

## **171317 - Her husband did not fulfil her hopes of a life based on religious commitment; should she ask for divorce?**

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### **the question**

To the proper authorities

“Any woman who asks her husband for a divorce when it is not absolutely necessary, the fragrance of Paradise will be forbidden to her.

I want you to clarify this phrase in the Quran and then relate it to my situation as follows: For approx. 4-5 years ago I met an honest, respectable, religious guy over the internet who lives in a Muslim country. I was born and raised in Europe by Muslim parents. We began to be very attracted to one another, not least because we are both attracted to another Dunya than this – Jannah. Or at least we want more than simply adhering to the 5 pillars of Islam. We set out to make our relationship halal of course know to get married, but my parents did not accept this man because he comes from another country, ethnicity and status. I decided not to go against my parents wishes and told them that I would drop him. Admittedly, we did not contact each other for a while. In the meantime, I encountered a religious Muslim man in Europe from the same country as my parents. He seemed very religious and cash about Islam and I fell in love all alone in the stories he told about our Prophet, etc.

Although there were other important trait in him which I disliked, I chose to accept his marriage offer because his religious side perhaps reminded me of the first guy I could not marry. To make a long story short, after we were married my husband changed and went no more into religion as much as he goes up in indifference culture, norms and materiel things in the world. He prays, fasts, etc., but this is not enough for me, as I had hoped imagined a lifewhere together we became stronger in religion, taught the Koran together, etc.

Beyond this, we disagree about almost everything, often argue and his family mixone part in our affairs and creates problems for us. We have tried to solve our marital problems several times through dialogues, etc., but regardless, it helps. We fail, however, sometimes to have quiet periods, not because we have agreed but because we intentionally keep the discussions to an acceptable level.

3 years after, Im still in this marriage and I now feel depressed, unhappy and easy prey to wiswas. I feel I have wasted my best young years of pointless games where I instead should have been courteous stronger and wiser in our religion.

Islam is the key to happiness and purification of the soul and I had hoped he had helped me through difficult times by following the word of Allah. I am disappointedand Unhappy and only think about divorce.

I have endured so long and avoided divorce because I know Allah dislikes Divorce, but on the other how do I come closer to Allah by carrying on in this marriage. How are the rulings if I one day decide to ask for a divorce ?

Maybe with the intention of finding another man who could help me and bring me closer to Allah now that Im weak?.

### **Detailed answer**

If your husband is serious about his religion, prays regularly and avoids haraam things, then he is a righteous husband and you should stay with him, take care of him, and help him to perfect his righteousness.

The fact that he falls short in seeking knowledge, memorising Qur'aan or calling people to Allah, may He be exalted, or that life with him has not reached the ideal that the wife was dreaming of is not a reason that makes it permissible for her to seek to leave him. There is no husband but someone else is better than him and more perfect than him, because there is no limit to perfection.

What you are seeking of life filled with faith, righteous deeds and virtues, you can obtain by striving hard and seeking the means that will help you to attain that, such as finding righteous friends, attending lectures and seminars, taking part in Qur'aan memorisation circles and da'wah programs, listening to beneficial lessons, and so on.

How many women there are who are knowledgeable, have memorized Qur'aan and call people to Allah, whilst their husbands are ordinary, righteous, regular Muslims. In order for you to attain these high levels it is not essential that your husband join you in that. You do not know, perhaps if you focus on attaining these things that will help your husband and encourage him to join you in that. The intelligent, wise woman can change many of her husband's habits and interests; what matters is that she is trying to fulfil her duties towards him, treats him kindly and does not cause annoyance for him.

As for thinking about divorce and thinking that it is an easy way out, this is a mistake that stems from hasty and wishful thinking. Perhaps the woman may get divorced and not find the husband that she is wishing for, or she may end up marrying a man who not as good as her first husband. In addition to that, seeking divorce is a kind of ingratitude for blessings and harming the husband and his family.

Hence Islam does not allow seeking divorce except in cases where there is a valid reason and hardship that calls for that. Abu Dawood (2226), at-Tirmidhi (1187) and Ibn Maajah (2055) narrated that Thawbaan (may Allah be pleased with him) said: The Messenger of Allah (blessings and peace of Allah be upon him) said: "Any woman who asks her husband for a divorce when it is not absolutely necessary, the fragrance of Paradise will be forbidden to her." Classed as saheeh by al-Albaani in Saheeh Abi Dawood.

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

It is not permissible for a woman to ask her husband for divorce except for a legitimate shar'i reason, because the Prophet (blessings and peace of Allah be upon him) said: "Any woman who asks her husband for a divorce when it is not absolutely necessary, the fragrance of Paradise will be forbidden to her." But if there is a legitimate shar'i reason,

such as if she dislikes him for his lack of religious commitment, or she dislikes him because of his behaviour and attitude, or she cannot bear to live with him even if he is of good character and religiously committed, then in that case there is nothing wrong with her asking for divorce. But in this case she should separate from him by means of khul' and return to him what he gave her, then her marriage is annulled.

The evidence for that is that the wife of Thaabit ibn Qays ibn Shammaas (may Allah be pleased with him) came to the Prophet (blessings and peace of Allah be upon him) and said: "O Messenger of Allaah, I do not find any fault with Thaabit ibn Qays in his character or his religious commitment, but I do not want to commit any act of kufr after becoming a Muslim."

The Prophet (peace and blessings of Allaah be upon him) said to her, "Will you give back his garden?" Because he had given her a garden as her mahr.

She said, "Yes." The Prophet (peace and blessings of Allaah be upon him) said to Thaabit: "Take back your garden, and divorce her."

On the basis of this case, the scholars ruled that if a woman cannot bear to stay with her husband, then the authorities should ask him for khul' and even order him to do that. Some of the scholars said that he should be compelled to separate from her by means of khul', because in this case he will not be harmed, because he will get what he had given to her of the mahr, and she will be rid of him.

But the majority of scholars say that he should not be compelled to separate from her by means of khul', but he should be recommended and encouraged to do so, and it may be said to him: "Whoever gives up something for the sake of Allah, Allah will compensate him with something better than it."

End quote from al-Liqā' al-Maftooh, 54/6

What appears to be the case from your words is that there is no reason that would make it permissible to seek divorce.

So fear Allah, may He be exalted, and treat your husband kindly. Deal with the problem between you and him before it gets out of hand, and be content with him as he is a righteous man, even if he falls short in attaining the level of perfection you were hoping for.

We ask Allah to help and guide you.

And Allah knows best.