhari in his *Shahih*, hadis no.: 6841/7390 (*Kitab al-Tauhid*, Chapter sayings of Allah Ta'ala, “He is al-Qadar” (al-An'aam 6:65).

First, one must be consistent in his obligatory prayers and *Doa Istikharah* when faced with an important decision or a serious matter. As reminded by the Prophet, ***When anyone of you has an important matter to decide..***"

Important to note that prayers and *Doa Istikharah* are for actions that are in accordance with Islamic Shariah. There is no need for an *Istikharah* for example if the candidate for future husband is a smoker, breaks his promises often and likes to use indecent words.

Second, to begin the supplication with Allah's beautiful names and attributes is highly encouraged. *Doa Istikharah* is a good example where it begins by mentioning the beautiful names and attributes of Allah¹⁶.

Note the beginning of the *doa*, ***"O Allah, I ask for Your decision by Your knowledge and Your decree by Your ability, and I ask of You from Your great favor. For You are able and I am not able, and You know and I do not know, and You are the Knower of things concealed."***

With these in the beginning, we do not need to start our *Doa Istikharah* with additional praise to Allah and salutation (*selawat*) upon Allah's Messenger.

Third, note the saying of the Prophet in the beginning of the hadis: ***"If any one of you is concerned about a decision he has to make..."***, meaning prayers and *Doa Istikharah* is done when someone has already decided on something i.e., not when he is still undecided.

The Prophet did not say something like, "If any one of you is in doubt between two matters..." or, "If any one of you has no knowledge which matters..."

Let's look at the next verse: ***"O Allah, if You have known that this matter (naming it here) is good for me in my religion..."***. The Prophet did not teach us to say, "O Allah, if You know which matter is better for me..."

¹⁶ This is as explained in answering question How To Start Supplicating? in my book *Soal Jawab Adab-Adab Berdoa* downloadable at hafizfirdaus.com

Therefore, based on the whole hadis, prayers and *Doa Istikharah* are done when a decision has been made. Not when one is still contemplating which option to take, as being commonly practiced by most people.

Therefore, if one has two or more options, one must first decide on one option that is deemed the best. Then proceed with a two rakaah prayers and *Doa Istikharah*. Through the supplications one prays to Allah to make the decision the best for his religion, his life, a good outcome presently as well as in the future.

Fourth, *Doa Istikharah* is done after giving *salam*, not before *salam*. Based on the Prophet saying, “**...then let him pray two rakaah of non-obligatory prayer, then say...**”

Fifth, before supplicating, one must pray a two rakaah non-obligatory prayer mentioned by the Prophet, “**...pray two rakaah of non-obligatory prayer ...**”. Since the Prophet *shallallahu ‘alaihi wasallam* mentioned two rakaah non-obligatory prayer in general, below is the detail:

- (A) If a decision has already been made and consequently there is a non-obligatory prayer to be done, e.g. *qabliyah* or *ba’diyah* prayers for obligatory prayer, *Dhuha* prayer, *Tahiyatul Masjid* prayer, or *Qiamulail*, then one can perform the prayer and recite the *Doa Istikharah* afterward.
- (B) If a decision has already been made and there is no non-obligatory prayer to be done, then perform a two rakaah prayer and recite the *Doa Istikharah* after giving *salam*. It can be called *Solat al-Istikharah*.¹⁷ No specific ‘utterance of intention’ (*lafaz niat*) or specific surah was taught by the Prophet.
- (C) If a decision has already been made but circumstances do not permit one to perform prayer e.g., having period for female or driving, it is sufficient that one recites the *Doa Istikharah* only. This is based on the saying of the Prophet

¹⁷ There is difference of opinion among scholars, whether the two non-obligatory prayer is a general (*mutlak*) prayer or a specific (*khusus*) prayer called *al-Istikharah*? al-Tirmizi and Ibn Majah were of the opinion it is a specific prayer based on the chapter title that both used in their respective *Sunan*.

shallallahu 'alaihi wasallam in another hadis,

وَإِذَا أَمَرْتُكُمْ بِأَمْرٍ فَأَتُوا مِنْهُ مَا اسْتَطَعْتُمْ.

If I command you to do something then follow it as much as you can.¹⁸

Sixth, the chosen course can be mentioned while supplicating as shown by above hadis. The chosen course can also be mentioned at the end of the supplication as in another hadis where the *Doa Istikharah* is the same but ends as follow,

...وَأَقْدُرْ لِي الْخَيْرَ حَيْثُ كَانَ ثُمَّ رَضِّنِي بِهِ. وَيُسِّسْ لِي حَاجَتَهُ.

... and grant me power to do good whatever it may be, and cause me to be contented with it, And let the supplicant specify the object.¹⁹

Seven, after supplicating *Doa Istikharah*, continue your effort in making your decision successful. Allah Subhanahu wa Ta'ala will facilitate all your work just as you supplicated in *Doa Istikharah*, ***“...make it easy for me ...”***.

If you face great difficulty beyond that is usual, then it is a sign that what you have chosen is not good for you. This difficulty is as you supplicated, ***“...then turn it away from me.”***

The result of *Doa Istikharah* has nothing to do with dreams or bad omens. These are just common beliefs in society.

Eight, the supplication ***“...and decree for me ...”*** refers to *taqdir mu'allaq*. Reference can be made to the question **Why Supplicate If All Have Been Decreed?** to understand more on the effect of supplication on divine decree, in my book *Soal Jawab Adab-Adab Berdoa*.

¹⁸ **Sahih:** Part of a hadis recorded by al-Bukhari in his *Shahih*, hadis no.: 6744/7288 (*Kitab al-'Itishoom bi al-Kitab wa al-Sunnah, Chapter following Prophet's sunnah*).

¹⁹ **Sahih:** Recorded by al-Bukhari in his *Shahih*, hadis no.: 5903/6382 (*Kitab al-Da'awat, Chapter supplicating during Istikharah*).

Obeying Ruler In Divorce Procedure

Allah 'Azza wa Jalla says,

يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِي الْأَمْرِ مِنْكُمْ...

O you who believe! Obey Allah and obey the Messenger, and those of you (Muslims) who are in authority. [al-Nisa' 4:59]

In the above verse Allah commands us to obey the rulers among us, as long as the instruction do not go against Islamic Shariah. Shariah Court and State Religious Department or Council are representatives to the religious rulers. Therefore, we must follow the procedures that they have set.

One of the procedures introduced in governing the divorce process is the divorce pledge (*lafaz talak*) must be done in a court in front of a shariah judge. If it is done outside the court, an investigation paper will be opened, a hearing will be scheduled to (1) confirm the divorce and (2) convict and impose a penalty on the husband. These will require a husband to attend two different hearings at the Shariah Court, on two different dates. All these will be time consuming, tedious and costly.

Therefore, when all efforts to save the marriage fail as we discussed earlier, the husband must refrain from rushing to pronounce the divorce. The wife too should not challenge and provoke the husband into pronouncing the divorce.

Instead, plan a visit to the nearest Shariah Court and enquire on the correct procedure and follow the procedure that has been set.

If divorce is done right with strong cooperation between both husband and wife, then a lawyer is not required. On the other hand, if there are no cooperation between the couple due child custody claim or property claim then engaging a lawyer is advisable.

Return Bad Deeds With Good Ones

Allah Subhanahu wa Ta'ala says,

وَجَزَاءُ سَيِّئَةٍ سَيِّئَةٌ مِثْلُهَا فَمَنْ عَفَا وَأَصْلَحَ فَأَجْرُهُ عَلَى اللَّهِ إِنَّهُ لَا يُحِبُّ الظَّالِمِينَ.

The recompense for an evil is an evil like thereof; but whoever forgives (the evil) and makes reconciliation, his reward is with Allah. Verily, He likes not the Zalimun. [al-Syura' 42:40]

During a divorce, most likely there will be bad incidents taking place between the couple. This is not uncommon, as divorce normally comes with a host of negative emotions such as hatred, feeling betrayed, feeling unappreciated, the need for avengement and many other negative emotions which later translate into evil actions.

When someone becomes a victim of an evil action of another, whether in a marriage or other situations, what should one do? In verse 40 surah al-Syura' above Allah has given three stations or levels,

- **Lowest Station:** Retaliating an evil action with something worse. This is forbidden as this a transgression that Allah dislikes, as He reminded, ***He likes not the Zalimun.***
- **Middle Station:** Retaliating an evil action with something equivalent. This is permissible as in the verse, ***the recompense for an evil is an evil like thereof.*** Although this is permissible, it is not something commendable because the avenging person is putting himself on the same level as the aggressor. They are just the same.
- **Highest Station:** Victim of the aggression do not retaliate, instead forgives the aggressor. In addition, initiates an *islah* between them. This is the highest station which guarantees reward from Allah. Allah says, ***But whoever forgives (the evil) and makes reconciliation, his reward is with Allah.***

In reference to the highest station, Allah 'Azza wa Jalla also says,

وَلَا تَسْتَوِي الْحَسَنَةُ وَلَا السَّيِّئَةُ ادْفَعْ بِالَّتِي هِيَ أَحْسَنُ فَإِذَا الَّذِي بَيْنَكَ وَبَيْنَهُ عَدَاوَةٌ كَأَنَّهُ وَلِيٌّ حَمِيمٌ.

The good deed and the evil deed cannot be equal. Repel (the evil) with one which is better then (after doing it) verily he, between whom and you there was enmity, (will become) as though he was a close friend.

وَمَا يُلْقَاهَا إِلَّا الَّذِينَ صَبَرُوا وَمَا يُلْقَاهَا إِلَّا ذُو حَظٍّ عَظِيمٍ.

But none is granted it (the above quality) except those who are patient - and none is granted it except the owner of the great portion (Paradise and of a high moral character in this world). [Fussilat 41:34-35]

When giving forgiveness and initiating *islah* as highest station, it does not mean to reconcile in terms of marriage conflict since this has already been done in previous steps (refer earlier chapters).

It simply means to reconcile in going through the divorce process e.g., court procedures, discussion on rights to jointly-acquired assets and custody rights for children.

When a couple wants to reach the highest station, they must be careful of Syaitan's whispers. Syaitan will persuade the couple to retaliate accordingly on any bad treatments they receive, Syaitan will even convince them to retaliate many times over.

In a situation when emotions are high, usually the couple will fall for Syaitan's deceptions. That is why after verses 34 and 35 surah Fussilat above, Allah *Subhanahu wa Ta'ala* continues with a verse on evil whisper,

وَأِمَّا يَنْزَغَنَّكَ مِنَ الشَّيْطَانِ نَزْغٌ فَاسْتَعِذْ بِاللَّهِ إِنَّهُ هُوَ السَّمِيعُ الْعَلِيمُ.

And if an evil whisper from Syaitan tries to turn you away from doing good, then seek refuge in Allah. Verily, He is the All-Hearer, the All-Knower. [Fussilat 41:36]

Don't Reveal Your Shameful Deeds

Allah's Messenger *shallallahu 'alaihi wasallam* said,

وَمَنْ سَتَرَ مُسْلِمًا، سَتَرَهُ اللَّهُ فِي الدُّنْيَا وَالْآخِرَةِ.

Whoever conceals (the faults of) a Muslim, Allah will conceal (his faults) in this life and the Hereafter.²⁰

There was a time when the Prophet *shallallahu 'alaihi wasallam* was on a pulpit giving sermon and he said in a loud voice,

يَا مَعْشَرَ مَنْ أَسْلَمَ بِلِسَانِهِ وَلَمْ يَفُضِ الْإِيمَانُ إِلَى قَلْبِهِ، لَا تُؤْذُوا الْمُسْلِمِينَ وَلَا تُعَيِّرُوهُمْ.

O gathering who believe with their tongues but faith has yet to enter into their hearts, do not hurt the Muslims and do not backbite them.

وَلَا تَتَّبِعُوا عَوْرَاتِهِمْ، فَإِنَّهُ مَنْ تَتَّبَعَ عَوْرَةَ أَخِيهِ الْمُسْلِمِ تَتَّبَعَ اللَّهُ عَوْرَتَهُ، وَمَنْ تَتَّبَعَ اللَّهُ عَوْرَتَهُ يَفْضَحْهُ وَلَوْ فِي جَوْفِ رَحْلِهِ.

And do not search into their private matters (to expose them). Whoever searches for their private matters will have Allah follow up his private matters. And whose private matters Allah follows, He will expose him even (were done privately) in his house.²¹

When dealing with a divorce there is definitely – little or plenty – feelings such as hatred, feeling betrayed and feeling unappreciated by the partner. These feelings can't just be suppressed, but will give relief if there are 'vented out' to others.

That is why during a divorce we often hear couples sharing their partner's faults.

²⁰ **Sahih:** Part of a hadis recorded by Muslim in his *Shahih*, hadis no.: 4867/2699 (*Kitab al-Zikir wa al-Du'a wa al-Taubah wa al-Istighfar, Chapter merits of gathering for reciting al-Qur'an and remembrance*).

²¹ **Hasan:** Recorded by al-Tirmizi in his *Sunan*, hadis no.: 1955/2032 (*Kitab al-Birr wa al-Shilah 'an Rasulallah, Chapter veneration for a mukmin*) and he said, hadis is *hasan gharib*. Rated *hasan sahih* by al-Albani and the *sanad* (chain of narration) was rated *qawi* (strong) by Syu'aib al-Arna'uth.

Sometimes these faults are shared on social media making it being spread everywhere.

We must realize that spreading the faults of other Muslims, whether in the case of a divorce or other reasons, is forbidden. Instead, concealing the fault of fellow Muslims is something praiseworthy. As the Prophet *shallallahu 'alaihi wasallam* said, ***whoever conceals (the faults of) a Muslim, Allah will conceal (his faults) in this life and the Hereafter.***

Therefore, although the feelings of anger, hatred, betrayed and unappreciated towards your partner are too much to bear, do not tell, share or spread your partner's faults to others.

Exception is only when you need advice or corrective recommendation of those faults, for example in a confidential session with a marriage counselor. This is as explained in the chapter *Ask You The Ahli Zikir*.

Someone who spread his partner's faults is actually revealing his fault. Because,

1. Those who find and spread the fault of a fellow Muslim, Allah will expose his fault. This is reminded by the Prophet, ***And do not search into their private matters (to expose them). Whoever searches for their private matters will have Allah follow up his private matters. And whose private matters Allah follows, He will expose him even (were done privately) in his house.***
2. Only those with no integrity will resort to spreading the fault of others. In doing so he is actually telling others about himself who lacks integrity.

Don't Erase Your Marriage Deeds

Allah Subhanahu wa Ta'ala says,

الَّذِينَ يُنْفِقُونَ أَمْوَالَهُمْ فِي سَبِيلِ اللَّهِ ثُمَّ لَا يُتْبِعُونَ مَا أَنْفَقُوا مَنًّا وَلَا أَذًى لَهُمْ أَجْرُهُمْ عِنْدَ رَبِّهِمْ وَلَا خَوْفٌ عَلَيْهِمْ وَلَا هُمْ يَحْزَنُونَ.

Those who spend their wealth in the Cause of Allah, and do not follow up their gifts with reminders of their generosity or with injury, their reward is with their Lord. On them shall be no fear, nor shall they grieve. [al-Baqarah 2:262]

In a marriage, a lot of good deeds are earned by the couple when they are treating each other well. For example, when they are spending for the family, it is a form charity with great reward. The Prophet shallallahu 'alaihi wasallam said,

دِينَارٌ أَنْفَقْتَهُ فِي سَبِيلِ اللَّهِ وَدِينَارٌ أَنْفَقْتَهُ فِي رَقَبَةٍ وَدِينَارٌ تَصَدَّقْتَ بِهِ عَلَى مِسْكِينٍ وَدِينَارٌ أَنْفَقْتَهُ عَلَى أَهْلِكَ أَعْظَمُهَا أَجْرًا الَّذِي أَنْفَقْتَهُ عَلَى أَهْلِكَ.

A dinar you spend in the cause of Allah, a dinar you spend on a slave²², a dinar you give in charity to a needy person, and a dinar you spend on your family; the greatest in reward is the one you spend on your family.²³

Doing good is not limited to monetary contribution. Whatever form of good actions, no matter how small will still be recorded as good deeds by Allah Subhanahu wa Ta'ala. Observe the following two hadis,

وَلَسْتَ تُنْفِقُ نَفَقَةً تَبْتَغِي بِهَا وَجْهَ اللَّهِ إِلَّا أَجَرْتَ بِهَا حَتَّى اللَّقْمَةُ تَجْعَلَهَا فِي امْرَأَتِكَ.

You would never incur an expense seeking therewith the Face of Allah, but you

²² Gift that could help him to free himself from the status of a slave.

²³ **Sahih:** Recorded by Muslim in his *Shahih*, hadis no.: 1661/995 (*Kitab al-Zakat, Chapter merits of spending on family members*).

would be rewarded, even for a morsel of food that you put in the mouth of your wife.²⁴

إِنَّ الرَّجُلَ إِذَا سَقَى امْرَأَتَهُ مِنَ الْمَاءِ أُجِرَ.

When a man gives his wife something to drink, he will be rewarded.²⁵

Although the above hadis are referring to good deeds of a husband to his wife, the same will also be rewarded to the wife. This is because in rewarding any good deeds Allah *Subhanahu wa Ta'ala* does not distinguish between a man and a woman. Allah says,

مَنْ عَمِلَ صَالِحًا مِنْ ذَكَرٍ أَوْ أَنْثَىٰ وَهُوَ مُؤْمِنٌ فَلَنُحْيِيَنَّهٗ حَيَاةً طَيِّبَةً وَلَنَجْزِيَنَّهُمْ أَجْرَهُمْ بِأَحْسَنِ مَا كَانُوا يَعْمَلُونَ.

Whoever works righteousness whether male or female while he (or she) is a true believer verily, to him We will give a good life and We shall pay them certainly a reward in proportion to the best of what they used to. [al-Nahl 16:97]²⁶

When a couple has been living a married life together for a period of time, their good deeds toward each other for the whole duration will be recorded by Allah as rewards. In fact. Allah will reward them so much better as He says, **We shall pay them certainly a reward in proportion to the best of what they used to do.**

If a marriage has to end with a divorce, do not erase the accumulated rewards earned during the period of living together, by bringing up past stories and exchanging hurtful remarks in reference to what was done previously.

²⁴ **Sahih:** Recorded by Muslim in his *Shahih*, hadis no.: 3076/1628 (*Kitab al-Wasiat, Chapter will on 1/3 of property*).

²⁵ **Sahih:** Recorded by Ahmad in his *Musnad*, hadis no.: 16529/17155 and rated sahih by Syu'aib al-Arna'uth and friends.

²⁶ Some may ask, in the above verse Allah promises a good life to believers who do good deeds. Why is a believing couple who does good deeds is not given good life but Allah decree for them a divorce?

My answer, maybe following the divorce each will have a better life. Or maybe during the marriage, only one is doing good deeds while the other is not. And Allah cause them to separate so that a good life can be given to the one who is more pious.

Additionally, a good life does not mean a life that is free from trials from Allah *Subhanahu wa Ta'ala*. Allah will always test His slaves to reward him. And divorce is also a form of test.

Allah says, ***Those who spend their wealth in the Cause of Allah, and do not follow up their gifts with reminders of their generosity or with injury...***

“Reminders” are to be bringing up the good deeds that were done. “Injury” is to insult, to humiliate or to undermine those who received the good deeds.

Allah says, ***and do not follow up their gifts..*** is not limited to the time of the good deed but any time after it was given, even many years later. Someone who gives his couple a gift, then brings it up after 20 years, or cynically reminds about it 30 years later, may risk erasing all the rewards already earned 20 or 30 years ago.

If verse 262 surah al-Baqarah refers to material gifts, the following hadis forbids reminders in general. Meaning do not bring up any gifts or good deeds given because it may hinder us from attaining Allah’s Paradise. The Prophet *shallallahu 'alaihi wasallam* said,

لَا يَدْخُلُ الْجَنَّةَ مَنْنًا، وَلَا عَاقٌ، وَلَا مُدْمِنٌ خَمْرٍ.

Will not enter Paradise: one who reminds others (of his charity), one who disobeys his parents and a drunkard.²⁷

Another eraser of good rewards for previously married couple is when one is asked about the other’s good merits, they deny their former spouse good deeds. When asked, “Doesn’t she have anything good on her that you want a divorce” one will respond “Yup, not even one, it was the worst 10 years of my life!”

Take lesson from the following hadis where the Prophet *shallallahu 'alaihi wasallam* said,

أُرِيتُ النَّارَ فَإِذَا أَكْثَرُ أَهْلِهَا النِّسَاءُ، يَكْفُرْنَ. قِيلَ: أَيْكُفِّرْنَ بِاللَّهِ؟

I was shown the Hell-fire and that the majority of its dwellers were women who were ungrateful.

²⁷ **Sahih:** Recorded by al-Nasa’i in his *Sunan*, hadis no.: 5577/5672 (*Kitab al-Asyribah*, Chapter narrations on drunkards) and rated *sahih* by al-Albani.

The Prophet was asked, “Do they disbelieve in Allah??”

قَالَ: يَكْفُرْنَ الْعَشِيرَ، وَيَكْفُرْنَ الْإِحْسَانَ، لَوْ أَحْسَنْتَ إِلَى إِحْدَاهُنَّ الدَّهْرَ، ثُمَّ رَأَتْ مِنْكَ شَيْئًا،
قَالَتْ: مَا رَأَيْتُ مِنْكَ خَيْرًا قَطُّ!

The Prophet replied, They are ungrateful to their husbands and are ungrateful for the favors and the good (charitable deeds) done to them. If you have always been good (benevolent) to one of them and then she sees something in you (not of her liking), she will say, “I have never received any good from you!”²⁸

When going through a divorce, no doubt there will be quarrels. In those quarrels some slips of the tongue may occur where hurtful words are hurled, reminding of old favours and discrediting each other's good things throughout the marriage.

If these are done, quickly repent (*istighfar*) to Allah and determine not to repeat them. Do not let the rewards for all the good deeds earned over the years erased due to a divorce which only take months.

Remember! Rewards and Allah's Paradise are far more valuable than small satisfaction gained in a quarrel, where both will go separate ways anyway.

²⁸ **Sahih:** Recorded by al-Bukhari in his *Shahih*, hadis no.: 28/29 (*Kitab al-Iman, Chapter denying of husband's merits, disobedience below a disobedience*).

Remembrance As Healing Of The Heart

Allah *Subhanahu wa Ta'ala* says,

فَاصْبِرْ عَلَىٰ مَا يَقُولُونَ وَسَبِّحْ بِحَمْدِ رَبِّكَ قَبْلَ طُلُوعِ الشَّمْسِ وَقَبْلَ غُرُوبِهَا وَمِنْ آنَاءِ اللَّيْلِ فَسَبِّحْ
وَأَطْرَافَ النَّهَارِ لَعَلَّكَ تَرْضَىٰ.

So bear patiently what they say, and glorify the praises of your Lord before the rising of the sun, and before its setting, and during some hours of the night, and at the ends of the day, that you may become pleased. [Taha 20:130]

The Prophet *shallallahu 'alaihi wasallam* in his mission spreading Islamic teachings faced a lot of trials and tribulations e.g., slanders from his own people, accused of being a sorcerer, being called a madman and accused of copying other religions. For all these trials Allah sent a revelation saying, ***So bear patiently what they say ...***

Patience alone is not enough, Allah also instructed the Prophet to do plenty remembrance of Allah (*zikr*) in the morning and afternoon, night and day so ***that you may become pleased.***

Advice in verse 130 surah Taha above Allah had preserved in the al-Qur'an because it is not specifically meant for the Prophet, but also a general guidance to all Muslims. Meaning, whoever is facing great difficulty in his life, whether because of divorce or other challenges, he must exercise patience and do plenty remembrance of Allah, as frequent as possible.

In your remembrance of Allah, it must be done through the correct verse and method that Allah wants Him remembered. Do not remember Allah using verses or remembrance package (*ratib zikir*) which was arranged by a sheikh, ustaz or ustazah of your choice. Instead, remember Allah with what were taught by Allah's Messenger

shallallahu 'alaihi wasallam.²⁹

The correct way of remembrance is that one is alone, with a soft voice and with full of humility and reverence because The One who we are mentioning is Allah The Most Great and Most Magnificent. It must not be in congregation, with a loud voice, with a specific tune and movement of the body following a rhythm. Allah *Subhanahu wa Ta'ala* says,

وَاذْكُرْ رَبَّكَ فِي نَفْسِكَ تَضَرُّعًا وَخِيفَةً وَدُونَ الْجَهْرِ مِنَ الْقَوْلِ بِالْعُدُوِّ وَالْأَصَالِ وَلَا تَكُنْ مِنَ الْغَافِلِينَ.

And remember your Lord within yourself, humbly and with fear and without loudness in words in the mornings, and in the afternoons and be not of those who are neglectful. [al-A'raaf 7:205]

Remember! Tribulation in life, whether a divorce or other test, is all from Allah. We must go through the test following what Allah has guided us with, not by what some religious personalities said or what society dictates.³⁰

²⁹ A good reference is a small book entitled *Hisnul Muslim min Azkar al-Kitab wa al-Sunnah* (Shield of a Muslim through remembrance from al-Qur'an and al-Sunnah). It was compiled by Sa'id bin 'Ali bin Wahf al-Qahtani (d 1440H). Popularly known as *Hisnul Muslim* only. Also downloadable as an application for iOS and Android users. Meanings of the *zikr* have been translated into Bahasa and English.

³⁰ Details of discussion are available in my book *90 Pelajaran Tentang Bid'ah* at hafizfirdaus.com

Facilitate, And Allah Facilitates Your Affairs

The shallallahu 'alaihi wasallam said,

مَنْ نَفَّسَ عَنْ مُؤْمِنٍ كُرْبَةً مِنْ كُرْبِ الدُّنْيَا، نَفَّسَ اللَّهُ عَنْهُ كُرْبَةً مِنْ كُرْبِ يَوْمِ الْقِيَامَةِ،

Whoever relieves a Mukmin of a burden from the burdens of the world, Allah will relieve him of a burden from the burdens on the Day of Judgement.

وَمَنْ يَسِّرْ عَلَى مُعْسِرٍ، يَسِّرَ اللَّهُ عَلَيْهِ فِي الدُّنْيَا وَالْآخِرَةِ.

And whoever helps ease a difficulty (of a Mukmin) in the world, Allah will grant him ease from a difficulty in the world and in the Hereafter.

وَمَنْ سَتَرَ مُسْلِمًا، سَتَرَهُ اللَّهُ فِي الدُّنْيَا وَالْآخِرَةِ.

And whoever covers (the faults of) a Muslim, Allah will cover (his faults) for him in the world and the Hereafter.

وَاللَّهُ فِي عَوْنِ الْعَبْدِ مَا كَانَ الْعَبْدُ فِي عَوْنِ أَخِيهِ.

And Allah is engaged in helping the worshipper as long as the worshipper is engaged in helping his brother.³¹

When all avenues to save the marriage have been exhausted and divorce is inevitable, the couple must both offer help to facilitate the divorce process.

Do not decide to step back and take a reclusive stand or just 'disappear from the scene'. This is because divorce process through the Shariah Court and State Religious Department will be smoother and faster if the couple works together e.g., in filling up forms, making copies of required documents, providing signatures and appearance in court.

Often, we hear in some divorce cases, the husband was deliberately making the

³¹ **Sahih:** Part of a longer hadis recorded by Muslim in his *Shahih*, hadis no.: 4867/2699 (*Kitab al-Zikir wa al-Du'a wa al-Taubah wa al-Istighfar*, Chapter merits of gathering to recite al-Qur'an and Allah remembrance).

process difficult and was not being cooperative. If this is true, my advice to husbands is to deeply reflect on the above hadis.

Which one would you prefer? To irritate your wife in the divorce process or to be eased in this world and the Hereafter? It could be that Allah will give you – the husband – a new wife that is easy to marry and a happy life together until the end.³²

³² Some readers may not agree with my last statement here. If there are other motivational points for husbands who deliberately make divorce process difficult, readers are welcome to share them with me.

Wife Is Not Inheritance

Allah 'Azza wa Jalla says,

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا يَحِلُّ لَكُمْ أَنْ تَرِثُوا النِّسَاءَ كَرِهًا...

O you who believe! You are forbidden to inherit women against their will. [al-Nisa' 4:19]

During the pre-Islamic ignorant period, women were treated like inheritance. When a woman's father or husband died, the close relatives will treat her like a "property" they inherited. They were free to marry her, marry her to another man or she was not allowed to marry at all.

If the daughter was still a child, they will "keep" her until she reached a suitable age for marriage, to either marry them later or marry them to a relative or to other man.

There was also husband who when no longer fond of the wife, will not divorce her until a 'ransom' was paid. There was also husband who purposely made the wife's life difficult that she is forced to 'bail' herself out through divorce. There was husband who put a condition when divorcing his wife that the wife cannot re-marry (after the divorce) without his agreement.³³

All these were done without taking into consideration the women's consent or refusal.

When Islam came, all these practices were abolished. Father or guardian cannot marry a woman by force, whether a virgin or previously married. The Prophet shallallahu 'alaihi wasallam said,

لَا تُنْكَحُ الْأَيِّمُ حَتَّى تُسْتَأْمَرَ، وَلَا تُنْكَحُ الْبِكْرُ حَتَّى تُسْتَأْذَنَ.

A previously married woman must not be married until she is consulted, and a

³³ Summary from *Tafsir al-Qur'an al-'Adzhim* by Ibn Katsir, explanation for verse 19 surah al-Nisa'.

virgin must not be married until her consent is asked.³⁴

Similarly with previously married women i.e., divorcee. They are not inheritance that the next of kin can force their will on them, but are trust from Allah *Subhanahu wa Ta'ala*. The Prophet *shallallahu 'alaihi wasallam* said,

فَاتَّقُوا اللَّهَ فِي النِّسَاءِ، فَإِنَّكُمْ أَخَذْتُمُوهُنَّ بِأَمَانِ اللَّهِ، وَاسْتَحْلَلْتُمْ فُرُوجَهُنَّ بِكَلِمَةِ اللَّهِ.

Fear Allah with regards to women, for indeed you married them upon a trust from Allah dan their private parts were made lawful by the word of Allah.³⁵

When we accepted a trust, do it the best way. If we are no longer capable despite our best efforts, then return it in a good way. The trust is not a personal belonging that we are free to use and abuse.

Such is a trust between us.

How about a trust from Allah?

When a husband married his wife, he is actually accepting a trust from Allah. Hold the trust the best way possible. If at any point he no longer capable of upholding the trust despite his best efforts, then he must return it in a good way, just as he took in a good way.

As wife is not inheritance - as practiced during ignorant period - but a trust from Allah. My advice to husbands is do not make the divorce process difficult for the wife.

After all efforts to save the marriage fail, then release the trust in a good way. Give your cooperation in all Shariah Court and State Religious Department's procedures until the divorce is completed, timely and smoothly.

³⁴ **Sahih:** Part of hadis recorded by Muslim in his *Shahih*, hadis no.: 2543/1419 (*Kitab al-Nikah, Chapter agreement of previously married woman in marriage is her consent while a virgin is her silent*).

³⁵ **Sahih:** Part of hadis recorded by Muslim in his *Shahih*, hadis no.: 2137/1218 (*Kitab al-Hajj, Chapter hajj of Prophet shallallahu 'alaihi wasallam*)

Before Pronouncing The Divorce...

Allah 'Azza wa Jalla says,

يَا أَيُّهَا النَّبِيُّ إِذَا طَلَّقْتُمُ النِّسَاءَ فَطَلِّقُوهُنَّ لِعَدَّتِهِنَّ وَأَحْصُوا الْعِدَّةَ وَاتَّقُوا اللَّهَ رَبَّكُمْ...

O Prophet! When you divorce women, divorce them at their iddah and count their iddah (periods). And fear Allah your Lord. [al-Thalaq 65:01]

When getting married, *ijab* and *qabul* can be pronounced at any time. But when divorcing a wife, a husband cannot pronounce a divorce any time he pleases. He must take note of the wife's condition so her *iddah* can be calculated. Some considerations that must be observed:

- Is the wife having her period or postpartum bleeding.
- If the wife is clean, was there any recent sexual intercourse with the husband.
- If the wife is pregnant, has it been clinically confirmed or just a guess.
- If the wife has been confirmed pregnant, how is the *iddah* period calculated.
- If the wife has an irregular menstrual cycle, how is the *iddah* period calculated.
- If the wife is continuously clean (not due to pregnancy) or continuously having periods, how is the *iddah* period calculated.

All these are important because of Allah's command, ***divorce them at their iddah (prescribed periods) and count their iddah.***

It is so important even the Prophet Nabi *shallallahu 'alaihi wasallam* was instructed to do it, ***O Prophet! When you divorce women...*** meaning it is for the Prophet and his followers.

It is so important that Allah ends the command with the reminder, ***And fear Allah your Lord.*** By right the first reminder ***And fear Allah your Lord*** would have been sufficient. But Allah in His infinite wisdom emphasizes the command with a second

reminder since most husbands may overlook or ignore the command.

I will not go into details about the rulings of *talaq*, either the validity aspect or the methods of calculation the periods for the cases above. Since this is not a *fiqh* (Islamic jurisprudence) book on rulings of divorce.

Instead, I would like to advice divorcing couples, especially the husbands to avoid pronouncing your divorce unless in front of a Shariah Court judge. The judge will ensure that all aspects have been looked into before pronouncement of divorce is done.

Couple can also consult the judge on *iddah* calculation, *rujuk* and other related matter. The judge will provide explanation based on the al-Syafi'e school of thought and respective state's Shariah laws.

After Pronouncing The Divorce...

After commanding husbands to pronounce the divorce when the wife's *iddah* can be determined, Allah *Subhanahu wa Ta'ala* continues with the following command,

...لَا تُخْرِجُوهُنَّ مِنْ بُيُوتِهِنَّ وَلَا يَخْرُجْنَ إِلَّا أَنْ يَأْتِيَنَّ بِفَاحِشَةٍ مُبَيَّنَةٍ...

And turn them not out of their (husband's) homes nor shall they (themselves) leave, except in case they are guilty of something immoral. [al-Thalaq 65:01]

Meaning, once pronouncement of divorce is done, a husband is not to evict the wife from their marital residence. Although the entire house belongs to the husband, he must not request her to leave the house.

Former wife must remain in the house throughout her *iddah*.

Similarly, former husband cannot enter their marital residence i.e., the house the wife is in, because following a divorce they both are now *ajnabi*. If there is a need for the former husband to enter the house, the wife must not be in the house. Alternatively, the former wife may have her *mahram* to accompany her in the house.

Therefore, before pronouncing a divorce, the husband must start packing his clothes and personal items. The husband must start arranging for a new place to stay, whether a new house, a rental or his parents'. As long as it is not the same house as the former wife. After the pronouncement of divorce, he now stays at the new house.

This of course needs planning.

This is Allah's laws that must be abided after pronouncement of divorce. Allah 'Azza wa Jalla says this immediately after He prohibits evicting the ex-wife from their marital residence.

وَتِلْكَ حُدُودُ اللَّهِ وَمَنْ يَتَعَدَّ حُدُودَ اللَّهِ فَقَدْ ظَلَمَ نَفْسَهُ.

And those are the set limits of Allah. And whosoever transgresses the set limits

of Allah, then indeed he has wronged himself. [al-Thalaq 65:01]

Additional Explanation

If we look closely at verse 1 surah al-Thalaq, Allah *Subhanahu wa Ta'ala* only mentions that the divorced wife not to leave the house.

Allah never mentioned the husband, whether he needs to leave or can remain in the house. This has caused several differences of opinion on the status of the husband.

First Opinion states the former husband leaves the house, as explained above. This is because following a divorce pronouncement, both husband and wife are now of *ajnabi* status, and staying together is unlawful. This will be explained more in coming chapter.

Second Opinion states the former husband may stay in the same house, but in a different room. With the condition that the former husband is honorable and pious, and the house is fairly big with multiple floors and plenty of rooms. The wisdom behind this is to facilitate *rujuk*.

With all due respect to scholars who are with the **Second Opinion** above, I beg to differ. This is because although facilitating the *rujuk* is noble and important, but to prevent the *rujuk* from becoming a 'weapon' by the former husband to hurt the wife emotionally, is also equally important.

In Islamic jurisprudence principle, when a situation consists of both procuring benefits i.e., *rujuk* and repelling harm i.e., abusing the ruling and cruel to the ex-wife, then repelling harm is favoured over procuring benefits.

In determining that the husband is honourable and pious, what is the measurement level of acceptable honour and piety? Similarly with the condition of 'having a big house' since only a small number of people actually own a big house, and there is no guarantee of safety from the former husband.

Imagine that the wife is divorced in the morning, and later in the afternoon the former husband wanted to have sex. He then goes to the second floor where the wife is and force his way with her with no intention of *islah* on the divorce. The act i.e., sexual intercourse, is a sufficient condition for *rujuk*. But in the morning the husband again divorces the wife, with the same reasons given the first time.

This is definitely an act of abusing the laws of Allah and being cruel to the former wife.

This behaviour and trickery have been warned by the Prophet *shallallahu 'alaihi wasallam*,

مَا بَالُ أَقْوَامٍ يَلْعَبُونَ بِحُدُودِ اللَّهِ، يَقُولُ أَحَدُهُمْ: قَدْ طَلَّقْتُكَ، قَدْ رَاجَعْتُكَ، قَدْ طَلَّقْتُكَ.

What is wrong with people who play with the limits imposed by Allah?, and one of them says “I divorce you!” (then) “I take you back!” (then) “I divorce you!”³⁶

Therefore, I am favouring the **First Opinion** where the former husband leaves the house and lives elsewhere. He only returns to the house with two witnesses for *rujuk* after going through the step of *islah* with his former wife, and they both are serious with continuing their married life.

This can be understood by observing the al-Qur’anic verses on *rujuk*, which I will cover in a dedicated chapter on *rujuk insya-Allah*.³⁷

³⁶ **Hasan:** Recorded by Ibn Majah in his *Sunan*, hadis no.: 2007/2017 (*Kitab al-Thalaq, Chapter hadis Suwaiq bin Sa'id*). It was rated *hasan* by al-Bushiri in *Misbah al-Zujajah fi Zawa'id Ibn Majah*, hadis no.: 722. It was rated *hasan* by Syu'aib al-Arna'uth in his checking on *Sunan Ibn Majah*.

al-Albani rated it as *dha'if* in *Silsilah al-Ahadits al-Dha'ifah wa al-Maudhu'ah*, hadis no.: 4431. 'Abdullah bin Muhammad al-Dawish in *تنبيه القارئ لتقوية ما ضعفه الألباني*, hadis no.: 57 who checked the explanation and rating of al-Albani, concluded that the more accurate status of the hadis is *hasan*.

³⁷ Refer also:

<https://muftiwp.gov.my/en/artikel/irsyad-fatwa/irsyad-fatwa-umum-cat/2459-irsyad-al-fatwa-series-229-is-it-permissible-for-a-husband-to-live-with-her-ex-wife-during-her-iddah?s=09>

Relationship Limits Of Former Married Couple

After a divorce, the relationship of both former husband and wife is the same as *ajnabi* man and woman. There is no *iktilath* (free mixing) between them such as looking or listening to, touching each other or being alone together. All these are forbidden as these will lead to bigger sins and may also invite negative remarks by the public.

Rasulullah *shallallahu 'alaihi wasallam* cautioned people in the matter of *iktilath*,

فَالْعَيْنَانِ زَنَاهُمَا النَّظَرُ وَالْأُذُنَانِ زَنَاهُمَا السَّمْعُ وَاللِّسَانُ زَنَاهُ الْكَلَامُ وَالْيَدُ زَنَاهَا الْبَطْشُ وَالرِّجْلُ زَنَاهَا الْخُطَا وَالْقَلْبُ يَهْوَى وَيَتَمَنَّى وَيُصَدِّقُ ذَلِكَ الْفَرْجُ وَيُكَذِّبُهُ.

The zina of the eye is the lustful look, the zina of the ears is the listening, the zina of the tongue is the speech, the zina of the hand is the grip, the zina of the feet is the walking, the heart yearns and desires and the private parts approve all that or disprove it.³⁸

When they are alone together, they are as mentioned by the following hadis,

لَا يَخْلُونَ رَجُلٌ بِامْرَأَةٍ إِلَّا مَعَ ذِي مَحْرَمٍ.

A man cannot be alone with with a woman who does not have a mahram with her.³⁹

أَلَا لَا يَخْلُونَ رَجُلٌ بِامْرَأَةٍ إِلَّا كَانَ ثَالِثُهُمَا الشَّيْطَانُ.

No man is alone with a woman except the third one present is the Syaitan.⁴⁰

Exception is when they have a very important and private matter that need to be discussed, e.g., intention to *rujuk* or children-related matter. They are permitted to

³⁸ **Sahih:** Part of a hadis recorded by Muslim in his *Shahih*, hadis no.: 4802/2657 (*Kitab al-Qadr, Chapter decreed on sons of Adam part of zina and other than that*).

³⁹ **Sahih:** Part of a hadis recorded by al-Bukhari in his *Shahih*, hadis no.: 4832/5233 (*Kitab al-Nikah, Chapter prohibition of man being alone with a woman...*).

⁴⁰ **Sahih:** Part of a hadis recorded by al-Tirmizi in his *Sunan*, hadis no.: 2091/2165 (*Kitab al-Fitan 'an Rasulallah, Chapter to be in congregation*) commented Abu 'Isa al-Tirmizi, hadis is *hasan sahih gharib*. Rated *sahih* by al-Albani.

meet for the required duration with the condition that the meeting is in a public place. This permission is from the following hadis where Anas bin Malik *radhiallahu 'anh* explained,

جَاءَتْ امْرَأَةٌ مِنَ الْأَنْصَارِ إِلَى النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَحَلَا بِهَا، فَقَالَ: وَاللَّهِ إِنَّكُمْ لَأَحَبُّ النَّاسِ إِلَيَّ.

An Ansari woman came to the Prophet shallallahu 'alaihi wasallam and he took her aside and said (to her), "By Allah, you (Ansar) are the most beloved people to me".⁴¹

In another narration Anas bin Malik said,

جَاءَتْ امْرَأَةٌ مِنَ الْأَنْصَارِ إِلَى رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَمَعَهَا صَبِيٌّ لَهَا، فَكَلَّمَهَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَقَالَ: وَالَّذِي نَفْسِي بِيَدِهِ، إِنَّكُمْ أَحَبُّ النَّاسِ إِلَيَّ. (مَرَّتَيْنِ)

Once an Ansari woman, accompanied by a son of hers, came to Allah's Messenger shallallahu 'alaihi wasallam. Allah's Messenger shallallahu 'alaihi wasallam spoke to her and (once finished) said twice, "By Him in Whose Hand my life is, you (Ansar) are the most beloved people to me."⁴²

The first hadis explained how the Prophet *shallallahu 'alaihi wasallam* was alone with an Ansari woman. This is allowed if it is done in a public place or there are people around. Imam al-Bukhari *rahimahullah* (d 256H) when recorded this hadis put in a chapter *What is allowed (as regards) a private meeting between a man and a woman when they are not secluded from the people*.

Therefore, the Prophet was not meeting the woman in private but in a public area.

⁴¹ **Sahih:** Recorded by al-Bukhari in his *Shahih*, hadis no.: 4833/5234 (*Kitab al-Nikah, Chapter Allowing a man and a woman meeting in a public place*).

⁴² **Sahih:** Recorded by al-Bukhari in his *Shahih*, hadis no.: 3502/3786 (*Kitab Manaqib al-Anshar, Chapter Prophet sayings to Ansari, "You are beloved people to me"*).

The second hadis details out the first hadis, that the woman came to the Prophet to discuss a personal matter. The presence of a boy did not change the status of her coming to see the Prophet alone. This is because when two *ajnabi* man and woman meet, a child is not considered as *mahram* who can prevent unlawful thing, if it happens.⁴³

Additional Explanation

Some scholars have the opinion that the restrictions between former married couple during *iddah* should not be as strict as two *ajnabi* man and woman, this is to facilitate *rujuk*.

I don't agree to this opinion to avoid the possibility of the former husband from using *rujuk* to harm the former wife, physically or mentally. This misdeed and trickery have been warned by the Prophet *shallallahu 'alaihi wasallam*,

مَا بَالُ أَقْوَامٍ يَلْعَبُونَ بِحُدُودِ اللَّهِ، يَقُولُ أَحَدُهُمْ: قَدْ طَلَّقْتُكِ، قَدْ رَاجَعْتُكِ، قَدْ طَلَّقْتُكِ.

What is wrong with people who play with the limits imposed by Allah?, and one of them says "I divorce you!" (then) "I take you back!" (then) "I divorce you!"⁴⁴

If the husband is sincere in *rujuk*, he must discuss the steps of *islah* with his former

⁴³ For more detail, refer *Fath al-Bari* by Ibn Hajar al-Asqalani, explanantion to hadis 5234.

First hadis above also recorded by Muslim in his *Shahih*, hadis no.: 4564/2509 (*Kitab Fadhail al-Shohabah, Chapter merits of the Anshar*).

In explaining the hadis in *Syarh Shahih Muslim*, al-Nawawi said that maybe the Anshari woman was his *mahram* and the Prophet was not committing *khalwat* (in seclusion) with the woman per se but in the presence of the public, the matter to discuss was private and she didn't want others to hear.

I say, if this is the case then Anas bin Malik who was a personal assistant to the Prophet for a long time, would've known that the woman was Prophet's *mahram*. He (Anas) would've not used the term *khalwat* or in private when narrating the above hadis.

⁴⁴ **Hasan:** Recorded by Ibn Majah in his *Sunan*, hadis no.: 2007/2017 (*Kitab al-Thalaq, Bab hadis Suwaiq bin Sa'id*). It was rated *hasan* by al-Bushiri in *Misbah al-Zujajah fi Zawa'id Ibn Majah*, hadis no.: 722. It was rated *hasan* by Syu'aib al-Arna'uth in his checking of *Sunan Ibn Majah*.

al-Albani rated it as *dha'if* in *Silsilah al-Ahadits al-Dha'ifah wa al-Maudhu'ah*, hadis no.: 4431. 'Abdullah bin Muhammad al-Dawish in *تنبيه القارئ لتقوية ما ضعفه الألباني*, hadis no.: 57 when verifying al-Albani's explanation and evaluation concluded the more accurate status of the hadis is *hasan*.

wife and both must be serious enough to resume their married life together.

This will be better understood when we study the related al-Qur'anic verses on *rujuk*. I will be covering *rujuk* in a dedicated chapter *insya-Allah*.

Do Not Find Excuses To Expel Wife

Still on the subject of former wife staying in the marital residence, Allah *Subhanahu wa Ta'ala* follows on with His commands to former husbands,

أَسْكِنُوهُنَّ مِنْ حَيْثُ سَكَنْتُمْ مِنْ وُجْدِكُمْ وَلَا تُضَارُّوهُنَّ لِتُضَيِّقُوا عَلَيْهِنَّ...

Lodge them (the divorced women) where you dwell, according to your means, and do not harm them so as to straiten them (that they be obliged to leave your house). [al-Thalaq 65:06]

Meaning, the former husband must not make up excuses in order to evict former wife out of the house during *iddah*. The former husband must not purposely make the former wife life difficult by saying that he can no longer afford the house's bank payments, rents, utility bills etc. These are done just so the wife finds it **difficult** and **emotionally** unbearable to stay that she has no choice but to leave the house.

Also, the former husband must not purposely seek the faults of former wife in order to evict her. Take note of Allah's saying below to **...except in case they are guilty...**, meaning the former wife is proven guilty and not by looking for faults by the former husband. Evidence must be strong and must not be weak or just hearsay. Allah 'Azza wa Jalla says,

...لَا تُخْرِجُوهُنَّ مِنْ بُيُوتِهِنَّ وَلَا يَخْرُجْنَ إِلَّا أَنْ يَأْتِيَنَّ بِفَاحِشَةٍ مُبَيَّنَةٍ...

And turn them not out of their (husband's) homes nor shall they (themselves) leave, except in case they are guilty of something immoral. [al-Thalaq 65:01]

If the former husband genuinely cannot afford a house to be occupied only by the former wife, then they can discuss for alternative lodging. Do not just request for her to leave.

This is because the instruction for former husband to let the former wife remain in the house is based on the condition that he can afford it, as told by Allah 'Azza wa

Jalla,

Lodge them (the divorced women) where you dwell, according to your means, and do not harm them so as to straiten them. [al-Thalaq 65:06]

Still, if the former husband tries his best in his financial planning so that the former wife can still remain in their residence during her *iddah*, Allah *al-Razzaq* will make easy his financial, although it was difficult before. In a verse where Allah explains the obligation of a former husband to provide for the former wife, Allah ends it by saying,

...سَيَجْعَلُ اللَّهُ بَعْدَ عُسْرٍ يُسْرًا.

Allah will grant after hardship, ease. [al-Thalaq 65:07]

After Hardship Is Ease

Allah *Subhanahu wa Ta'ala* says,

لِيُنْفِقْ ذُو سَعَةٍ مِّنْ سَعَتِهِ وَمَن قُدِرَ عَلَيْهِ رِزْقُهُ فَلْيُنْفِقْ مِمَّا آتَاهُ اللَّهُ لَا يُكَلِّفُ اللَّهُ نَفْسًا إِلَّا مَا
آتَاهَا سَيَجْعَلُ اللَّهُ بَعْدَ عُسْرٍ يُسْرًا.

Let the rich man spend according to his means.

And the man whose resources are restricted, let him spend according to what Allah has given him.

Allah puts no burden on any person beyond what He has given him.

Allah will grant after hardship, ease. [al-Thalaq 65:07]

After pronouncing divorce, the former husband must provide for the former wife during the *iddah* in the form of,

- Accommodation and basic utility bill costs.
- Food and drinks.
- Medical treatment, during illness.

If the former wife is pregnant, the former husband will provide for the duration of the pregnancy. This is because the child is his as well.

Then, the former husband also will bear the cost of breastfeeding the child, whether the one breastfeeding the child is the former wife or someone else who is paid to breastfeed. This is because both, the mother or person breastfeeding the child will need a balanced and sufficient diet to provide enough milk with the best nutrition for the child.

On the provision during pregnancy and breastfeeding, Allah '*Azza wa Jalla* says,

...وَإِنْ كُنَّ أُولَاتٍ حَمْلٍ فَأَنْفِقُوا عَلَيْهِنَّ حَتَّى يَضَعْنَ حَمْلَهُنَّ فَإِنْ أَرْضَعْنَ لَكُمْ فَآتُوهُنَّ أُجُورَهُنَّ

وَأْتَمِرُوا بِإِذْنِكُمْ بِالْمَعْرُوفِ وَإِنْ تَعَاسَرْتُمْ فَسَتَرْضِيعُ لَهُ أُخْرَى.

And if they are pregnant, then spend on them till they lay down their burden.

Then if they give suck to the children for you, give them their due payment.

And let each of you accept the advice of the other in a just way.

But if you make difficulties for one another, then some other woman may give suck for him. [al-Thalaq 65:06]

When commanding on providing for the former wife, Allah *Subhanahu wa Ta'ala* does not specify a specific value. Therefore, the former husband must be honest in providing. This is as Allah emphasizes in verse 7 surah al-Thalaq above.

If the former husband is facing financial difficulty, but he still strives to provide as required, then Allah will recompense his hardship with financial ease. This is as Allah promises in the last part of verse 7 surah al-Thalaq above, ***Allah will grant after hardship.***

But if the former husband is financially capable but purposely give inadequately or ignore it completely, it is feared that Allah will reverse his fortune with financial difficulty.

Choose wisely dear former husbands, is it hardship or ease that you wish from Allah?

Chance For Rewards Again!

Allah 'Azza wa Jalla says,

وَالْمُطَلَّاتِ مَتَاعٌ بِالْمَعْرُوفِ حَقًّا عَلَى الْمُتَّقِينَ

And for divorced women, mut'ah (gift to be provided) that which is good. This is a duty on Al-Muttaqun. [al-Baqarah 2:241]

After divorcing his wife, other than provision as explained in earlier chapters, one must also provide gift to the former wife. This gift is known as *mut'ah*.

The ruling of giving gift is compulsory. Only the value of the gift is not fixed, meaning the former husband may give whatever that he willingly and sincerely can afford. This is the meaning of the verse, ***mut'ah (gift to be provided) that which is good.***

In some isolated case, there is a husband who when marrying his wife has not determined the *mahar* (dowry) for the wife. Later, before they had the chance to have sexual intercourse⁴⁵, the husband divorces the wife. For this type of scenario, the husband is no longer required to pay the *mahar* but need to provide gift (*mut'ah*). Allah Subhanahu wa Ta'ala says to husbands,

لَا جُنَاحَ عَلَيْكُمْ إِنْ طَلَقْتُمُ النِّسَاءَ مَا لَمْ تَمْسُوهُنَّ أَوْ تَفْرِضُوا لَهُنَّ فَرِيضَةً وَمَتَّعُوهُنَّ عَلَى الْمَوْسِعِ قَدَرُهُ وَعَلَى الْمُقْتِرِ قَدَرُهُ مَتَاعًا بِالْمَعْرُوفِ حَقًّا عَلَى الْمُحْسِنِينَ.

There is no sin on you, if you divorce women while yet you have not touched them⁴⁶, nor appointed unto them their Mahar.

But bestow on them mut'ah.

The rich according to his means, and the poor according to his means, a gift that which

⁴⁵ Meaning after getting married, the husband has not had sex with the wife. A sexual intercourse from Shariah perspective must involve actual penetration of the penis into the wife's vagina. Other activities preceding sexual intercourse are not considered sex – this needs to be defined and understood clearly for this ruling to apply.

⁴⁶ Meaning of ***touched*** is sexual intercourse.

is good.

(This) is a duty on the doers of good. [al-Baqarah 2:236]

In some other isolated incident, there is husband who when marrying his wife has determined the *mahar* (dowry) for the wife. But later, before they had sexual intercourse,⁴⁷ he divorces the wife. For this type of case, the husband is not required to give *mut'ah* to the former wife. Nevertheless, for the *mahar* that he has agreed, there are three available options,

- The husband gives 50% to the former wife, or
- The former wife chooses to decline 100%, or
- The husband chooses to give all 100%.

All these options must be discussed and mutually agreed between former couple.

Allah 'Azza wa Jalla says,

وَإِنْ طَلَّقْتُمُوهُنَّ مِنْ قَبْلِ أَنْ تَمْسُوهُنَّ وَقَدْ فَرَضْتُمْ لَهُنَّ فَرِيضَةً فَنِصْفُ مَا فَرَضْتُمْ إِلَّا أَنْ يَعْفُونَ أَوْ يَعْفُوَ الَّذِي بِيَدِهِ عُقْدَةُ النِّكَاحِ وَأَنْ تَعْفُوا أَقْرَبُ لِلتَّقْوَى وَلَا تَنْسُوا الْفَضْلَ بَيْنَكُمْ إِنَّ اللَّهَ بِمَا تَعْمَلُونَ بَصِيرٌ.

And if you divorce them before you have touched them⁴⁸, and you have appointed unto them the Mahr, then pay half of that (50%).

Unless they (the women) agree to forego it (decline 100%), Or he (give 100%).

In whose hands is the marriage tie, agrees to forego and give her full appointed Mahr. And to forego and give is nearer to At-Taqla. And do not forget liberality between yourselves. Truly, Allah is All-Seer of what you do. [al-Baqarah 2:237]

Husbands should not view *mut'ah* or consolation gift as a burden. Instead, it is a chance to earn additional reward from Allah *Subhanahu wa Ta'ala*. This is because those

⁴⁷ As defined explicitly earlier.

⁴⁸ Meaning of ***touched*** is sexual intercourse.

who do what Allah commands him the best possible way, Allah will give him reward and admit him to Paradise.

In fact, through giving the best *mut'ah* based on what the husband can afford, Allah will recompense him with more sustenance and love.

For example, when explaining the ruling of *mut'ah* in verse 241 surah al-Baqarah, Allah ends it by saying, ***is a duty on the doers of good***. To these doers of good, Allah will,

...وَيَرْزُقُهُ مِنْ حَيْثُ لَا يَحْتَسِبُ...

...provide him from (sources) he never could imagine. [al-Thalaq 65:03]

Similarly, when Allah describes the ruling of *mut'ah* in verse 236 surah al-Baqarah, Allah ends it by saying, ***is a duty on the doers of good (al-Muhsinin)***. To doers of good,

...وَاللَّهُ يُحِبُّ الْمُحْسِنِينَ.

...And Allah loves the good-doers. [al-Maidah 5:93]

Additional Explanation

Allah Subhanahu wa Ta'ala says,

وَالَّذِينَ يُتَوَفَّوْنَ مِنْكُمْ وَيَذَرُونَ أَزْوَاجًا وَصِيَّةً لِأَزْوَاجِهِمْ مَتَاعًا إِلَى الْحَوْلِ غَيْرَ إِخْرَاجٍ فَإِنْ خَرَجْنَ فَلَا جُنَاحَ عَلَيْكُمْ فِي مَا فَعَلْنَ فِي أَنْفُسِهِنَّ مِنْ مَعْرُوفٍ وَاللَّهُ عَزِيزٌ حَكِيمٌ.

And those of you who (will) die and leave behind wives should bequeath for their wives a year's mut'ah and residence without turning them out (from the marital residence).

But if they (wives) leave, there is no sin on you for that which they do of themselves, provided it is honourable. And Allah is All-Mighty, All-Wise. [al-Baqarah 2:240]

Islamic scholars are divided into two opinions on the verse above.⁴⁹

First Opinion states that the above verse has been abrogated by other verses,

- Verse 12 surah al-Nisa' which explains inheritance distribution for the deceased wife.
- Verse 234 surah al-Baqarah which explains *iddah* for wife to remain in the house for 4 months and 10 days after the passing of her husband.

Second Opinion states that verse 240 surah al-Baqarah above is not abrogated and the ruling remains. Whenever a husband is on his death bed, due to old age, terminal illness etc., he must prepare a will clarifying,

- Consolation gift (*mut'ah*) to the widow he is leaving behind in the form of daily expenses that could last a year. The *mut'ah* value will be based on their normal expenditure for a year. When the husband dies, the wife will receive the *mut'ah* and her inheritance portion (*faraid*).
- That the widow has the right to stay in the marital residence for a year. When a husband dies, the widow will remain in the house for 4 months and 10 days as the prescribed *iddah*. The remaining 7 months and 20 days the widow has the option whether to stay in the house or move out if she chooses to.

I am favouring **Second Opinion** above as this will provide a safety net and livelihood support for the widow. *Mut'ah* worth a year's value and the marital residence as a place to stay can be considered as *hibah* of the husband to the wife before he passes away.⁵⁰

Without the *mut'ah* gift, the widow normally will have to wait long for the

⁴⁹ Among others, do refer *Tafsir al-Qur'an al-'Azhim* by Ibn Katsir, explanation for verse 240 surah al-Baqarah. After giving the two opinions above, Ibn Katsir indicated his preference to the **Second Opinion**.

⁵⁰ *Hibah* is a gift given to someone when someone is alive, or the execution of the distribution is when the giver is still alive. Another meaning of *hibah* is a love token given when the giver is still alive. Given to someone who is still alive as well. No payment is necessary for the receiver as this is 100% love token. For example, presenting a wife with a house as a sign of gratitude for sticking through good days and bad days, also for the children she gave.

inheritance distribution (*fara'id*). Without the right to stay in the original marital residence, sometimes the late husband's family will request the widow to leave the house after the end of the 4 months 10 days *iddah*.

Husbands who are pious and seek Allah '*Azza wa Jalla*'s reward will not wait until the very last minute to do *mut'ah* gift as verse 240 surah al-Baqarah above. They can choose to do *hibah*, which can be done much earlier.

Another option is to take *takaful* life coverage scheme where the *hibah* distribution is done early.

Abu Bakar And His Relatives

Allah *Subhanahu wa Ta'ala* says,

وَلَا يَأْتَلِ أُولُو الْفَضْلِ مِنْكُمْ وَالسَّعَةِ أَنْ يُؤْتُوا أُولِي الْقُرْبَىٰ وَالْمَسَاكِينَ وَالْمُهَاجِرِينَ فِي سَبِيلِ اللَّهِ وَلْيَعْفُوا وَلْيَصْفَحُوا أَلَا تُحِبُّونَ أَنْ يَغْفِرَ اللَّهُ لَكُمْ وَاللَّهُ غَفُورٌ رَحِيمٌ.

And let not those among you who are blessed with graces and wealth swear not to give (any sort of help) to their kinsmen, Al-Masakin (the poor), and those who left their homes for Allah's Cause.

Let them pardon and forgive.

Do you not love that Allah should forgive you?

And Allah is Oft-Forgiving, Most Merciful. [al-Nur 24:22]

The verse above was revealed surrounding the slander against A'ishah binti Abu Bakar *radhiallahu 'anhuma* who was the wife of the Prophet *shallallahu 'alaihi wasallam*.

One of the people involved in spreading the lie was a relative of Abu Bakar himself. He was poor and it was Abu Bakar who had been helping his whole family all the while.

When it was known of his involvement in spreading the lie on his daughter, Abu Bakar pledged to stop his financial assistant to the relative. Yes! What type of father who wouldn't be furious knowing his own relative was spreading lie about his daughter?

On the vow by Abu Bakar, Allah *Subhanahu wa Ta'ala* revealed the above verse. Soon after Abu Bakar retracted his pledge and continued with his assistant. This was because all that mattered to Abu Bakar was forgiveness of Allah *al-Ghafur, al-Rahim*.

What has the verse above got to do with divorce?

Here's the explanation.

Often when a former husband who failed to give financial support and *mut'ah* to his former wife, the public will be quick to blame the former husband.

Without defending any former husbands, I wish to clarify why some husbands refused to do so. Former husbands who refuse to pay financial support and *mut'ah* to former wives although they can afford it can be grouped into two categories.

First Category is a husband who divorced his wife because he wanted to. For this First Category the husband must pay financial support and *mut'ah* to the wife based on the verses from the al-Qur'an discussed in earlier chapters.

The wisdom of financial support and *mut'ah* is the former wife in this case has been wronged and she rightfully deserves the support.

When the husband in this First Category refuses to pay financial support and *mut'ah*, it is an offense from religious as well as Shariah law's perspective.

To the husbands in the First Category, I have shared the relevant verses from al-Qur'an in earlier chapters, as a motivation for them to give financial support and *mut'ah* to their former wives.

Second Category is a husband who divorced his wife in order to fulfil the wife's request. This is achieved through two methods, *khuluk* (release divorce) or *fasakh* (dissolution of marriage), which are governed by Shariah Court. As the wife is the one requesting for a divorce, the husband may choose not to give financial support or *mut'ah* although he can afford it.

This is because – as justified by the husband from the Second Category – verses from al-Qur'an which ordain financial support and *mut'ah* all refer to husbands who are divorcing their wives. The verses are not referring to the case of *khuluk* or *fasakh*.

Although during the divorce hearing in Shariah Court it is the husband who will be pronouncing the divorce, it is in honouring the wife's request and the court

instruction. It is not the will of the husband.⁵¹

The husbands in this Second Category argue, they are the party being wronged when the wife file for divorce through *khuluk* or *fasakh*. They feel there is no obligation for them to pay financial support and *mut'ah*.

If the former wife wants financial support and *mut'ah*, she must make her request through the Shariah Court. The judge will decide after hearing from both parties.

This is the justification by the husbands from the Second Category on their refusal to pay financial support and *mut'ah*, even though they can afford them.

I like to stress again; I am not defending the husbands from the Second Category but merely sharing their side of the story. Whether justifiable or not, it is open to discussion among *fiqh* (Islamic Jurisprudence) scholars, Shariah legal practitioners and a judge's verdict when it is brought to Shariah Court.

To the husbands from the Second Category, I like to point again the verse 22 surah al-Nur. If you feel that who have been treated unjustly when your wife filed for a divorce through *khuluk* or *fasakh*, try reflecting on verse 22 surah al-Nur above.

Focus on what Allah has provided in return in the form of *graces* and *wealth*. These *graces* and *wealth* are general blessing which may come in the form of quality of life, health, clarity of thoughts, clear vision, happy family and financial wealth. In return for your patience, generosity and sincerity.

Focus on Allah's request, ***Let them pardon and forgive.***

Focus on the forgiveness Allah brings. Don't let these promises from Allah clouded by feeling of being wronged when the wife filed for *khuluk* or *fasakh*.

Although you feel the truth is on your side, continue to offer financial support and *mut'ah* to your former wife. May through this generosity Allah will continue His blessing

⁵¹ In Shariah law, a judge has the power to dissolve a marriage even though the husband is not present to pronounce the divorce (lafaz talak). But normally, court will request the husband to be present and state his defense on the *fasakh* made by the wife. If the *fasakh* is justified, the judge will order the husband to pronounce the divorce.

on you in terms of *graces* and *wealth*. And other aspects of your life, and His forgiveness.

Take the higher road, by not bringing the issue to Shariah court. Or for the former wife to bring the matter to Shariah court.

To give in does not mean you are not smart, weak and losing to a woman. On the contrary, offering to pay financial support and *mut'ah* without having to go to court, shows how big of a person you are, as a former husband. You have shown how it is really like to have *graces* and *wealth*.

Rewards Even When In The House!

Allah 'Azza wa Jalla says,

يَا أَيُّهَا النَّبِيُّ إِذَا طَلَّقْتُمُ النِّسَاءَ فَطَلِّقُوهُنَّ لِعَدَّتِهِنَّ وَأَحْصُوا الْعِدَّةَ وَاتَّقُوا اللَّهَ رَبَّكُمْ لَا تُخْرِجُوهُنَّ
مِنْ بُيُوتِهِنَّ وَلَا يَخْرُجْنَ إِلَّا أَنْ يَأْتِيَنَّ بِفَاحِشَةٍ مُبَيَّنَةٍ وَتِلْكَ حُدُودُ اللَّهِ وَمَنْ يَتَعَدَّ حُدُودَ اللَّهِ فَقَدْ ظَلَمَ
نَفْسَهُ.

O Prophet! When you divorce women, divorce them at their iddah and count (accurately) their iddah. And fear Allah your Lord. And turn them not out of their homes nor shall they (themselves) leave, except in case they are guilty of some immorality.

And those are the set limits of Allah. And whosoever transgresses the set limits of Allah, then indeed he has wronged himself.

You (the one who divorces his wife) know not it may be that Allah will afterward bring some new thing to pass. [al-Thalaq 65:01]

A wife who goes through a divorce, she must calculate her *iddah* and stay in the marital residence before the *iddah* expires and the divorce becomes final. *Iddah* of a wife varies depending on a few situations, generally as illustrated below.⁵²

First, a divorced wife with normal menstrual cycle, the *iddah* is three cycles of her periods, based on Allah *Subhanahu wa Ta'ala*'s command,

وَالْمُطَلَّقَاتُ يَتَرَبَّصْنَ بِأَنْفُسِهِنَّ ثَلَاثَةَ قُرُوءٍ...

And divorced women shall wait (as regards their marriage) for three quru'. [al-Baqarah 2:22]

Quru' is the time during period. The Prophet Rasulullah *shallallahu 'alaihi*

⁵² I am listing a few general scenarios. There are detailed explanations, in line with al-Syafi'e Mazhab and state Shariah laws as practiced in Malaysia.

wasallam said,

الْمُسْتَحَاضَةُ تَدَعِ الصَّلَاةَ أَيَّامَ أَقْرَائِهَا، ثُمَّ تَغْتَسِلُ وَتُصَلِّي، وَالْوُضُوءُ عِنْدَ كُلِّ صَلَاةٍ.

Woman with istihadhah (abnormal bleeding) stop praying for the number of days that you quru' (used to menstruate), then do bath and pray, then wudhu' for every prayer.⁵³

Second, a wife who was divorced before her period, a menopausal woman or someone who is unable to calculate her menstrual cycle, the *iddah* is three Islamic calendar months. This is based on the command of Allah 'Azza wa Jalla,

وَاللَّائِي يَكْسَنُ مِنَ الْمَحِيضِ مَنْ نِسَائِكُمْ إِنْ ارْتَبْتُمْ فَعِدَّتُهُنَّ ثَلَاثَةُ أَشْهُرٍ وَاللَّائِي لَمْ يَحِضْنَ...

And those of your women as have passed the age of monthly courses, for them the *iddah*, if you have doubt (about their periods), is three months; and for those who have no courses. [al-Thalaq 65:04]

Three, for a widow who lost her husband, the *iddah* is 4 months and 10 days following Islamic calendar. It is not distinguished whether the wife still has her periods or not, or had intercourse prior to the demise of her husband. This is based on the saying of Allah 'Azza wa Jalla,

وَالَّذِينَ يُتَوَفَّوْنَ مِنْكُمْ وَيَذَرُونَ أَزْوَاجًا يَتَرَبَّصْنَ بِأَنْفُسِهِنَّ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا...

And those of you who die and leave wives behind them, they (the wives) shall wait (as regards their marriage) for four months and ten days. [al-Baqarah 2:234]

Four, for a divorced wife and she is pregnant, the *iddah* is until she gives birth or go through a miscarriage.⁵⁴ In this case it is not distinguished between normal divorce, loss of husband, reversible divorce (*talaq raj'e*) or irreversible divorce (*talaq bain*). Allah Subhanahu wa Ta'ala says,

⁵³ **Sahih:** Recorded by Abu Daud in his *Sunan*, hadis no.: 255/297 (*Kitab al-Thaharah, Chapter he who said take bath between periods of purity*) and rated *sahih* by al-Albani and Syu'aib al-Arna'uth.

⁵⁴ Meaning an unintentional miscarriage or an abortion procedure advised by medical professionals.

...وَأُولَاتِ الْأَحْمَالِ أَجَلُهُنَّ أَنْ يَضَعْنَ حَمْلَهُنَّ...

And for those who are, their iddah (prescribed period) is until they lay down their burden. [al-Thalaq 65:04]

This happens even when the wife give birth moment after she was divorced. al-Miswar bin Mukhramah *radhiallahu 'anh* narrated,

أَنَّ سُبَيْعَةَ الْأَسْلَمِيَّةَ نَفَسَتْ بَعْدَ وَفَاةِ زَوْجِهَا بِلْيَالٍ، فَجَاءَتِ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَاسْتَأْذَنَتْهُ أَنْ تَنْكِحَ، فَأْذِنَ لَهَا فَانْكَحَتْ.

Subay`ah Al-Aslamiyyah gave birth to a child a few days after the death of her husband. When she finished the postdelivery term, she was proposed to. So she sought the permission of Allah's Messenger for the marriage, and he permitted her to marry, so she got married.⁵⁵

Some women when they are pregnant, their pregnancy is hardly noticeable. For this type of women, if they go through divorce, they must not keep secret of their pregnancy. Allah reminds us,

...وَلَا يَحِلُّ لهنَّ أَنْ يَكْتُمْنَ مَا خَلَقَ اللَّهُ فِي أَرْحَامِهِنَّ إِنْ كُنَّ يُؤْمِنَنَّ بِاللَّهِ وَالْيَوْمِ الْآخِرِ...

And it is not lawful for them to conceal what Allah has created in their wombs, if they believe in Allah and the Last Day. [al-Baqarah 2:228]

Five, for a divorced wife who never had intercourse with the husband, there is no iddah for her. Allah *Subhanahu wa Ta'ala* says,

يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا نَكَحْتُمُ الْمُؤْمِنَاتِ ثُمَّ طَلَقْتُمُوهُنَّ مِنْ قَبْلِ أَنْ تَمْسُوهُنَّ فَمَا لَكُمْ عَلَيْهِنَّ مِنْ عِدَّةٍ تَعْتَدُونَهَا...

O you who believe! When you marry believing women, and then divorce them

⁵⁵ **Sahih:** Recorded by al-Bukhari in his *Shahih*, hadis no.: 4908/5320 (*Kitab al-Thalaq, Chapter Allah saying, "And pregnant wives, the iddah is until they give birth"*)

before you touch them⁵⁶, no iddah have you to count in respect of them. [al-Ahzab 33:49]

Nevertheless, it must be reminded again that in the case of husband's death, the iddah is 4 Islamic months and 10 days, even though no sexual intercourse took place.

Six, a divorced wife through *khuluk*, the *iddah* is one menstrual period. It is based on the following hadis.

عَنْ الرَّبِيعِ بِنْتِ مُعَوِّذِ ابْنِ عَفْرَاءَ، أَنَّهَا اخْتَلَعَتْ عَلَى عَهْدِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ. فَأَمَرَهَا النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ (أَوْ أَمَرْتُ) أَنْ تَعْتَدَ بِحَيْضَةٍ.

From al-Rubayyi' binti Mu'awwiz ibn 'Afra', that she sought dissolution of her marriage in the times of the Prophet shallallahu 'alaihi wasallam. So, the Prophet commanded her to observe iddah till she got her menses once.⁵⁷

Seven, a wife who was divorced through *talaq bain* (irreversible divorce), scholars differed in their opinions due to multiple interpretations of hadis from Fathimah binti Qais *radhiallahu 'anha*. There are three opinions:

1. She receives financial support and place to stay during *iddah*.
2. She does not receive financial support and place to stay during *iddah*.
3. She receives financial support but **not** place to stay during *iddah*.

The third opinion is the opinion adapted by al-Syafi'e Mazhab and widely practiced in Malaysia.⁵⁸

⁵⁶ Meaning of **touch them** here is sexual intercourse.

⁵⁷ **Sahih:** Recorded by al-Tirmizi in his *Sunan*, hadis no.: 1105/1185 (*Kitab al-Thalaq wa al-Li'an 'an Rasulallah, Chapter on khuluk*) and commented Abu 'Isa al-Tirmizi, "Hadis al-Rubayyi' is *sahih*, she was given *iddah* of one period". Rated *sahih* by al-Albani. Also rated *sahih* by Syu'aib al-Arna'uth in his checking on *al-Jami' al-Kabir* (other name of *Sunan al-Tirmizi*), hadis no.: 1221.

Some scholars believe the hadis to be *dha'if*, and concluded that a wife who is divorced through release divorce (*khuluk*) is the same as other divorce, which is *iddah* of three periods. This opinion is to be corrected because the hadis was recorded by al-Tirmizi through two companions, (1) al-Rubayyi' with a *sahih* sanad (hadis no.: 1105/1185) and (2) 'Abdullah ibn 'Abbas with a *dha'if* sanad (hadis no.: 1106/1185). The hadis being used as *dalil* is narration from al-Rubayyi' and not the narration from 'Abdullah ibn 'Abbas.

⁵⁸ Please refer to hadis related to the divorce of Fathimah bint Qais in *Shahih Muslim*, hadis no.: 2709-2726/1480-1481 (*Kitab al-Thalaq, Chapter women who divorced was pronounced thrice, no provision for her*). Refer also *Syarah Shahih*

When the wife is in *iddah*, she must remain in the house as commanded by Allah *Subhanahu wa Ta'ala* as highlighted earlier,

And turn them not out of their (husband's) homes nor shall they leave, except in case they are guilty of immorality.

And those are the set limits of Allah. And whosoever transgresses the set limits of Allah, then indeed he has wronged himself.

You know not it may be that Allah will afterward bring some new thing to pass.

[al-Thalaq 65:01]

As long as the former wife remains in the house, she will get her rewards in her obedience to Allah's command, ***nor shall they leave.***

Still, the former wife may leave the house if there is a need such as earning an income, seeking medical treatment, seeing a counselor for post-divorce of grief counseling, meeting a friend who can listen and provides motivation, doing charity or fear for her safety due to a violent former husband.

Jabir bin Abdullah *radhiallahu 'anh* narrated, ***my maternal aunt was divorced by three pronouncements and she went out to cut down fruit from her palm trees. A man met her and forbade her (to go out).***

So she went to the Prophet and mentioned it to him. He said,

بَلَىٰ فَجُدِّي نَخْلَكَ، فَإِنَّكَ عَسَىٰ أَنْ تَصَدَّقَنِي، أَوْ تَفْعَلَنِي مَعْرُوفًا.

Go out, and cut down fruit from your palm trees for perhaps you may give alms (sadaqah) or do an act of kindness.⁵⁹

If we study the hadis above, the former wife had no pressing needs to leave the house. She only planned to pluck dates from her trees.

Muslim by al-Nawawi on the differences of opinion in understanding those hadis.

⁵⁹ **Sahih:** Recorded by Muslim in his *Shahih*, hadis no.: 2727/1483 (*Kitab al-Thalaq, Chapter permitted for a wife in irreversible divorce (talak bain) and a widow leaving a house during the day attending to business*).

The Prophet *shallallahu 'alaihi wasallam* allowed her to pluck dates from her trees. Furthermore, he allowed her to do charity or something good with the dates which may require her to be out of the house further and much longer.

This needs to be understood well in order to correct the misunderstanding by some people that they forbid former wives who are in *iddah* from leaving the house unless in an emergency or life and death situation only.

Additional Explanation

When a widow lost her husband, one of the restrictions is she cannot follow the funeral procession to the cemetery. The *dalil* is the hadis where Umm 'Athiyah *radhiyallahu 'anha* said,

كُنَّا نُنْهَى أَنْ نُحِدَّ عَلَى مَيِّتٍ فَوْقَ ثَلَاثٍ إِلَّا عَلَى زَوْجٍ، أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا.

We (the women) were forbidden to mourn for a dead person for more than three days except in the case of a husband for whom mourning was allowed for 4 months and 10 days.

وَلَا نَكْتَحِلْ، وَلَا نَطَّيَّبُ، وَلَا نَلْبَسَ ثَوْبًا مَصْبُوعًا إِلَّا ثَوْبَ عَصَبٍ.

(If we need to go out) we were not allowed to put eyeliner in our eyes or to use perfumes or to put on colored clothes except a dress made of 'Asb (normal unattractive cloth).

وَقَدْ رُحِّصَ لَنَا عِنْدَ الطُّهْرِ، إِذَا اغْتَسَلْتَ إِحْدَانَا مِنْ مَحِيضِهَا، فِي نُبْدَةٍ مِنْ كُسْتٍ أَظْفَارٍ.

We were allowed very light perfumes at the time of taking a bath after menses.

وَكُنَّا نُنْهَى عَنْ اتِّبَاعِ الْجَنَائِزِ.

And also we were forbidden to go with the funeral procession.⁶⁰

Still, it is allowed for the wife to see and kiss the deceased husband before the body is brought to the cemetery. Allowed also for the wife to visit the grave after the funeral is completed. This is because the hadis only forbids ***to go with the funeral procession***, not before or after.

Although still in mourning, the wife may leave the house if there is a need to do so. Provided that the wife refrains from using attractive clothing as reminded by the hadis from Umm 'Athiyah above. One of the reasons to leave the house is to see and kiss the husband before he is taken away. Or visiting his grave after the funeral procession is over.

Another point to note, included in the prohibition above is appearing online through social media that may attract the opposite sex, even though the widow never leaves the house.

⁶⁰ **Sahih:** Recorded by al-Bukhari in his *Shahih*, hadis no.: 4923/5341 (*Kitab al-Thalaq, Chapter using perfume for mourners after their menses*).

Prior To *Rujuk*

Allah 'Azza wa Jalla says in the al-Qur'an about wives who are divorced through *talaq raj'e* (reversible divorce),

...وَبُعُولَتُهُنَّ أَحَقُّ بِرَدِّهِنَّ فِي ذَلِكَ إِنْ أَرَادُوا إِصْلَاحًا...

And their husbands have the better right to take them back in that period, if they wish for reconciliation. [al-Baqarah 2:228]

A husband who divorced his wife through *talaq raj'e* may reverse or retract his divorce during the *iddah*. The allowance for *rujuk* is not for play or the show of absolute power à la dictator by the husband. *Rujuk* must come with the correct intention, some planning and determination to initiate *islah* in the married life after the *rujuk*. This condition is mentioned by Allah at the end of the verse above, ***if they wish for reconciliation.***

In achieving the *islah*, a few steps are recommended,

- Discuss with former wife on both parties' weaknesses and what to be done after the *rujuk*.
- Discuss with a marriage counselor on the past weaknesses which led to the divorce, and the what's and the how's of the corrective measures.
- Discuss with the arbitrators from both sides on the weaknesses and correcting them after *rujuk*. The arbitrators here are the ones we have covered in chapter *Family Members As Arbitrators*.
- After carrying out discussions, both former husband and wife must be very determined to work on the planned actions after the *rujuk*.

When all parties agree, the former husband will proceed with the *rujuk* process witnessed by two fair witnesses. The *rujuk* is then registered with the Shariah Court in

accordance with state Shariah laws and procedures.

This is based on the saying of Allah *Subhanahu wa Ta'ala*,

فَإِذَا بَلَغْنَ أَجَلَهُنَّ فَأَمْسِكُوهُنَّ بِمَعْرُوفٍ أَوْ فَارِقُوهُنَّ بِمَعْرُوفٍ وَأَشْهِدُوا ذَوَيْ عَدْلٍ مِنْكُمْ وَأَقِيمُوا
الشَّهَادَةَ لِلَّهِ...

Then when they are about to attain their term appointed, either take them back in a good manner or part with them in a good manner. And take as witness two just persons from among you. And establish the testimony for Allah. [al-Thalaq 65:02]⁶¹

Rujuk is required to be done in in a Shariah Court. But the procedures involved maybe tedious and time required maybe long, therefore the steps recommended above may help to speed up the *rujuk* effort.

This is my opinion which is a middle way between opinions that are too lenient and opinions that are too strict on *rujuk*.

Reminder

Allah *Subhanahu wa Ta'ala* reminds numerous times to former husbands to exercise the *rujuk* in a good manner. Indicating former husbands must be determined to start a new life with *mawaddah* (affection), *sakinah* (tranquility) and *rahmah* (compassion), with the former wife. Not to be cruel to the former wife or purposely doing divorce - *rujuk*, divorce - *rujuk*. Take note of the following verses.

الطَّلَاقُ مَرَّتَانٍ فَإِمْسَاكَ بِمَعْرُوفٍ أَوْ تَسْرِيحٌ بِإِحْسَانٍ.

The divorce is twice, after that, either you retain her on reasonable terms or release her with kindness. [al-Baqarah 2:229]

فَإِذَا بَلَغْنَ أَجَلَهُنَّ فَأَمْسِكُوهُنَّ بِمَعْرُوفٍ أَوْ فَارِقُوهُنَّ بِمَعْرُوفٍ وَأَشْهِدُوا ذَوَيْ عَدْلٍ مِنْكُمْ وَأَقِيمُوا

⁶¹ Scholars of Islam differ in their opinions on the need for two witnesses for a *rujuk*. Some say it is mandatory (*wajib*) and some say it is only optional (*sunat*).

Then when they are about to attain their term appointed, either take them back in a good manner or part with them in a good manner. And take as witness two just persons from among you (Muslims). And establish the testimony for Allah. [al-Thalaq 65:02]

In the following verse Allah 'Azza wa Jalla warns former husbands who makes fun of the *rujuk* ruling.

وَإِذَا طَلَّقْتُمُ النِّسَاءَ فَبَلَغْنَ أَجَلَهُنَّ فَأَمْسِكُوهُنَّ بِمَعْرُوفٍ أَوْ سَرِّحُوهُنَّ بِمَعْرُوفٍ.

And when you have divorced women and they have fulfilled the term of their prescribed period, either take them back on reasonable basis or set them free on reasonable.

وَلَا تُمْسِكُوهُنَّ ضِرَارًا لِّتَعْتَدُوا وَمَنْ يَفْعَلْ ذَلِكَ فَقَدْ ظَلَمَ نَفْسَهُ.

But do not take them back to hurt them. And whoever does that, then he has wronged himself.

وَلَا تَتَّخِذُوا آيَاتِ اللَّهِ هُزُوًا.

And treat not the Verses (Laws) of Allah as a jest.

وَاذْكُرُوا نِعْمَتَ اللَّهِ عَلَيْكُمْ وَمَا أَنْزَلَ عَلَيْكُمْ مِنَ الْكِتَابِ وَالْحِكْمَةِ يَعِظُكُمْ بِهِ وَاتَّقُوا اللَّهَ وَاعْلَمُوا أَنَّ اللَّهَ بِكُلِّ شَيْءٍ عَلِيمٌ.

But remember Allah's Favours on you and that which He has sent down to you of the Book (the al-Qur'an) and Al-Hikmah (the Prophet's Sunnah) whereby He instructs you. And fear Allah, and know that Allah is All-Aware of everything. [al-Baqarah 2:231]

Along with the verses above, the Prophet shallallahu 'alaihi wasallam also warned,

مَا بَالُ أَقْوَامٍ يَلْعَبُونَ بِحُدُودِ اللَّهِ، يَقُولُ أَحَدُهُمْ: قَدْ طَلَّقْتُكَ، قَدْ رَاجَعْتُكَ، قَدْ طَلَّقْتُكَ.

What is wrong with people who play with the limits imposed by Allah?, That one of them says: "I divorce you!" (then) "I take you back!" (then) "I divorce you!"⁶²

May the verses and hadis above be a reminder to former husbands who are reconciling with the former wives. And may the *rujuk* be a mean of getting multiple rewards from Allah *Subhanahu wa Ta'ala*.

Based on the above verses and hadis also, I am against the opinion that promote the facilitating of *rujuk* such as allowing the divorced couple to remain in the same house or free mixing between both of them. Because the risk of abusing this leniency is high, and it also contradict the conditions and objectives of *rujuk* according to Islamic Shariah.

⁶² **Hasan:** Recorded by Ibn Majah in his *Sunan*, hadis no.: 2007/2017 (*Kitab al-Thalaq, Chapter hadis Suwaiq bin Sa'id*). It was rated *hasan* by al-Bushiri in *Misbah al-Zujajah fi Zawa'id Ibn Majah*, hadis no.: 722. It was rated *hasan* by Syu'aib al-Arna'uth in his checking on *Sunan Ibn Majah*.

al-Albani rated it as *dha'if* in *Silsilah al-Ahadits al-Dha'ifah wa al-Maudhu'ah*, hadis no.: 4431. 'Abdullah bin Muhammad al-Dawish in *تنبيه القارئ لتقوية ما ضعفه الألباني*, hadis no.: 57 examined the explanation and evaluation by al-Albani, and concluded that the more accurate status of the hadis is *hasan*.

Priority Of Mother Over Father

Allah Subhanahu wa Ta'ala says,

وَوَصَّيْنَا الْإِنْسَانَ بِوَالِدَيْهِ.

And We have enjoined on man (to be dutiful and good) to his parents.

حَمَلَتْهُ أُمُّهُ وَهْنًا عَلَى وَهْنٍ وَفِصَالُهُ فِي عَامَيْنِ.

His mother bore him in weakness and hardship upon weakness and hardship (through pregnancy), and his weaning is in two years.

أَنْ اشْكُرْ لِي وَلِوَالِدَيْكَ إِلَيَّ الْمَصِيرُ.

Give thanks to Me and to your parents. Unto Me is the final destination.

[Luqman 31:14]

Allah Subhanahu wa Ta'ala berfirman says again,

وَوَصَّيْنَا الْإِنْسَانَ بِإِحْسَانٍ بِوَالِدَيْهِ إِحْسَانًا حَمَلَتْهُ أُمُّهُ كُرْهًا وَوَضَعَتْهُ كُرْهًا.

And We have enjoined on man to be dutiful and kind to his parents. His mother bears him with hardship. And she brings him forth with hardship. [al-Ahqaf 46:15]

In both verses above, Allah commands children to be excellence (*ihsan*) to parents. After the command, Allah explains the difficulties and hardships that a mother go through from the early stage of pregnancy to the last few months, from the time of giving birth until the breastfeeding period which lasts for two years normally.

Allah explains in great length to appreciate the big role of a mother. And this is further supported by the Prophet *shallallahu 'alaihi wasallam* hadis which says a child duty is to the mother three times, before duty to the father.⁶³

⁶³ For more details, please refer my book *Dear Mother! Dear Father!* (English version of *Wahai Ibu! Wahai Ayah!*) at hafizfirdaus.com and jahabersa.com.my

What is the connection of verse 14 surah Luqman and verse 15 surah al-Ahqaf with divorce?

When a divorce occurs and the couple has children, children custody will become an issue. My advice to fathers who wish for rewards from Allah *Subhanahu wa Ta'ala*, do not fight for children custody. Handover the custody right to the mother because the mother has sacrificed a lot for her children even before they were born, as in verse 14 surah Luqman and verse 15 surah al-Ahqaf above.

Do not look for or make up ten excuses why the mother should not get the custody right. If there are strong reason or evidence that the mother should not be given custody and the evidence or reason is apparent, only then that the matter is brought to the Shariah Court for a judge to decide.

On custody right, there are two categories that we must take note.

Hadanah: This refers to a child who is still unable to distinguish between good and evil in our ordinary life (not yet *mumaiyiz*). For custody right of this category i.e., *hadanah*, the custody right is with the biological mother based on the following hadis.

'Abdullah bin 'Umar *radhiallahu 'anhuma* narrated that a woman came to the Prophet *shallallahu 'alaihi wasallam*,

يَا رَسُولَ اللَّهِ، إِنَّ ابْنِي هَذَا كَانَ بَطْنِي لَهُ وِعَاءٌ، وَتَدْيِي لَهُ سِقَاءٌ، وَحِجْرِي لَهُ حِوَاءٌ، وَإِنَّ أَبَاهُ طَلَّقَنِي، وَأَرَادَ أَنْ يَنْتَزِعَهُ مِنِّي!

O Messenger of Allah! I carried my son in my womb, suckled him my breasts and held him on my lap; yet his father has divorced me and wants to take him away from me!

فَقَالَ لَهَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: أَنْتِ أَحَقُّ بِهِ مِمَّا لَمْ تَنْكِحِي.

The Prophet shallallahu 'alaihi wasallam said, "You have more right to him as

long as you do not re-marry.”⁶⁴

Kafalah: This refers to a child who is already able to understand good from evil (already a *mumaiyiz*). For custody right of this category i.e., *kafalah*, the custody right depends on the choice the child makes whether to be with the mother or the father.

The dalil is a hadis below from Abu Hurairah *radhiallahu 'anh*,

أَبِي سَمِعْتُ امْرَأَةً جَاءَتْ إِلَى رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، وَأَنَا قَاعِدٌ عِنْدَهُ،

I once saw (a case) a former wife came to see the Prophet shallallahu 'alaihi wasallam while I was sitting next to him, the woman said:

فَقَالَتْ: يَا رَسُولَ اللَّهِ، إِنَّ زَوْجِي يُرِيدُ أَنْ يَذْهَبَ بِابْنِي، وَقَدْ سَقَانِي مِنْ بئرِ أَبِي عِنَبَةَ، وَقَدْ نَفَعَنِي.

“O Allah’s Messenger, my husband wants to take away my son. My son is of benefit to me, he brings me water to drink from the well of Abu ‘Inabah.”

فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ اسْتَهِمَا عَلَيْهِ.

The Prophet shallallahu 'alaihi wasallam said: “Cast lots for him.”

فَقَالَ زَوْجُهَا: مَنْ يُحَاقُّنِي فِي وَلَدِي؟

Her husband then said: “Who is disputing with me about my son?”

فَقَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: هَذَا أَبُوكَ، وَهَذِهِ أُمُّكَ فَخُذْ يَدَ أَيِّهِمَا شِئْتَ.

The Prophet shallallahu 'alaihi wasallam (ignoring him) said: “This is your father and this is your mother, so take the hand of whomever you wish.”

فَأَخَذَ يَدَ أُمِّهِ، فَانْطَلَقَتْ بِهِ.

So he took his mother’s hand and she went away with him.⁶⁵

⁶⁴ **Hasan:** Recorded by Abu Daud in his *Sunan*, hadis no.: 1938/2276 (*Kitab al-Thalaq, Chapter who deserves looking after a child*) and rated *hasan* by al-Albani and Syu’aib al-Arna’uth.

⁶⁵ **Sahih:** Recorded by Abu Daud in his *Sunan*, hadis no.: 1939/2277 (*Kitab al-Thalaq, Chapter who deserves looking*

Therefore, the custody right in a *hadanah*, is to let the biological mother looks after the child. In the custody right of a *kafalah*, let the child choose between the mother and the father. If the child has made his or her choice, do not prolong the issue by bringing the matter to Shariah Court for a custody battle.

When former husband and wife make the custody matter easy as shown in the hadis above, they will earn rewards for obeying the Prophet *shallallahu 'alaihi wasallam*.

Additional Explanantion

What if when a divorce occurs and only one of them is a Muslim? This can be grouped into two scenarios.

First, if the case of child custody has not reached the court, the choice is left to the child. It is not distinguished whether the parents are Muslim or not, nor does it is distinguished if the child is *mumaiyiz* or not.

The dalil is from a hadis from Rabi' bin Sinan *radhiallahu 'anh*,

أَنَّهُ أَسْلَمَ، وَأَبَتْ امْرَأَتُهُ أَنْ تُسْلِمَ، فَأَتَتْ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَقَالَتْ: ابْنِي وَهِيَ فَطِيمٌ أَوْ شَبَّهُهُ، وَقَالَ رَافِعٌ: ابْنِي.

That he accepted Islam and his wife refused. (After their divorce) the wife came to see the Prophet shallallahu 'alaihi wasallam and said, "This is my son and he just completed weaning (or something of this nature – narrator wasn't sure)."

Rabi' said, "It is my son."

قَالَ لَهُ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: اقْعُدْ نَاحِيَةً، وَقَالَ لَهَا: اقْعُدِي نَاحِيَةً، قَالَ: وَأَقْعَدِ الصَّبِيَّةَ بَيْنَهُمَا، ثُمَّ قَالَ: ادْعُوَاهُ.

Rasulullah shallallahu 'alaihi wasallam said Rabi', "You sit on one side." Then he

after a child) and was rated sahih by al-Albani dan Syu'aib al-Arna'uth.

side to the wife, “You sit on one side.”

The Prophet said, “Sit the child between both of you and call him.”

فَمَالَتِ الصَّبِيَّةُ إِلَى أُمِّهَا، فَقَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: اللَّهُمَّ اهْدِهَا، فَمَالَتِ الصَّبِيَّةُ إِلَى أَبِيهَا، فَأَخَذَهَا.

(After both of them called) The son inclined towards the mother.

The Prophet shallallahu 'alaihi wasallam prayed, “O Allah guide him.”

Upon that the son inclined to the father, and so he took him.⁶⁶

In the above hadis, the child who was being disputed has just completed weaning, which put his age around 2 years (not yet *mumaiyiz*). The Prophet *shallallahu 'alaihi wasallam* instructed the parents to call the child and see to whom was the child inclined to.

If the child is still a baby, custody is given to biological mother based on verse 14 surah Luqman and verse 15 surah al-Ahqaf above.

The Prophet’s decision to let the child choose between his father and mother shows that in this scenario it is left to the child to choose which parent regardless of the parent’s religion. The Prophet’s prayer for the child to be guided since the Prophet wished that the child will be with the father who was Muslim, but in the end, it is the child’s choice that counts.

The example of the Prophet praying is to be an example for divorce cases involving couple of different faiths. The Muslim parent must not take away the child on the assumption that a Muslim parent has custody right because Malaysia’s official religion is Islam.

Instead, let the child choose which parent to be with and pray the child choose a parent who is Muslim. If the Muslim parent is more deserving of the child, Allah will

⁶⁶ **Sahih:** Recorded by Abu Daud in his *Sunan*, hadis no.: 1916/2244 (*Kitab al-Thalaq, Chapter if one parent embraced Islam, with whom is the child?*) and rated *sahih* by al-Albani and Syu’aib al-Arna’uth.

answer his or her prayer. In the case of a baby, give custody right to the mother, regardless of her religion.

Although Islam is the official religion in Malaysia, ensure that Islam is being practiced first by the divorcing Muslim parents. Practice here is by following example shown in the hadis by Rabi' bin Sinan above, not by taking away the child secretly like in many cases that we have read in the news.

The child religious status is no doubt very important. Therefore, when the Muslim parent sees the child, the Muslim parent can preach Islamic teachings in stages, based on the child's age.

Remember!

The opportunity to become Muslim, is always open although the child is raised by a non-Muslim parent. Similarly, the child could end up hating and denouncing Islam if the child was taken by force by a Muslim parent.

Second, if the custody dispute has reached the court, then all decision will be decided by the court based on state's law.

Father Does Not Divorce His Child

Ka'ab bin Ujrah *radhiallahu 'anh* narrated,

A man passed by the Prophet shallallahu 'alaihi wasallam, and (we) the companions of the Messenger of Allah saw his (signs of) vigor and hard work.

They said, "O Messenger of Allah, if only this were done in the way of Allah!"

The Prophet said,

إِنْ كَانَ خَرَجَ يَسْعَى عَلَى وَلَدِهِ صِغَارًا فَهُوَ فِي سَبِيلِ اللَّهِ وَإِنْ كَانَ خَرَجَ يَسْعَى عَلَى أَبَوَيْنِ شَيْخَيْنِ كَبِيرَيْنِ فَهُوَ فِي سَبِيلِ اللَّهِ وَإِنْ كَانَ خَرَجَ يَسْعَى عَلَى نَفْسِهِ يَعْظُمُهَا فَهُوَ فِي سَبِيلِ اللَّهِ وَإِنْ كَانَ خَرَجَ يَسْعَى رِيَاءً وَمُفَاخَرَةً فَهُوَ فِي سَبِيلِ الشَّيْطَانِ.

If he goes out striving for his small children, it is in the way of Allah. If he goes out striving for his elderly parents, it is in the way of Allah. If he is striving in order to suffice himself, it is in the way of Allah. However, if he goes out ostentatiously and boastfully, it is in the way of Syaitan.⁶⁷

During a divorce, former husband provides for the former wife during the *iddah*.

But for the children, the father will continue to provide for them until they are able to provide for themselves. Provision here means food and drinks, accommodation, clothes, education, medical treatments and others.

Do not make the divorce as a separation with the children too. Although custody right may go to the former wife (refer earlier chapter), children's livelihood provision is still the responsibility of the former husband i.e., their father.

When discussing about provision responsibility for the children, do not view it as an additional burden. Instead, look at it as a chance to earn reward and blessings from

⁶⁷ **Sahih:** Recorded by al-Thabarani and rated *sahih li ghairihi* by al-Albani in *Shahih al-Tarhib wa al-Targhib*, no.: 1692.

Allah *Subhanahu wa Ta'ala* just as the Prophet mentioned in the above hadis, ***If he goes out striving for his small children, it is in the way of Allah.***

Relation Between Divorce And Piety

Allah Subhanahu wa Ta'ala says,

...وَمَنْ يَتَّقِ اللَّهَ يَجْعَلْ لَهُ مَخْرَجًا (2) وَيَرْزُقْهُ مِنْ حَيْثُ لَا يَحْتَسِبُ وَمَنْ يَتَوَكَّلْ عَلَى اللَّهِ فَهُوَ حَسْبُهُ إِنَّ اللَّهَ بَالِغُ أَمْرِهِ قَدْ جَعَلَ اللَّهُ لِكُلِّ شَيْءٍ قَدْرًا (3).

And whosoever fears Allah and keeps his duty to Him, He will make a way for him to get out (from every difficulty). And He will provide him from (sources) he never could imagine.

And whosoever puts his trust in Allah, then He will suffice him (to help and to save him).

Verily, Allah will accomplish his purpose. Indeed Allah has set a measure for all things. [al-Thalaq 65:02-03]

...وَمَنْ يَتَّقِ اللَّهَ يَجْعَلْ لَهُ مِنْ أَمْرِهِ يُسْرًا.

And whosoever fears Allah and keeps his duty to Him, He will make his matter easy for him. [al-Thalaq 65:04]

...وَمَنْ يَتَّقِ اللَّهَ يَكْفِرْ عَنْهُ سَيِّئَاتِهِ وَيُعْظِمْ لَهُ أَجْرًا.

And whosoever fears Allah and keeps his duty to Him, He will expiate from him his sins, and will enlarge his reward. [al-Thalaq 65:05]

In explaining the rulings on *talaq* in a surah known also as al-Thalaq, Allah 'Azza wa Jalla emphasizes a number of times on being pious (*takwa*). These are the verses I shared above.

As a Creator of mankind, Allah knows men have the tendency of violating the prescribed rulings of *talaq* when going through a divorce. What is worse, is when couple resorts to being cruel to each other.

That is why in the given verses Allah gives strong reminders to couples going

through a divorce to remain pious.

Takwa (piety) etymologically means to “fence oneself up”. While from Shariah perspective *takwa* means to “protect oneself from Allah’s wrath and His Hell-fire”. This is achieved by obeying His commands and avoiding His prohibitions.

Whether in divorce or other matters in life, those who has piety toward Allah will attain some advantages, among others:

- Allah will provide way out in any difficulties that they face.
- Will provide for them in ways they never imagined.
- Allah makes easy all their affairs.
- Allah forgives their sins.
- Allah multiply their rewards.

To a divorcing or divorced couples, let us have piety toward Allah *Subhanahu wa Ta'ala* by obeying His command and avoiding His prohibitions with regard to divorce. In fact, we need to have piety in all our daily affairs, without limiting it only to divorce.

Hopefully through this Allah makes easy your divorce, bless you with a new life, with provision and sustenance from ways you never expected.

More importantly, may Allah forgive all your sins and gives us multiple rewards, as ways for attaining His Paradise in the Hereafter. Therefore, let’s make divorce a mean to receive the ultimate reward of Allah’s Paradise.

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