

99870 - Seeking divorce due to harm

the question

My cousin asked to marry me when his circumstances improve, after my first husband divorced me. He said to me he will not let anyone take me from him. He said much more things expressing his love to me and how much he suffers with his wife who is 30 years older than him. He persisted in this proposing to me for 12 years.

12 years later we got married and dealt that he must be fair with both of us and not neglect his first wife for Allah's sake. I sacrificed some of my rights so that he does not regret marrying me.

He used to always make du'a for me because I do not make him suffer like any man married to more than one wife.

I became pregnant during the first month of our marriage. Three months later, he deserted my bed and left me. As I live with my family. He says he cannot look at my face and does not desire me at all, he also says that he avoids visiting us fearing that something bigger may happen like to divorce me while I am pregnant. He says he feels bad whenever he remembers me.

He promised me to seek treatment by Quraan with a sheikh. Now I do not see him more than five minutes every two or three months, or may be a phone call. I stayed patient and did not press on him. 3 years now and it is the same. Nothing changed. I do not receive but hatred, suffering, ungratefulness and humiliation from him. What shall I do? Shall I ask for divorce, or wait hoping he will be changed with years? .

Detailed answer

The Prophet (peace and blessings of Allaah be upon him) said: “Any woman who asks her husband for a divorce when there is nothing wrong, the fragrance of Paradise will be forbidden to her.” Narrated by al-Tirmidhi and classed as saheeh by al-Albaani in Saheeh al-Tirmidhi.

What is meant by something wrong is hardship which compels her to seek a separation.

Asking for divorce when there is no problem that would compel a woman to do that is haraam, and some scholars regarded it as a major sin, such as Ibn Hajar al-Haytami in al-Zawaajir.

From the hadeeth quoted above it may be understood that it is permissible for a woman to ask for a divorce if there is some hardship or harm that will be caused if the marriage continues.

Based on this, there is nothing wrong with you seeking divorce if the matter is as you describe, that your husband left you three years ago.

But it is better for you to be patient and ask your husband to try to remedy the problem that has befallen him; perhaps Allaah will heal him and set things straight. But if you feel that there is no improvement at all in the situation and you hope that if you divorce him you will be able to marry someone else, then divorce is better in that case, because 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]

What you mention about him

being put off and feeling stressed whenever he remembers you may be due to him having been affected by sihr (witchcraft). Hence he should use ruqyahs that are prescribed in sharee'ah, or he should go to a righteous person who adheres to the Sunnah, to perform ruqyah for him.

See the answers to questions no. [11290](#) and [12918](#).

And Allaah knows best.