

Islam Question & Answer

General Supervisor:
Shaykh Muhammad Saalih al-Munajjid

83721 - He did a marriage contract with her and she changed - should he divorce her?

the question

I married a relative of mine six months ago. I work in another country; thus we had our engagement and even marriage contract done while I am abroad. Since we married my wife became very different. She keeps saying that she is not happy with me, and that she does not expect any happiness with me in the future. That is why she is asking for divorce. Shall I divorce her? She became very stubborn with me in essential matters such as the full shar'ee Hejab, and working in mixed places, while I do love to adhere to my religion.

Detailed answer

Praise be to Allah.

The basic principle concerning divorce is that it is makrooh, because it results in severing of in-law ties and the breaking up of the family, and hardship for the children.

Shaykh al-Islam Ibn Taymiyah (may Allaah have mercy on him) said:

The basic principle concerning divorce is that it is not allowed, rather it is only permitted as much as is necessary.

Majmoo' al-Fataawa (33/81).

Shaykh Ibn 'Uthaymeen (may Allaah have mercy on him) said:

The basic principle concerning divorce is that it is makrooh, and the evidence for that is the verse about those who "take an oath (eela') not to have sexual relation with their wives" [al-Baqarah

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2:226], i.e., they swear not to have intercourse with them for four months. “then if they return (change their idea in this period), verily, Allaah is Oft-Forgiving, Most Merciful. And if they decide upon divorce, then Allaah is All-Hearer, All-Knower”. This implies a kind of threat, but if they return, i.e., go back to their wives, He says: “verily, Allaah is Oft-Forgiving, Most Merciful.” This indicates that divorce is not liked by Allaah, and that the basic principle concerning it is that it is makrooh, and that is indeed the case.

Al-Sharh al-Mumti’ (10/428)

But because people’s nature, character and religious commitment vary from one person to another, it is essential that divorce be included in the laws prescribed by Allaah. A woman may be harmed by staying with her husband if he is lacking in religious commitment or he has a bad attitude or harsh nature, and a man may be harmed by staying with his wife if she is not fit to raise his children or she does not give him his rights on a reasonable basis. Hence prescribing divorce is wise and is suited to human nature.

Both spouses may be better off after divorce, as Allaah says (interpretation of the meaning): “But if they separate (by divorce), Allaah will provide abundance for everyone of them from His Bounty. And Allaah is Ever All-Sufficient for His creatures’ needs, All-Wise” al-Nisa’ 4:130]. Hence divorce is not the end of the world, and divorce may be the best way for a couple who are incompatible in their natures, behaviours, attitude and actions.

Based on this, what we advise you to do is to bring in wise people from your family and hers to intervene and convince her of the necessity of mending her ways and changing the way she deals with you, and to promise to follow the straight path in your married life without any deviation, and tell her that this is the only way you can continue the marriage with her. If she responds and accepts this, then praise be to Allaah, and perhaps Allaah will bring you together.

We advise you to wait for a while before completing the marriage, so that you can see how keen

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she is to settle down to living with you, and how able she in fact is to do that, because what you have told us about her makes us doubt strongly that she is keen to agree to that or is able to do it.

If she does not agree, then what we think is that you should divorce her; divorcing her now is better for you and for her than divorcing her after consummating the marriage or having children.

If you do that and divorce takes place, there is no sin on you, because divorce in this case is obligatory or mustahabb, especially if she insists on working in a mixed environment, which is something that is haraam and you should not compromise about it, rather you should make her give it up. If she insists, then this is sufficient reason to divorce her, so how about if the other things about her are added to that?!

And Allaah knows best.