

# **Encouraging Marriage & Discouraging Divorce**

**The Scientific Case  
for Marriage in  
Light of Quran and  
Sunnah**

Written by:

**Dr. Gohar Mushtaq**

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*I dedicate this book to our beloved Prophet  
Muhammad (peace be upon him) because in  
his blessed Sunnah do we find the guidance  
to save Muslim families and homes from  
divorce and destruction*

# Contents

ABOUT THE AUTHOR .....	7
Introduction.....	7
Chapter 1 .....	9
MARRIAGE – IN LIGHT OF QUR’AN AND SUNNAH.....	9
Chapter 2.....	12
MUSLIM YOUTH: THE VICTIMS OF LATE MARRIAGES .....	12
Benefits of Marriage & Harms of Being Single .....	13
Single Men and Psychological Illnesses .....	14
Single Men and Crimes Rates.....	15
Single Men and Low Salaries .....	17
Single Men and Early Deaths .....	18
Advice of Islamic Scholars to Muslim Youth.....	21
Solution for the Muslim Youth.....	23
Chapter 3.....	26
COURTSHIP, DATING AND PREMARITAL RELATIONS.....	26
The Rise of Promiscuity in the Western Societies.....	27
Lust at First Sight, Not Love at First Sight.....	29
Courtship, Dating and Premarital Love .....	31
Online Dating and the Story of a Spider and a Fly .....	35
The Horrifying Dangers of Online Dating.....	37
Chapter 4.....	43
THE EVILS AND TERRORIZING DANGERS OF DIVORCE .....	43
Divorce is a Lose-Lose Situation for Everyone.....	44
Divorce Reduces Living Standards of Families.....	45
Harms of Divorce Extend to Children and Grandchildren .....	47
Parental Divorce and Crime Rates among their Children.....	47
Parental Divorce and Child Abuse.....	49
Parental Divorce and Early Deaths of their Children .....	50
Parental Divorce and Increasing Suicide Rate among their Children.....	51
Parental Divorce and Poor Academic Performance of their Children .....	52
Parental Divorce and Lower Graduation Rates of their Children.....	53
Chapter 5.....	55
ARE THREE DIVORCE PRONOUNCEMENTS ON A SINGLE OCCASION COUNTED AS ONE? .....	55
Step by Step Summary of the Divorce Process based on the Islamic Teachings .....	56
Evidence from the Qur’an Regarding Three Divorce Pronouncements Equivalent to One Divorce .....	59
Evidence from the Prophetic Sayings .....	60
Evidence from the Sayings of Prophetic Companions (Sahaaba) .....	64
Evidence from the Sayings of Islamic Scholars .....	65
Reason behind the Implementation of Punishment by the Second Caliph .....	68
Caliph Umar’s Later Regret for Implementing Such Punishment.....	70
Arguments of Ibn Taymiyyah to Support Three Divorce Pronouncements Being Equivalent to One .....	71

The Islamic Position on Halalah (tahleel) Marriage .....	73
Divorce in a State of Severe Anger.....	76
Prohibition of Giving Divorce during a Woman’s Menstrual Periods .....	78
Chapter 6.....	83
<b>MEN ARE FROM MARWA, WOMEN ARE FROM SAFA – DIFFERENT</b>	
<b>PSYCHOLOGIES OF MEN AND WOMEN .....</b>	<b>83</b>
Men must understand Emotional Nature of Women .....	84
Psychological Changes in Women during Menstrual Cycles.....	85
Suicide Attempts during Pre-menstrual Syndrome.....	86
Depression and Aggression during Pre-menstrual Syndrome .....	87
Accidents and Misconducts during Pre-menstrual Syndrome .....	87
Chapter 7.....	90
<b>HOW TO SAVE MUSLIM HOMES AND MARRIAGES .....</b>	<b>90</b>
Wife Needs Love & Care, Husband Wants Respect.....	90
Some Suggestions to Promote and Save Marriages.....	93
Women’s Superiority in Making Marriages Successful .....	94
Does Divorce Make Unhappy People Any Happier? .....	95
Beware of Anger – the Chief Enemy of Marriage .....	96
Importance of Developing Tolerance and Taqwa among Muslim Couples .....	99
Importance of Staying in the Company of Pious People .....	101
Feelings of Regret after Divorce.....	102
There is a Hope if You Show Patience – Unhappy Marriages Get Better with Time	104
Conclusion .....	107

*For the back-cover of the book*

## ***Encouraging Marriage & Discouraging Divorce***

This book is an excellent source of inspiration and information for Muslim youth and Muslim elderly alike. This book accentuates the benefits of marriage and explains that marriage is not just simply “living together” but it has profound medical and social benefits. Quite uniquely, this book also provides, in a scientific way, an in-depth evidence for the terrorizing harms of divorce on individuals, children and society at large. Practical suggestions have also been provided to young Muslim couples to avoid conflicts in their marital life and lead a blissful, nuptial life. The author has provided evidence from Qur’an and *Sunnah*, a wealth of statistics, a sound reasoning to explain them, and evidences from 100s of published scientific studies to make a scientific case to encourage marriages and discourage divorce.

## ABOUT THE AUTHOR

Dr. Gohar Mushtaq received his Bachelor of Science degree in Medical Technology from York College of The City University of New York (USA) where he was the valedictorian of his graduating class. Dr. Mushtaq received his doctorate in medical research from Rutgers University, U.S.A. From his childhood, he received thorough Islamic education from his father. Later on, he studied classical Islamic sciences from various Islamic teachers including Sheikh Abdur Rehman Kaashmiri (Brooklyn, New York), Sheikh Dr. Ismael Mehmood al-Azharee (New Jersey), Mufti Abdur Rehman ibn Yusuf (United Kingdom) and Imam Tarek Chebbi al-Tunisi (Florida).

The books of Dr. Mushtaq have a unique style much different from other Islamic books as his books provide boatload of scientific research from physical and social scientific journals with references to explain the wisdom of Islamic teachings. Part of the reason for this unique approach is that Dr. Mushtaq is a scientist who got training in scientific research by some of the best Western scientists. Dr. Mushtaq is a contributing author to nearly 50 scientific research papers published in peer-reviewed high impact scientific journals. Dr. Mushtaq frequently delivers Friday khutbahs (sermons) and lectures at various mosques and Islamic centers in the United States. He contributes articles to Al-Jumuah magazine (English), Batool (Urdu) and Mesaaq (Urdu) monthly magazines and is the author of the following books:

- *The Intelligent Heart, The Pure Heart: An Insight into the Human Heart based on the Qur'an, Sunnah and Modern Science* (Ta-Ha Publishers, London)
- *Islam: Its Beauty & Wisdom* (Amana Publications, Maryland, USA)
- *The Music Made Me Do It – An In-Depth Study of Music through Islam and Science* (IIPH, Riyadh)
- *Growing a Beard: In Light of Qur'an, Sunnah and Modern Science* (IIPH, Riyadh)
- *Encouraging Marriages and Discouraging Divorce – The Scientific Case for Marriage in Light of Quran and Sunnah*

# Introduction

The focus of this book, as its title suggests, is to encourage marriages and discourage divorce. Since marriage builds a family while divorce destroys it, the purpose of this book is to present a case for the institution of marriage and to show that married people are happier, healthier and wealthier as it has been shown by the modern social scientific researches. Conversely, the many harms and petrifying dangers of divorce have been presented in this book based on scientific studies.

Muslim parents do not realize this but they are intentionally putting their youth at risk by unnecessarily delaying their marriages. Now with the advent of hand-held smart electronics, it has become increasingly difficult for the Muslim youth to protect their chastity without getting married once they reach puberty. There is enough of the social scientific data to prove a link between single men and high crime rates, mental depression and early deaths which has been presented in this book.

Today, we are living in the age of Dajjal. The present day culture of Dajjal is inherently against the family system. In the modern age, legal changes have made divorce easier and the stigma of divorce has largely disappeared from almost all the modern societies. Marital breakdown and divorce harms individuals as well as the whole society. In the words of Patrick Fagan, a cultural expert and former family counselor: “The effects of marital breakdown on national prosperity and the well-being of individual children are like the action of termites on the beams in a home's foundations. They are weakening, quietly but seriously, the structural underpinnings of society.”<sup>1</sup>

Social scientific studies have demonstrated that children of divorced parents suffer physically, mentally and emotionally. Such children encounter deprivations, addictions and failures in their lives. Divorce increases poverty level of families. Divorce of parents leaves a deep psychological scar on the personalities of children for the rest of their lives. Children from divorced parent families commit more crimes than children from intact families. In the United States alone, for instance, over half of prison inmates are from broken homes. Parental divorce also results in more child abuse, child neglect, early deaths and increased suicide rates of kids. Children of divorced parents perform poorly in schools and colleges and have lower graduation rates as compared to children from intact, always-married parents as it is shown in this book.

Islam does not totally ban divorce. Of course, in cases of severe need, Islam has kept this exit door open. In Islam, divorce is the last resort for married couple to end their problems. Divorce is definitely lesser of the two evils when it is compared to the physical violence or adultery of the marital partner. However, the evil consequences of divorce are horrifying, terrifying and petrifying and Muslims need to be educated about those harms of divorce so that they can make an intelligent decision in cases of marital conflict. May Allah save every Muslim family from the pain of parental separation and divorce, Ameen!!

Gohar Mushtaq

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<sup>1</sup> Feulner, Edwin J. (June 30, 1999) “Divorced from Reality” The Heritage Foundation, Washington DC. <http://www.heritage.org/research/commentary/1999/06/divorced-from-reality> Retrieved on: Oct. 22, 2013.



# Chapter 1

## MARRIAGE – IN LIGHT OF QUR’AN AND SUNNAH

Marriage is a religious obligation in Islam. It’s the practice of all the prophets of Allah as the Qur’an tells us:

وَلَقَدْ أَرْسَلْنَا رُسُلًا مِّن قَبْلِكَ وَجَعَلْنَا لَهُمْ أَزْوَاجًا وَذُرِّيَّةً

“And indeed We sent Messengers before you (O Muhammad peace be upon him), and appointed for them wives and children.” (Surah ar-Ra’d: 38)

And Qur’an teaches us the supplication to be made to Allah:

وَالَّذِينَ يَقُولُونَ رَبَّنَا هَبْ لَنَا مِنْ أَزْوَاجِنَا وَذُرِّيَّاتِنَا قُرَّةَ

أَعْيُنٍ وَأَجْعَلْنَا لِلْمُنْقِيَةِ إِمَامًا ﴿٧٤﴾

“Grant to us wives and offspring who will be the comfort of our eyes, and give us (the grace) to lead the righteous.” (Surah Furqan: 74)

In various prophetic traditions, Prophet Muhammad (peace be upon him) commanded us to avoid unnecessary delays in the marriages. In one hadeeth, the Prophet (peace be upon him) said:

يَا مَعْشَرَ الشَّبَابِ، مَنِ اسْتَطَاعَ مِنْكُمُ الْبَاءَةَ فَلْيَتَزَوَّجْ، فَإِنَّهُ

أَغْضُ لِلْبَصْرِ وَ أَحْصَنُ لِلْفَرْجِ (بخارى ومسلم)

“O young people! Whoever among you can marry, should marry, for it restrains eyes (from casting evil glances) and preserves one from immorality.”

(Bukhari & Muslim)<sup>2</sup>

Similarly, prophetic companion Anas bin Malik narrated:

“A group of three men came to the houses of the wives of the Prophet asking how the Prophet worshipped (Allah), and when they were informed about that, they considered their worship insufficient and said, "Where are we compared to the Prophet as his past and future sins have been forgiven." Then one of them said, "I will offer the prayer throughout the night forever." The other said, "I will fast throughout the year and will not break my fast." The third said, "I will keep away from the women and will not marry forever." Allah's Apostle (peace be upon him) came to them and said, "Are you the same people who said so-and-so? By Allah, I

<sup>2</sup> Saheeh Bukhari. *Kitab Tafseer al-Qur’an* (The Book of Commentary of Qur’an), Chapter: Surah Falaq. Hadeeth # 4705. Saheeh Muslim. *Kitab an-Nikah* (The Book of Marriage), Chapter: Marriage is recommended for someone who is capable of it. Hadeeth # 2493

am more submissive to Allah and more afraid of Him than you; yet I fast and break my fast, I do sleep and I also marry women. So he who does not follow my tradition in religion, is not from me (not one of my followers)."

(Saheeh Bukhari)<sup>3</sup>

In another hadeeth, the Prophet (peace be upon him) said to a man:

أَنْظِرْ وَلَوْ خَاتَمًا مِنْ حَدِيدٍ (بخاری)

“Marry, even with only (a *Mahr* equal to) an iron ring.”

(Saheeh Bukhari)<sup>4</sup>

In fact, Allah commands us in the Qur’an as follows:

وَأَنْكِحُوا الْأَيْمَىٰ مِنْكُمْ وَالصَّالِحِينَ مِنْ عِبَادِكُمْ وَإِمَائِكُمْ إِنْ يَكُونُوا فُقَرَاءَ يُغْنِهِمُ اللَّهُ مِنْ فَضْلِهِ ۗ وَاللَّهُ وَاسِعٌ عَلِيمٌ

“And marry those among you who are single (i.e. a man who has no wife and the woman who has no husband) and (also marry) the Salihun (pious, fit and capable ones) of your (male) slaves and maid-servants (female slaves). If they be poor, Allah will enrich them out of His Bounty. And Allah is All-Sufficient for His creatures' needs, All-Knowing (about the state of the people).”

(Surah An-Nur: 32)

The above-mentioned verse was revealed at the time of the incident of slander of Ayesha, the wife of Prophet Muhammad (peace be upon him). Allah revealed the innocence of Ayesha (the mother of believers) in this chapter (Surah An-Nur) of the Qur’an. In explaining these verses of Surah An-Nur, Syed Abul A’la Maududi, a contemporary commentator of the Qur’an, writes in his *Tafheemul Qur’an* that “the revelation of these Commandments immediately after the Divine appraisal of the incident of the ‘slander’ clearly indicates that permeation of a calumny against the noble person of a wife of the Holy Prophet in the society, was the direct result of the existence of a sexually charged atmosphere”.<sup>5</sup> In other words, in the knowledge of Allah, the presence of a large number of young unmarried persons in any society is most often the real cause that imperceptibly gives rise to sensuality in society. It is not surprising, therefore, that the people in Madinah (not including the “Munafiqoon” or hypocrites) who participated in spreading the rumors against Ayesha, the Prophet’s wife, were all bachelors. None of them was a married person. Therefore, in order to cleanse any Muslim society of such evil, Qur’an is exhorting men and women not to remain unmarried for long and to have the marriages arranged for the bachelors or singles in the society.

<sup>3</sup> Saheeh Bukhari. *Kitab An-Nikah* (The Book of Marriage), Chapter: Encouragement to marry, hadeeth# 4776.

<sup>4</sup> Saheeh Bukhari. *Kitab An-Nikah* (The Book of Marriage), Chapter: Dower in the form of goods and an iron ring # 4855.

<sup>5</sup> Maududi, Syed Abul A’la (1998). *Tafheemul Qur’an (Towards Understanding the Qur’an)*. (Eng. trans. by Zafar Ishaque Ansari) U.K., The Islamic Foundation. Vol. 6

There are various purposes and benefits of marriage in light of the Islamic teachings. These including preservation of human race, preservation of lineage, keeping the society free from immorality and debauchery, spiritual and psychological tranquility, cooperation between spouses for building the family and raising Islamic children. In Islam, the purpose of marriage is not to merely seek physical pleasure because we are not just sexual objects. Islam gives deeper meanings to marriage which involves developing a loving relationship and intimate knowledge and commitment to another human being and building a family. Sachiko Murata and William C. Chittick, while explaining the importance of family system in a society, write in their book *The Vision of Islam*:

“A healthy society can only exist when its members are healthy. The individuals who make up the society are the primary focus of attention. But their religious well-being demands that they accept some measure of social responsibility. If, as the Prophet said, “A person who marries achieves one-half of his religion,” this is because the family is the fundamental building block of society.”<sup>6</sup>

Thus, the main purpose of marriage is parenthood and preserving the human race by building a family. As George Gilder has put it: “Marriage is not simply a ratification of an existing love. It is the conversion of that love into a biological and social continuity. The very essence of such continuity is children – now fewer than before, but retained far longer within the family bounds.”<sup>7</sup> The desire to have one’s progeny is something ingrained and enshrined in the very human nature. It is human nature to desire immortality. For this reason, many of the human beings keep on denying death throughout their lives. Human beings see their immortality manifested in their offspring. Dr. Mohammad Iqbal, the Muslim poet and philosopher, has aptly summed up this view in his path-breaking book *Reconstruction of Religious Thought in Islam* as he writes: “As a temporal being, fearing the termination of its career by death, the only course open to it is to achieve a kind of collective immortality by self-multiplication. The eating of the forbidden fruit of the tree of eternity is life’s resort to sex-differentiation by which it multiplies itself with a view to circumvent total extinction. It is as if life says to death – ‘if you sweep away one generation of living things, I will produce another.’”<sup>8</sup> Hence, the birth of children results in a deeper and stronger relationship between husband and wife.

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<sup>6</sup> Murata, Sachiko & Chittick, William C. (1994). *The Vision of Islam*. St. Paul, Minnesota, Paragon House.

<sup>7</sup> Gilder, George (2001). *Men and Marriage*. Louisiana, Pelican Publishing Company.

<sup>8</sup> Iqbal, Sir Mohammad (Allama) (1994). *The Reconstruction of Religious Thought in Islam*. New Delhi, Kitaab Bhavan.

## Chapter 2

# MUSLIM YOUTH: THE VICTIMS OF LATE MARRIAGES

One of the social problems afflicting the Muslims of the present age is the unnecessary delay of their marriages. It is because of the late marriages that Muslim youth fall into the trap of grave sins such as courtship, dating, Valentine's Day celebration, masturbation, and watching pornographic movies. Marriage is a moral safeguard and helps men and women in lowering their gaze. There are many factors that contribute to this social problem but the biggest contributing factor to this social problem, however, is the negligence of the Muslim parents themselves. We must not underestimate this issue of delaying the marriages of our Muslim youth. This issue has implications far reaching than most people can imagine. Christian sociologist Carl W. Wilson states in his 1979 book, *Our Dance Has Turned to Death*, that when a society starts to devalue traditional marriage and the family system, that is a one-way ticket to destruction and decline of that society.<sup>9</sup> Carl Wilson noted that history reveals that nations decline and eventually die when marital bonding is devalued and the traditional family is discarded in favor of other life-styles.

Similarly, British anthropologist Joseph Daniel Unwin, in his magnificent book, *Sex and Culture*, studied the decline and fall of 86 different cultures throughout history. J. D. Unwin discovered a surprising fact with all those studies: No nation that rejected marriage and pre-marital sexual chastity lasted longer than a generation after it embraced sexual hedonism. In his own words, Unwin stated: "In human records there is no instance of a society retaining its energy after a complete new generation has inherited a tradition which does not insist on prenuptial and postnuptial continence."<sup>10</sup> Unwin found that nations that valued traditional marriage and sexual abstinence were creative and flourished. He described this as "cultural energy" that can only be maintained when sexual activities remain restricted within marriage.<sup>11</sup> George Gilder links marriage to the social health of the society and regards a promiscuous society as running "high fever": "As a social institution, marriage transcends all individuals. The health of a society, its collective vitality, ultimately resides in its concern for the future, its sense of a connection with generations to come. There is perhaps no more important index of the social condition. It is the very temperature of a community. A community preoccupied with the present, obsessed with an immediate threat or pleasure, is enfevered.... [And] if it finds itself perpetually enfevered, it begins to run down and can no longer provide for the future. Its

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<sup>9</sup> Wilson, Carl (1981). Our Dance Has Turned To Death. Illinois, Tyndale House Publishers.

<sup>10</sup> Unwin, Joseph Daniel (1934). Sex and Culture. U.K., Oxford University Press.

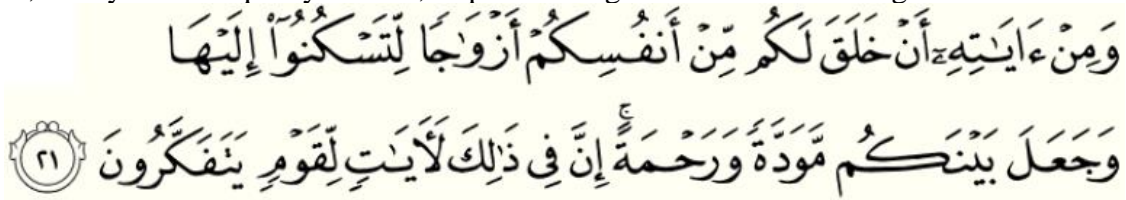
<sup>11</sup> Sheldon, Rev. Louis P. "Destruction of Marriage Precedes the Death of a Culture". Traditional Values Coalition Education and Legal Institute. Anaheim, California.

social programs can fail to work, its businesses can fail to produce, its laws can become unenforceable.”<sup>12</sup>

Since marriage is a fundamental building block of a family and it has been so commanded in the Qur’an and *Sunnah*, the purpose of this book is to present a case for the institution of marriage and to show that married people are happier, healthier and wealthier as it has been shown by the modern social scientific researches.

## Benefits of Marriage & Harms of Being Single

Marital relationship, according to Islam, is a bond of inalienable intimacy. Islam commands its followers to arrange the marriages as soon as possible (Surah Nur: 32). The Qur’an clearly asserts that Allah created the spouses of the two genders to provide each other with love, mercy and tranquility. In fact, a spouse is regarded as one of the signs of Allah:



*“And among His Signs is this that He created for you mates from among yourselves that ye may dwell in tranquility with them and He has put love and mercy between your (hearts); verily in that are Signs for those who reflect.”*

(Surah Ar-Rum: 21)

Hence, according to the Qur’an, there lies a great wisdom in the husband-wife relationship. This fact mentioned in the Qur’an has been discovered only now by the modern social scientists. American social scientist George Gilder notes in his book *Men & Marriage* that in any society, successful and famous men are those who are married. This is so because only after a man subjects his undefined, immense potential abilities to the creative energies and motherhood of a woman, she channels his abilities into the right direction and he climbs the ladder to success.<sup>13</sup> If men lose their procreating aim, all of their potentialities go down the drain. Men are promiscuous by their nature and it is only the institution of marriage that converts their aimless lust and irresponsible sexual behavior into constructive love and long-term commitment. Marriage creates a sense of responsibility and accountability in men towards their family. It is the love of a wife that “tames the barbarian” inside the man into a civilized person.<sup>14</sup>

Not surprisingly, modern social scientific research and statistics reveal that there is much biological and psychological harm associated with delaying of marriages. Muslim parents who delay the marriages of their sons or daughters must bear in mind that their children could be the victims of such harms. Therefore, they must mend the fences before it is too late. It is usually the bachelor men’s parents who deliberately or unintentionally neglect

<sup>12</sup> Gilder, George (2001). *Men and Marriage*. Louisiana, Pelican Publishing Company.

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

and delay their son’s marriage. According, statistics tells us that delaying the marriage and remaining single for long period of time is most harmful for the bachelor men (although single women also suffer to a lesser degree). The following table has summarized the problems of unmarried men which includes bachelor, divorced and widowed men. Let’s begin our discussion with the psychological harms of delaying the marriages:

<b>Table: Problems of Unmarried Men</b>	
<b>List of Problem</b>	<b>Prevalence in Umarried Men compared to Married Men</b>
Depression	30% more
Phobia	30% more
Admission to a mental institution for a mental illness	22 times more
Nervous Breakdown	3 times more
Difficulty going to sleep	3 times more
Seeing Nightmares	3 times more
Committing of Violent Crimes	5 times more
Committing of Rape	5 times more
Earnings or Salaries	30% less
Death Rate of Single, Divorced or Widowed Men	Twice as likely to die sooner
<b>Summarized from:</b>	
Bernard, Jesse (1972). <i>The Future of Marriage</i> . New York, World Publishing Company.	
<i>Uniform Crime Reports</i> (1980) Federal Bureau of Investigation (Washington, D.C.)	
"Marital Status and Earnings in Developed Countries," (1995) <i>Jour. of Population Economics</i> . <b>8</b> , 351-359.	
"Mortality Differentials by Marital Status: An International Comparison" (1990) <i>Demography</i> <b>27</b> (2), 233-250.	

## Single Men and Psychological Illnesses

The main problem of single men (bachelors, divorced and widowed) is their psychological and physical health condition which are the result of loneliness and lack of physical contact and touch with the spouse. Although, generally men have more psychological illnesses than women, single men suffer the most psychological problems of all. Social critic Jesse Bernard presents the evidence in his book *The Future of Marriage* based on the demographic data according to which, except possibly for the divorced, the single most disturbed group in the United States (and perhaps in the whole world) are single men.<sup>15</sup> Between the ages of 25 and 65, single men are 30% more likely than married men or single women to be depressed. They are 30% more likely to exhibit a tendency toward phobias and passivity. Similarly, compared to married men in the society, the unmarried man is three times more likely to experience a nervous breakdown and 22 times more likely to be admitted to a mental institution due to a mental illness. They suffer from insomnia (difficulty going to sleep) three times more, and if they do go into sleep, they are three

<sup>15</sup> Bernard, Jesse (1972). *The Future of Marriage*. New York, World Publishing Company.

times more likely to have nightmares.<sup>16</sup> In this regard, University of Chicago psychologist John T. Cacioppo measured the brain activity of lonely as well as non-lonely people during their sleep. Cacioppo discovered that the brains of lonely people were going through a lot more micro awakenings as compared to the brains of non-lonely people as was suggesting that the brains of lonely people were on alert throughout the night. Cacioppo concluded in his study that loneliness triggers our basic survival mechanisms as a result of which our brain wakes up more.<sup>17</sup>

A more conclusive data on this subject comes from a research study conducted by social scientist Leo Srole and associates and reported in their book *Mental Health in the Metropolis: The Midtown Manhattan Study*. According to the statistics compiled in Srole's report, it was evident that there is not so much of a difference between married men and women in terms of their mental health, i.e. about one-fifth of both of them are impaired. However, based on the report, single men appear to be in the worst condition and they are the ones who are deteriorating most rapidly with age. A total of 46 percent of all single men between the ages of fifty and fifty nine in the Manhattan survey suffered from "mental health impairment".<sup>18</sup>

There is an old Swedish proverb: "Shared joy is double joy. Shared sorrow is half sorrow." Marriage provides us with an opportunity to share our joys and sorrows in our life. Marriage means always having an access to a friend and a confidant. A man's wife is there in the middle of the night when his worries are keeping him up. His wife is there when he needs to unload the frustrations of the day. A wife is someone with whom a man has made a social commitment to be together with her in the ups and downs of life. For a man, his wife is the biggest shield against loneliness.

## Single Men and Crimes Rates

Marital life and the presence of wife and children civilize a person. Marriage seems to help men abstain from various forms of law-breaking. According to the statistics provided by the *Uniform Crime Reports* published by the Federal Bureau of Investigation (Washington, D.C., 1980), 90% of all violent crimes are committed by single men even though above the age of 14 they only make up about 13% of the population. Even as adults, single men commit violent crimes 5 times more than married men. Worst of all, according to the *Uniform Crime Reports* (1980), single men are usually convicted of rape, the most heinous of the crimes, five times more often than married men.<sup>19</sup>

A more recent and definitive study on this subject has been reported in the 1998 issue of *American Sociological Review* (vol. 63) by the researchers Laub, Nagin and Sampson. The

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<sup>16</sup> Ibid.

<sup>17</sup> Cacioppo, John T. and Patrick, William (2008) Loneliness: Human Nature and the Need for Social Connection. New York, W. W. Norton & Company.

<sup>18</sup> Srole, Leo, Thomas S. Langner, Stanley T. Michael, Marvin K. Opler, Thomas A. C, Rennie. (1978). Mental Health in the Metropolis: The Midtown Manhattan Study. (Vol.1) New York, New York University Press.

<sup>19</sup> *Uniform Crime Reports* (1980) Federal Bureau of Investigation (Washington, D.C.)

title of their research was “Trajectories of Change in Criminal Offending: Good Marriages and the Desistance Process”. The researchers conducted this study on five hundred chronic juvenile delinquents to find out as to why some youngsters stop criminal activities while some others continue being arrested into their thirties. They found that a good marriage made a major difference. It was observed in the study that men who reformed were quite similar to men who did not with respect to their childhood and family environment. They also had similar IQs, were at same poverty levels and were arrested as teens about as frequently. However, over time those who entered a good marriage sharply reduced their criminal activity. The researchers estimated that a good marriage reduced the offense rate by hardcore delinquents by nearly two-thirds, compared to criminals who did not marry.<sup>20</sup>

In concluding their study, the researchers noted that sometimes, “some high-rate-offenders enter into circumstances like marriage that provide the potential for informal social control. When they do, and in our case when marital unions are cohesive, the investment has a significant preventive effect on offending.”<sup>21</sup> They also stated:

“Early marriages characterized by social cohesiveness led to a growing preventive effect [on criminal behavior].... The data support the investment-quality character of good marriages.”

This research clearly shows that marriage has the potential to change even hardcore criminals. Hence, marriage can change the spoiled youth by giving them the sense of responsibility and social bonding.

There lies a great wisdom in every commandment of Islam. Fourteen centuries ago, Qur’an has commanded the individuals of a Muslim society to help in arranging the marriages of the bachelors in the society to reform the single people who are indulged in crimes or who may be inclined towards the socially unacceptable behavior. But it is an irony that today Qur’an is regarded as a ceremonial book and not as a pragmatic book. The above-stated statistics are not just cause for sympathy for the single man, but a cause for concern. Muslim parents must be conscious of this. Muslim parents must understand that marrying their youngsters is extremely beneficial for their youth and will only help to further civilize them.

Although most of the social scientific research done on single versus married men presented here is conducted in Western countries and not in Muslim countries but we must bear in mind that the consequences of delaying the marriages are quite similar in any society for the simple reason that the basic human instincts do not change across the societies. It has been clearly stated in the Qur’an in the following words:

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<sup>20</sup> Laud, John H., Daniel S. Nagin & Robert J. Sampson. (1998), “Trajectories of Change in Criminal Offending: Good Marriages and the Desistance Process” *American Sociological Review*. Vol. 63, p. 225-238. *Quoted in: Waite, Linda and Gallagher, Marrie (2000) The Case for Marriage*

<sup>21</sup> Ibid.



فَأَقِمْ وَجْهَكَ لِلدِّينِ حَنِيفًا فِطْرَتَ اللَّهِ الَّتِي فَطَرَ النَّاسَ عَلَيْهَا لَا  
تَبْدِيلَ لِخَلْقِ اللَّهِ ذَٰلِكَ الدِّينُ الْقَيِّمُ وَلَكِنَّ أَكْثَرَ  
النَّاسِ لَا يَعْلَمُونَ ﴿٣٠﴾

"Then set your face upright for religion in the right state-- the nature made by Allah in which He has made men; there is no altering of Allah's creation; that is the right religion, but most people do not know." (Surah Ar-Rum: 30)

## Single Men and Low Salaries

In the Qur'an, Allah has promised the believers who get married to increase them in their sustenance:

إِنْ يَكُونُوا فُقَرَاءَ يُغْنِهِمُ اللَّهُ مِنْ فَضْلِهِ ۗ

"If they be poor, Allah will enrich them out of His Bounty." (Surah An-Nur: 32)

Indeed the promise of Allah is true. There exists a striking difference in the salaries of single men compared to married men. According to a report of the U.S. Bureau of the Census published in 1985, married men can earn as high as 70 percent more than single men or single women.<sup>22</sup> Moreover, based on the data from the Census Bureau, for a married high-school graduate, there are 4 times better chances than a comparable single of eventually earning above \$30,000. These statistics establish beyond the shadow of any doubt that married people are always the ones who are wealthier and earn more than singles in the society. Married men accumulate more wealth than people who are single or separated. For this reason, George Gilder advises single people in the following words: "It could well be more important for an ambitious young man to get married than to go to college. Married men are the only ones in the population who in general tend to reach the high echelons of earners."<sup>23</sup>

In a recent study reported in the 1991 issue of the *Industrial Labor Relations Review*, researcher Joni Hersch looked at whether the differences in the salaries of husbands and bachelors could be explained by the kinds of jobs they take. After controlling for family responsibilities, it was found that married men still earned 17 percent more than did single men with similar responsibilities.<sup>24</sup> Commenting on findings from other similar studies, researchers Waite and Gallagher noted:

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<sup>22</sup> U.S. Bureau of the Census, Current Population Reports, Series P-60, No. 146, "Money Income of Households, Families, and Persons in the United States, 1983" Washington, D.C., U.S. Government Printing Office, 1985, Table 45, pp. 145-152.

<sup>23</sup> Gilder, George (2001). Men and Marriage. Louisiana, Pelican Publishing Company.

<sup>24</sup> Hersch, Joni. (1991), "Male-Female Differences in Hourly Wages: The Role of Human Capital, Working Conditions, and Housework," *Industrial Labor Relations Review*. Vol. 44, p. 749-759. Quoted in: Waite, Linda and Gallagher, Marrie (2000) The Case for Marriage

“The majority of husbands’ higher earnings come from the increase in men’s productivity that marriage itself causes.... For the male worker, a wife is a secret weapon, giving him, over time, a powerful competitive advantage over his unmarried coworkers.”<sup>25</sup>

It must also be noted that this phenomenon of married men earning more than single men is not limited to America. In one recent study published in 1995 issue of the *Journal of Population Economics*, economist Robert F. Schoeni conducted a comparison of men’s earnings in 14 developed countries of the world. Schoeni found that essentially in every country studied, married men earned much more than unmarried men. In the United States, based on Schoeni’s findings, married men earned 30 percent more than never-married men.<sup>26</sup> In addition, it has been observed in different studies that the longer the men are married, the bigger the wage premium they receive, compare to single men’s earning power. The fact that this phenomenon of married men earning more than unmarried men seems universal tells us that there must be profound reasons of its occurrence. One of the reasons is that married men, in general, lead more settled lives. They know that they have to financially take care of their families so they are more likely to save money. Married men also have lower rates of absenteeism from work. In addition, there is another reason pointed out by Goldscheider and Waite in their book *New Families, No Families?: The Transformation of the American Home* that married men have more time to devote to work because their wives can take care of the majority of the housework such as making the dinner, doing the laundry, child care, helping children doing the home-work, etc. With this division of labor, husbands can better focus of work and, hence, they can specialize in earning money.<sup>27</sup> All this reminds us of the golden advice of the second rightly guided caliph Umar bin Khattab (may Allah be pleased with him) he gave to Ibrahim bin Muhammad bin al-Muntashar:

ابْتَغُوا الْغِنَى فِي النِّكَاحِ (عمر بن خطاب)

“Seek prosperity in marriage.”<sup>28</sup>

## Single Men and Early Deaths

Of all the groups in the society, single males have the highest death rate and the cause of this death in most of the cases is suicide. In the testimony prepared for delivery to the U.S. House of Representatives, Select Committee on Children, Youth and Families on 20<sup>th</sup> of

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<sup>25</sup> Waite, Linda and Gallagher, Marrie (2000) The Case for Marriage: Why Married People are Happier, Healthier, and Better Off Financially. New York, Doubleday.

<sup>26</sup> Schoeni, Robert F. (1995), “Marital Status and Earnings in Developed Countries,” *Journal of Population Economics*. Vol. 8, pp. 351-359. Quoted in: Waite, Linda and Gallagher, Marrie (2000) The Case for Marriage

<sup>27</sup> Goldscheider, Frances K. and Waite, Linda (1991) New Families, No Families?: The Transformation of the American Home. Berkeley, Univ. of California Press.

<sup>28</sup> Waliullah, Shah Muhaddith Dehlawi (n.d.). Izalat al-Khafa' an Khilafat al-Khulfa. (Chapter: Risala Fiqh Umar Farooq, Kitab an-Nikah). Karachi, Qadimee Kutub Khana. Vol. 3, pg. 407.

July, 1983 titled “Trends in Youth Suicide, Homicide, Arrests, and Drug Use,” the University of Illinois (Chicago) researcher Edward A. Wynne indicated that the suicide rate for young men between ages 15 and 19 rose by 154% between the years 1960 and 1977. Sadly enough, suicide is not limited to young single men only. The fact of the matter is that the older a man gets without marrying, the more likely he is to commit suicide.<sup>29</sup>

Renowned sociologist Emile Durkheim in his book *Suicide, A Study in Sociology* studied the high suicide rates of single men in the nineteenth century throughout Europe in regions including France, Switzerland, Italy, Prussia, Saxony, Baden and other areas. Durkheim stated regarding the high suicide rates of single men: “The bond attaching the [single] man to life relaxes because that attaching him to society is itself slack.”<sup>30</sup> When men and women are bonded in a marital relationship, it gives them a sense of personal value. This feeling of being important in the eyes of someone lessens the likelihood for those men and women to commit suicide. In addition, single men are more prone to depression from any issue primarily due to their loneliness. This subject has been dealt in detail by James J. Lynch, M.D. in his book *The Broken Heart: The Medical Consequences of Loneliness*.

The high death rates of single men compared to married men in the society is not limited to suicides, although that is the major cause. From the statistics provided by Ross and her colleagues published in the 1990 issue of the *Journal of Marriage and the Family*, the death rates of unmarried men are especially high with regard to the causes of death “that have a large behavioral component, such as lung cancer and cirrhosis, or that kill young and middle age adults, such as suicide”.<sup>31</sup> According to statistics provided by this study, single men have death rates that are 250% higher than married men while single women have mortality rates that are 50% higher than married women. Likewise, married people spend much less time in hospitals compared to their unmarried counterparts and, when married people do get admitted in the hospitals, they have higher recovery rates. There is scientific evidence which shows that social support boosts a person’s immune system, resulting in his/her quicker recovery from an illness.<sup>32</sup> Another noteworthy point here is that unmarried women also suffer high death rates compared to their married counterparts, except that the causes of their deaths are not as dramatic as in the case of men.

Cutaneous malignant melanoma is a deadly form of skin cancer. Although only 3 to 5 percent of all skin cancers are of this type, it is responsible for nearly 75 percent of all deaths caused by skin cancers.<sup>33,34</sup> In one recent study published in the 2014 issue of the

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<sup>29</sup> Quoted in: Gilder, George (2001). *Men and Marriage*. Louisiana, Pelican Publishing Company.

<sup>30</sup> Durkheim, Emile (1966). *Suicide, A Study in Sociology*. (trans. by John A. Spaulding and George Simpson, ed. George Simpson). New York, The Free Press.

<sup>31</sup> Catherine, E. Ross, John Mirowsky, Karen Goldsteen. (1998), “The Impact of the Family on Health: Decade in Review ” *Journal of Marriage and the Family*. Vol. 52, p. 1061. Quoted in: Waite, Linda and Gallagher, Marrie (2000) *The Case for Marriage*

<sup>32</sup> Ibid.

<sup>33</sup> Sladden, Michael J., Balch C, Barzilai DA, Berg D, et al. (2009) “Surgical excision margins for primary cutaneous melanoma”. *Cochrane Database Syst Rev*. Vol. 4: CD004835.

<sup>34</sup> American Cancer Society. Cancer facts and figures 2010. <http://www.cancer.org/Research/CancerFactsFigures/CancerFactsFigures/cancer-facts-and-figures-2010>. Accessed July 4, 2014.

*Journal of Clinical Oncology*, it has been revealed that those men who are unmarried (single or divorced) develop cutaneous malignant melanoma and had early deaths from it at a much higher rate compared to men who are married and live with a wife. This study also showed that women living alone developed this form of skin cancer at a higher rate compared to women living with a spouse, although the risk was not as high as that of men. This comprehensive research was conducted by Hanna Eriksson, MD, PhD, of the department of oncology-pathology at Karolinska University Hospital Solna, Sweden. Dr. Eriksson and her colleagues carried out this population based study on 27,235 patients from Swedish between the years 1990 and 2007. The results of this study showed that men living alone had a 42% increased risk of being diagnosed with stage II cutaneous malignant melanoma disease compared with stage I disease, when compared with men living with a spouse. Moreover, men living alone also had a 43% increased risk of being diagnosed with stage III/IV cutaneous malignant melanoma when compared with stage I disease.<sup>35</sup> Dr. Eriksson commented on the results of her study:

“We found that men living alone have a decreased survival in cutaneous malignant melanoma as compared to men living with a partner even after full adjustments including age, level of education and histopathologic prognostic factors.”<sup>36</sup>

What is even more startling is that social scientists have observed a strong relationship between marriage and death across numerous societies and regions of the world. According to the research of two social scientists Yuanreng Hu and Noreen Goldman published in the 1990 issue of the journal *Demography*, it was found that in countries as diverse as Japan and the Netherlands, the unmarried men and women die sooner than the married people. Furthermore, Hu and Goldman found that in most developed countries, men of any given age who are single, divorced, or widowed are about twice as likely to die sooner compared to married men. For unmarried women, the death rate is one and a half times greater than married women.<sup>37</sup> These statistics from different countries across the world show that Muslim countries are not safe from the ill-effects of delaying the marriages.

In all these researches, the high death rates of single or divorced men from diseases could be ultimately due to the depression or stress of loneliness. A single, widowed or divorced man or a woman does not have the opportunity to share his/her concerns with his/her spouse in order to relieve his/her stress, because after all, human beings are social creatures. It is little wonder that the marital bond between a husband and a wife is regarded as one of the Signs of Allah in the Qur’an as indicated earlier (Surah Ar-Rum: 21).

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<sup>35</sup> Eriksson, Hanna, Lyth J, Månsson-Brahme E, Frohm-Nilsson M, et al. (March 31, 2014) “Later Stage at Diagnosis and Worse Survival in Cutaneous Malignant Melanoma Among Men Living Alone: A Nationwide Population-Based Study From Sweden” (doi: [10.1200/JCO.2013.52.7564](https://doi.org/10.1200/JCO.2013.52.7564))

<sup>36</sup> Lawrence, Leah. (April 10, 2014) “Living Alone Increased Men’s Risk for Late-Stage Melanoma” Cancer Network (<http://www.cancernetwork.com/news/living-alone-increased-mens-risk-late-stage-melanoma?GUID=A3B9460E-ACBA-46A4-B95B-F595128D85CD&rememberme=1&ts=16042014>) Retrieved on: July 3, 2014.

<sup>37</sup> Hu, Yuanreng & Goldman, Noreen (1990), “Mortality Differentials by Marital Status: An International Comparison” *Demography*. Vol. 27(2), pp. 233-250.

## Advice of Islamic Scholars to Muslim Youth

Islamic scholars were aware of the wisdoms of marriage long before the social scientific researches of our present age. This is so because Qur'an exhorts the Muslims to avoid unnecessarily delaying the marriages. Islam understands that young age is a time of great distress for both boys and girls. Upon reaching the age of puberty, there is a surge of sex hormones in their bodies. In case of delaying the marriages of young men and women, a lot of their creative energies are wasted and their concentrations are diverted fighting their sexual urges. The best solution is to marry those youth because this funnels their creative energies into the right direction. We must not pay heed to the modern myth that marriage prevents young men and women from attaining highest level of education. In fact, marriage creates a sense of responsibility in the youth and provides the married youth with necessary concentration of mind to attain the highest education or profession in their society.

Ali Ibn Usman al-Jullabi al-Hujwiri (died 1077 CE) was the great Islamic scholar of the Indo-Pak sub-continent. In his famous book *Kashf Al Mahjub* ("Revelation of the Veiled"), he mentions that he spent his whole life traveling and spreading the message of Islam and, hence, he could not get married. However, based on his own experiences and knowledge, he advised the Muslim youth about the importance of marriage in the following words:

“There are two dangers in remaining single – one, forsaking the Sunnah of Prophet Muhammad (peace be upon him), and two, nurturing lust in your body which can put you into trial and tribulation at any time.... And I (Ali Ibn Usman al-Jullabi al-Hujwiri) myself have been the victim of this. Hence, I know the destructive consequences of loneliness. I did not get married for 11 years but eventually I got into tribulation and I fell in love with a woman without even seeing her face. My mind remained preoccupied with her for one whole year. I was close to having my faith destroyed but finally only Allah saved me from this tribulation and kept me chaste out of His Mercy. Therefore, never remain single. Get married as soon as possible.”<sup>38</sup>

Abu al-Faraj Abdur Rehman Ibn al-Jawzi (died 1201 CE/ 597 AH) states in his book *Talbees Iblees* (The Devil's Deception) that Satan (devil) deludes some people among the Muslims to adopt the life-style of monasticism and forsake marriage with the notion that marriage takes them away from the remembrance of Allah and inclines them to the love of this world. Ibn Jawzi clarifies that the notion of monasticism has crept into Islam from Christianity and there is no room for it in Islam as the Qur'an tells us: “*But the monasticism which they invented for themselves, We did not prescribe for them*” (Surah Hadeed: 27) Then he writes:

“Satan has no better weapon to lead astray a pious Muslim than tempting him to delay his marriage. People do not realize that when a child cries and asks his father to give him bread, there is a great reward in feeding your children. On the other hand, unmarried worshippers cannot reap such rewards unless they marry”.<sup>39</sup>

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<sup>38</sup> al-Hajweri, Ali Ibn Usman al-Jullabi (1970) *Kashf Al Mahjub* (trans. Mian Tufail Muhammad) Lahore: Islamic Publications

<sup>39</sup> Ibn al-Jawzee, Imam Abdur Rehman (1991). *Talbees Iblees (The Devil's Deception)*. Multan, Kutab Khana Majeedia

A young man once wrote a letter to Syed Abul A'la Maududi asking him his fatwa if it was ok for that man to remain a single and not get married. To support his decision, the young man gave the examples of Islamic scholars such as Sheikh ul Islam Ibn Taymiyyah (died 728 CE) and Sheikh Nizamuddin Awliya Dehlawi (died 1325 CE) who did not marry in their whole life. Syed Maududi replied back to the young man with the following words of advice:

“We have no way of knowing why Sheikh Ibn Taymiyyah or Sheikh Nizamuddin Awliya did not marry. I cannot come up with a self-concocted interpretation for their actions and cause the Muslims to go astray because of my interpretation. If you do not marry, you may be successful in preventing your limbs and eyes from committing a sin but you will surely not be able to protect your mind from the effects of lust (*shahwaa*). For us the best example is in Prophet Muhammad (peace be upon him) to follow who got married and who had children.”

(*Risaa'el wa Masaa'el*)<sup>40</sup>

Dr. Bilal Philips, a contemporary Muslim scholar was addressing an audience in Toronto in his lecture titled “*In the Shade of the Throne*” in which he advised the Muslims that in order to protect young people from the trials of the hormones, Prophet Muhammad advised the young people to get married and if they are unable to do so then he advised them to fast because it will cut their desires. [Bukhari] Hence, young people are encouraged to marry young. Dr. Philips lamented that unfortunately, in the Muslim world today, Muslims discourage their young people from marrying young. They are told they should finish their education first, complete their university education, get their degrees and then get married. And then to add insult to the injury, Muslim parents may add that it would be better for a young man also to get for him a house and all these other things first, he should have everything prepared and then get married. What are the consequences of causing all these hurdles in the marriages of Muslim youth? Dr. Philips informed his audience:

“It causes many young people to go through the most difficult period of their lives unmarried and when they finally reach their late twenties or early thirties, they get married. So what happened in those almost twenty years between 13 and 30? What happened to that? And whose fault is that? Primarily, it is the fault of the parents. Of course, when the children reach the basis of adulthood in puberty, they are held accountable for their actions but parents also carry a greater sin for having not helped their children in the difficult situation.... And then we find young girls and young boys involved in corruption [premarital sexual behavior] here as a result of them not having got married. This is a great sin being perpetuated by Muslim families here in this part of the world and elsewhere and we need to address this issue if we are to try to build wholesome communities which fear Allah.”<sup>41</sup>

Hence, it is an obligation and duty on Muslim parents to arrange for their young son and daughter's marriage as soon as possible. They must not wait until their son or daughter becomes an ATM (bank's automated teller machine) to generate money before marrying him/her even if his/her age is increasing.

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<sup>40</sup> Maududi, Syed Abul A'la (1990) *Rasaail-o-Masaail* Lahore: Islamic Publications

<sup>41</sup> Philips, Dr. Bilal (n.d.). “In the Shade of the Throne” (audio speech) Toronto, Canada. (<http://www.kalamullah.com/bilalphilips.html>) Retrieved on: July 4, 2014.

## Solution for the Muslim Youth

Islam encourages the binding of men and women in the sacred relationship of marriage. In Islam, marriage is a social commitment. However, today just the thought of marriage makes us think of all the hassles, stress and expenses of marital ceremony. Many parents assume that if their adolescent son or daughter is not asking them upfront to marry him/her, this means that they are not feeling any need for it yet but not every young Muslim girl or boy are upfront, outspoken and frank with their parents to tell them that enough is enough, now get me married. It is not easy to beat our biology and our sex hormones. In fact, many times who youth who are not pushing their parents to marry them are having an affair with someone and, hence, they do not feel the need at that present time to push their parents. Ibrahim bin Mai'sara narrates from Ta'wus who narrates that Umar bin Khattab said to one man who was unnecessarily delaying his marriage:

مَا يَمْنَعُكَ مِنَ النِّكَاحِ إِلَّا عَجْزٌ أَوْ فُجُورٌ (عمر بن خطاب)

“Nothing can cause you to delay your marriage except impotence (erectile dysfunction) or involvement in illicit relationship (with a woman).”<sup>42</sup>

The society has drilled this thought pattern in the minds of parents and the youth alike that young people have to finish their education up to the highest degree in the university, then they must save lots of money, buy a house and only then they can get married. Young people who are in colleges and universities, they make friendships with their classmates because they cannot escape their biology. The desire for the opposite sex is there and the only *halal* (permissible) way to lower the gaze and fulfill the sexual desire of any youth is to get married. Those young boys or girls, who get involved into shameful acts and premarital illicit relations, later find it difficult to have great enthusiasm for marriage because the pleasure they initially got from courtship or premarital affairs was so intense that it sapped all of their energies. Similar phenomenon of lack of great expectations from marriage also happens to pious young men and women but for a different reason. By the time those pious Muslims get married in their late twenties or even thirties, they are so much exhausted that they have no energy left to use towards a successful and fruitful marriage. All this happens because marriages are greatly delayed in some Muslim societies due to excessive expenses and wasting of wealth associated with marriages and marital ceremonies as this lengthy and costly process is vividly portrayed in the words of sister Lubaba Qassim as follows:

“Muslim marriages today involve lengthy dialogue between families, which include everyone aside from the two individuals concerned. Hard bargains and negotiations determine the value and worth of the bride in terms of bright red and green stones set in chains of gold. In addition, obscene, unpleasant and offensive amounts of guests and food set the tone of the wedding day itself...[and] the string of endless nights of partying, drumming and henna gatherings. What is the origin of the yellow and green outfits, oil, candles, ten-pound notes and gold rings, and indecently dressed women dancing in the company of unrelated males? This is because so much more is invested in preparing for the actual event of marriage than consideration for the rest of the couple's married life. It becomes impossible to

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<sup>42</sup> Waliullah, Shah Muhaddith Dehlawi (n.d.). *Izalat al-Khafa' an Khilafat al-Khulfa*. (Chapter: Risala Fiqh Umar Farooq, Kitab an-Nikah). Karachi, Qadimee Kutub Khana. Vol. 3, pg. 407.

imagine how long it may take for a family to get to the position of being financially able to put on such a grand spectacle!”<sup>43</sup>

Muslim psychologist Dr. Badri reiterates the same concerns by pointing out that today Muslim marriage have become extremely expensive due to the squandering of wealth on marriage ceremonies for showing off as well as following the marriage customs taken from Hindu or other idol-worshipping societies.<sup>44</sup> One such custom is the paying of bride’s dowry, which contrary to Islamic teachings, the parents of the bride are burdened with. Dr. Badri suggests that the solution to this problem in the Muslim countries is to set up inexpensive mass weddings with nominal bridal gifts on the national level, as is being done in Sudan on the 27<sup>th</sup> day of the Arabic month of Rajab. Indeed, as pointed out in a tradition by Prophet Muhammad (peace be upon him) in a hadeeth, the best marriage is the inexpensive marriage:

أَعْظَمُ النِّكَاحِ بَرَكَاتُهُ أَيْسَرُهُ مَوْنَةً

(بيهقي في شعب الإيمان)

“The most blessed *marriage (nikah)* is the one with the *least expenses*.”

(Shu'ab al-Eman by al-Bayhaqi)<sup>45</sup>

However, the best and quickest way to solve this problem is to solve it on the individual level. Today many Muslim parents have devised complex criteria for seeking a match for their children’s marriages which often causes unnecessary delay in marriages. One of the duties of Muslim parents is arranging the marriage of their child when he or she reaches the age of marriage. Prophet (peace be upon him) guided the marriage seekers to look for a pious partner. Abu Hurairah narrated that Prophet Muhammad (peace be upon him) said:

تَنْكُحُ الْمَرْأَةُ لِأَرْبَعٍ : لِمَالِهَا وَلِحَسَبِهَا وَلِجَمَالِهَا وَلِدِينِهَا فَاطْفَرُ

بَدَاتِ الدِّينِ تَرَبَّتْ يَدَاكَ . (بخارى . مسلم)

“A woman is married for four things, i.e., her wealth, her family status, her beauty and her religion. So you should strive to marry the religious woman (otherwise) you will be a loser.”

(Bukhari & Muslim)<sup>46</sup>

Muslim parents should not delay the marriages of their children to such an extent that the only way out left for their young son or daughter is to indulge in flirting, dating, courtship

<sup>43</sup> Qasim, Lubaba “Islam’s First Tale of Love” Muslimyouth.net Campaign.

(<http://www.muslimyouth.net/campaigns?id=13&art=118>) Retrieved on: Nov. 16, 2012.

<sup>44</sup> Badri, Malik (1997). *The AIDS Crisis: An Islamic Socio-cultural Perspective*. Kuala Lumpur, The International Institute of Islamic Thought and Civilization.

<sup>45</sup> This hadeeth has also been narrated by Ahmad and al-Haakim with similar wordings. Al-Haakim has graded this hadeeth as *saheeh* on the conditions of Imam Muslim and Imam adh-Dhahabi has agreed with this.

<sup>46</sup> *Saheeh Bukhari*. *Kitab an-Nikah* (The Book of Marriage), Chapter: Equivalence in the *deen* (religion). Hadeeth # 4802. *Saheeh Muslim*. *Kitab ar-Rida'* (The Book of Nursing), Chapter: It is recommended to marry the one who is religious. Hadeeth # 1466.



before marriage and love-marriages. Research has shown that marriages which are the result of flirting, dating and courtships are temporary. Experience has shown that “testing the waters” before marriage does not seem to help compatibility. Renowned Feminist Germaine Greer has accepted this fact in her book *The Whole Woman* when she wrote: “Some of the briefest marriages are those that follow a long period of cohabitation.”<sup>47</sup>

Similarly, in another hadeeth, Abu Hatim Al-Mazni narrated that Prophet Muhammad (peace be upon him) said:

إِذَا تَأْتَاكُمْ مَنْ تَرْضَوْنَ دِينَهُ وَخُلُقَهُ فَأَنْكِحُوهُ ، إِنْ لَا تَفْعَلُوا تَكُنْ فِتْنَةً  
فِي الْأَرْضِ وَفَسَادٌ كَبِيرٌ (ترمذی)

“If you were approached by he whose religion and manners satisfy you, let him marry your daughter, if you do not do that, there will be dissension in the earth and great corruption.”

(at-Tirmidhi)<sup>48</sup>

Likewise, Ali bin Abu Talib narrates that Prophet Muhammad (peace be upon him) advised him:

يَا عَلِيُّ! ثَلَاثٌ لَا تُؤَخَّرُهَا: الصَّلَاةُ إِذَا آتَتْ ، وَالْجَنَازَةُ إِذَا حَضَرَتْ ،  
وَالْأَيِّمُ إِذَا وَجَدَتْ لَهَا كُفْتًا (ترمذی)

“Ali! Do not delay three things, Salah when it is due; Janaazah (funeral) when it comes; and an unmarried woman if she finds a suitable person.”

(at-Tirmidhi)<sup>49</sup>

No doubt that education is important for both boys and girls but education is not supposed to become a hindrance to marriage instead of being a relieving factor. It is a pity that there seems to be an inverse relationship between education and timely marriages. Especially in Muslim countries, while the boys are getting education, their parents delay their marriages. Once they finish their education, they are commanded by their parents to spend a few years “establishing” themselves in a profession and becoming “human ATM” money-generating machines. When those men are all set to marry, they are past age 30 but they look for younger girls – at least 6 to 10 years younger than them. Thus, the girls in the age group of 23 – 30 find it difficult to get good proposals. In the same vein, sometimes while girls are getting education, their parents delay their marriages so that they can become successful in

<sup>47</sup> Greer, Germaine. (1999) *The Whole Woman*. London, Anchor Publishers.

<sup>48</sup> Tirmidhi has graded this hadeeth (# 1085) as *hasan* (acceptable). Sheikh Al-Albaani has also graded this hadeeth as *hasan* in his book *Irwaa' ul-Ghaleel* (# 1868). Likewise, Sheikh bin Baaz has graded the chain of this hadeeth as *hasan* in his *Majmoo' Fatawa Ibn Baaz* (3/101).

<sup>49</sup> At-Tirmidhi Kitab al-Jana'ez (Book of Funerals). Sheikh Al-Albaani has graded this hadeeth as weak in his *Da'eef At-Tirmidhi* (3/387 # 1075) because one of its narrators (Sa'eed bin Abdullah al-Jamhee) is unknown. However, al-Iraaqi has graded this hadeeth as *hasan* (good) in his *Takhreej al-Ihya* (vol. 2 / 16) and Haakim has graded the chain of this hadeeth as *saheeh ghareeb* in his *Mustadrak* (2/162, 163). Sheikh Ahmad Shakir in his notes on *Musnad Ahmad* (2/144) stated: “The chain of narration of this hadeeth is *saheeh*. Sa'eed bin Abdullah was a trustworthy narrator from Egypt and Ibn Hibban has included him among the reliable narrators.”

their career. It is worth-mentioning the warning that social critic George Gilder gives to the single woman that “if she decides to sacrifice her twenties on the altar of career, she could easily find herself a celibate priest serving that altar for the rest of her life”. To support his point, Gilder reports that Yale and Harvard sociologists, after analyzing census data, concluded that a woman who waits until her mid-thirties only has a 5% chance of getting married.<sup>50</sup>

Muslim parents must put the responsibility of arranging the marriages of their adult sons and daughters as their top most priority. On-time marriages can save us from many social diseases. Unnecessarily delaying the marriages creates an environment of promiscuity and sensuality in the society especially among the youth of the society. By unnecessarily delaying their marriages, Muslim parents place their sons and daughters into situations where those youth have no other option except to take the matter into their own hands and jump into the mainstream trend to their mate by courtship or online dating and lose their time, energies, wealth, modesty, and sometimes their lives, as we shall see in the next chapter.

## **Chapter 3**

### **COURTSHIP, DATING AND PREMARITAL RELATIONS**

Islam commands Muslim youth to get married and Islam is against delaying the marriages of Muslim youth. However, Islam does not believe in the idea that “the ends justify the means”. Islam does not promote practices such as courtship, dating and premarital relations even if, in some rare cases, such actions may make it “easier” for the Muslim youth to get married. Likewise, Islam discourages divorce because that too results in “singles” in the society and any single (unmarried or divorced) man or woman as an easy prey to Satan just like a lone sheep is an easy target for the wolf. Of course, courtship and premarital relations are promote, in fact, glamorized on the media, on TV, Internet, movies, musical videos, novels, and magazines and depicted as a norm in the society. Such “free-love” lifestyle is

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<sup>50</sup> Gilder, George (2001). Men and Marriage. Louisiana, Pelican Publishing Company.

alien to Islamic teachings and it is the norm in the Western societies due to the sexual revolution in the West.

## The Rise of Promiscuity in the Western Societies

Promiscuous lifestyle in the West gained its full momentum in 1960s with the emergence of Teen Age Liberation movement but its roots can be traced back to the sexual anarchy of Greek and Roman civilizations. The extreme repressive attitude of the Catholic Church in the middle Ages towards sex was in itself a reaction to the unrestrained sexual freedom of the Romans. Hence, in order to counteract this libertine atmosphere, the pendulum of sex was made to swing from one extreme to the other. Catholic Church started viewing sex even between spouses as an unavoidable evil only necessary for the purpose of procreation. They had reached to such an extreme that they used to burn women for imagined crimes of having sexual relations with the devil. This was followed by the age of Enlightenment and scientific revolution in Europe hence pushing the pendulum back to the licentious overflow of the sexual revolution.

St. Paul (also known as Saul, born in Tarsus on 4 C.E.; died in 64 C.E.), who is considered to be the founder of Christianity, himself suffered failure in his love. During his youth when St. Paul was a Jew, he fell in love with a woman named Popea, the daughter of the high priest of Jews. She possessed haunting beauty. She liked Paul but then she rejected his offers of marriage and went to Rome as an actress. She started her career on the stage and, while climbing the ladder step by step, she reached the Roman emperor who finally married her. Popea became the Empress of the Roman Empire. Paul's conversion to Christianity occurred right after his being rejected by Popea. It could be one of the major reasons Paul resented both the Jews and the Romans.<sup>51</sup> Perhaps that could also be the reason why Paul never married and he used to preach others to abstain from marital relationships. His famous dictum in Bible is: "I say therefore to the unmarried and the widows, it is good for them if they can abide even as I." (*I Corinthians 7: 8*)

St. Augustine (354 – 430 C.E.), who was the greatest Christian theologian of his time, in his famous spiritual autobiography "*The Confessions*" admitted that during his youth, he used to visit the prostitutes regularly and along with it, he used to pray to God: "Oh God! Give me chastity and continence, but not yet." However, when he converted to Christianity, St. Augustine thought it was necessary to renounce sex. He once wrote: "Nothing is so much to be shunned as sex relations." The Church even frowned upon the "excessive" love of a husband to his wife. St. Jerome clearly stated that a man who loved his wife "too ardently" was an adulterer, an argument that was recently approved by Pope John Paul II in 1980.<sup>52</sup>

It was the result of such unnatural rigidity that the sexual revolution emerged in the West and, today it is exported to the whole world with the help of media. Hence, Valentine's Day can be regarded as the birthday of sexual revolution in the West. Today, television dramas, movies, music shows, internet advertisement banners, lewd novels and glossy magazines not only ignite the sexual passions of the youth but also teach them the latest

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<sup>51</sup> Ata'ur-Rahim, Muhammad and Thomson, Ahmad (1996) Jesus: Prophet of Islam. London, Ta-Ha Publishers.

<sup>52</sup> Rathus, Spencer A. (1983) Human Sexuality. New York, Holt, Rhinehart and Winston.

and most innovative methods of romance and premarital relationships. Boys and girls engage in premarital love using emails, Internet chatting and cell phones and on Valentine's Day they utilize these methods to the maximum. Similarly, in Muslim countries, musical concerts are arranged on Valentine's Day, which are the breeding places of corruption and boys and girls attending those concerts are advised to dress in red color shirts and, in this way, incite the passions of the opposite sex. It is interesting to note that in the Christian art, red color is associated with Satan (devil). It is not a coincidence when Qur'an tells us that Satan exhorts the human beings to become immodest:

الشَّيْطَانُ يَعِدُكُمُ الْفَقْرَ وَيَأْمُرُكُمْ بِالْفَحْشَاءِ وَاللَّهُ يَعِدُكُمْ

مَغْفِرَةً مِّنْهُ وَفَضْلًا وَاللَّهُ وَاسِعٌ عَلِيمٌ

“Satan threatens you with poverty and orders you to commit immoral and shameless acts (*fahshaa*), whereas Allah promises you Forgiveness from Himself and Bounty.” (Surah Al-Baqarah: verse 268)

It is little wonder that festivals like Valentine's Day have resulted in increased corruptions in societies. For instance, journalist Amelia Wasserman noted that more married men and women have started to cheat in their marital relationships after the advent of festivals like Valentine's Day, resulting in increased cases of adultery and dumping of the marital partner. Wasserman wrote:

“In 2010, the Canadian Adultery site, Ashley Madison, reported a spike of new registrations from both men and women the day after Valentine's Day.”<sup>53</sup>

Islam is a religion in complete agreement with human nature and Muslim nation has been made a ‘just nation’ (*Ummatun wasat*) by Allah (“*Thus We have made you a just nation, so that you be witness over mankind and the Messenger (peace be upon him) be a witness over you.*” Surah Al-Baqarah: Verse 143) Unlike St. Jerome's point of view about a man's love for his wife, Prophet Muhammad (peace be upon him) said:

تَزَوَّجُوا الْوَدُودَ الْوَلُودَ

(سنن ابوداؤد، نسائي، مسند احمد)

“*You should marry those women who love their husbands very much and who are very fertile.*”

(Sunan Abu Dawud; Sunan An-Nisai; Musnad Ahmed)<sup>54</sup>

Islamic scholars of *hadeeth* or Prophetic traditions have explained that these two traits can be judged in a potential bride by looking at other women of her family. Islam like other religions strongly bans adultery, sodomy and other forms of fornication. However, unlike other religions, Islam does not look at sex as an evil, unavoidable pleasure for procreation. Pleasure and procreation are not contradictory. They are two sides of the same coin of divine grace. Islam is not against marriage but, in fact, Islam is the only religion, which

<sup>53</sup> Wasserman, Amelia (February 14, 2011) "Stats Show Valentine's Day is Bad for Your Relationship" Technorati (<http://technorati.com/women/article/stats-show-valentines-day-is-bad>)

<sup>54</sup> Ibn Hajar al-Asqalaani has noted in *Fath ul Baari* that this hadeeth has been narrated by various chains of narrators and it is *saheeh* (authentic).

openly commands to arrange the marriages as soon as possible (*Surah Nur: verse 32*) However, Islam is against all unnatural and premarital relationships of men and women. Islam prohibits all the means and inroads that lead the person to fornication. Moreover, the fact that marriages are greatly delayed in some Muslim societies due to excessive expenses and wasting of wealth associated with marriages (and as a result licentious atmosphere and various moral diseases are born in those societies) has nothing to do with Islamic teachings. Prophet Muhammad (peace be upon him) advised the youth:

يَا مَعْشَرَ الشَّبَابِ، مَنْ اسْتَطَاعَ مِنْكُمُ الْبَاءَةَ فَلْيَتَزَوَّجْ، فَإِنَّهُ

أَعْيُنٌ لِلْبَصْرِ وَأَحْصَنُ لِلْفَرْجِ (بخارى ومسلم)

*“O Youth! He who can afford to marry should marry, because it will help him refrain from looking at other women and it will protect his honor.”*

(*Saheeh Bukhari & Muslim*)<sup>55</sup>

The Qur’an clearly asserts that Allah created the spouses of the two sexes to provide them with love, mercy and tranquility and this is regarded as one of the signs of Allah. ”And among His Signs is this that He created for you mates from among yourselves that ye may dwell in tranquility with them and He has put love and mercy between your (hearts); verily in that are Signs for those who reflect.” (Surah Ar-Rum: 21). There lies great wisdom in the naming of the Qur’anic surahs or chapters. In the Qur’an, the relationship of the husband-wife is described in *Surah Rum* (The Romans) because Romans were the ones who took the culture of lewdness to its climax and now centuries later this culture has been revived by the ones who regard themselves as the descendants of the Romans. This is the culture that is against the legal relationships of husband and wife but it encourages homosexuality and premarital sex. This is the culture, which discourages the binding of men and women in the sacred relationship of marriage but, on the other hand, endorses the free mixing and lovemaking on such festivals as Valentine’s Day. This is the culture that supports birth control because the birth of children results in a deeper and stronger relationship between husband and wife. This is the culture in which a prostitute has more respect than a mother because a prostitute leaves the home to earn money whereas a mother is not a wage earner who stays home to up bring and educate her children.

## **Lust at First Sight, Not Love at First Sight**

It is true that the idea of falling in love with someone is so much appealing to human nature. Whether that is the poetry of the olden times or the songs of the modern times, love is always idealized and glamorized in them. We are bombarded with this idea of “love at first sight” from every direction, especially with the advent of media. In the modern age, love is sold and promoted in every way imaginable. However, people have confused sex with love and they are in no way the same thing. The idea of “love marriage” and “love at first sight” is promoted on TV dramas, movies, songs, social media and Internet. However, real love does not happen, most of the times, at first sight. First sightings are merely for the eye. It is the physical attraction that draws one’s interest in the opposite sex in the beginning, not love. Hence, in the true sense it is “LUST AT FIRST SIGHT”, not “Love at first sight”.

<sup>55</sup> Saheeh Bukhari & Saheeh Muslim – *Kitab an-Nikah* (The Book of Marriage).

Experience tells us that love and committed relationships are built over time, through mutual care and understanding. It does not happen in a few interactions. On the other hand, lust can begin and end in an instant. Love is long-lasting whereas lust is temporary. Love is patient whereas lust is impatient. Therefore, love and lust must never be confused. It is precisely for this reason that Muslim men and women are commanded to lower their gazes, to protect them from “love at first sight”. Hence, if a Muslim does not restrain his/her glances, it results in the imprinting of an image of what the person sees in his/her heart. This can result in the pollution of the heart of the person. It has been related in *At-Tabarani* that the Prophet (peace be upon him) said to his companions:

إِنَّ النَّظَرَ سَهْمٌ مِنْ سِهَامِ إِبْلِيسَ مَسْمُومٌ ، مَنْ تَرَكَهَا مَخَافَتِي  
أَبَدَلْتُهُ إِيمَانًا يَجِدُ حَلَاوَتَهُ فِي قَلْبِهِ (الطبراني)

*"The glance is a poisoned arrow of Satan. Whoever lowers his gaze for Allah, He will bestow upon him a refreshing sweetness which he will find in his heart on the day that he meets Him."*  
(Tabarani)<sup>56</sup>

Likewise, in another hadeeth, Prophet Muhammad (peace be upon him) said:

يَا عَلِيُّ لَا تُتَبِعِ النَّظْرَةَ النَّظْرَةَ فَإِنَّ لَكَ الْأُولَىٰ وَلَيْسَتْ لَكَ  
الْآخِرَةَ (ترمذی)

*"O Ali, do not follow a glance with another, for you will be forgiven for the first, but not for the second."*

(at-Tirmidhi)<sup>57</sup>

While explaining this hadeeth in his commentary of at-Tirmidhi, Sheikh Muhammad ibn Abd ar-Rahman al-Mubarakpuri stated:

"The words ‘do not follow a glance with another’ mean you should not look again after the first glance. ‘You will be forgiven for the first’ means that you will be forgiven if the first glance was unintended, and ‘but not for the second’ means that because the second glance was by choice, it will be counted against you."

(Tuhfah al-Ahwadhi bi sharh Jami' al-Tirmidhi)<sup>58</sup>

Also, Jarir ibn Abdullah said in a hadeeth:

"I asked the Messenger of Allah (peace be upon him) about an accidental glance at a woman. He commanded me to turn my gaze away."

(at-Tirmidhi)<sup>59</sup>

<sup>56</sup> *Al-Mu'jam al-Kabir Lil Tabarani* (hadeeth # 10215). This hadeeth narrated by Abdullah bin Masood is also quoted in *Majma az-Zawaa'id* (vol. 8, pg 66) by Imam Al-Haythami and in *Mizanul I'tedaal* (vol. 1, pg. 196) by Imam Ad-Dhahabi.

<sup>57</sup> at-Tirmidhi, hadeeth # 2701. Tirmidhi has graded this hadeeth as *hasan* and Sheikh Albaani also graded it as *hasan* in *Saheeh al-Jaami'*, #7953.

<sup>58</sup> al-Mubarakpuri, Sheikh Muhammad ibn Abd ar-Rahman (2009) *Tuhfah al-Ahwadhi bi sharh Jami' at-Tirmidhi*. Dar Ihya al-Turath al-Arabi Lil-Tiba'ah wa-al-Nashr wa-al-Tawzi, Beirut.

<sup>59</sup> Tirmidhi has graded this hadeeth as *hasan* (#2700).

Commenting on this hadeeth, Sheikh al-Mubarakpuri said:

“In this hadeeth, the term ‘accidental’ means his gaze fell on a non-*mahram* woman unintentionally. ‘He commanded me to turn my gaze away’ means that he was commanded not to look a second time, because the first glance was not by choice and would be forgiven, but any further glances would be counted as sin, and he should heed the words of Allah (interpretation of the meaning): ‘Tell the believing men to lower their gaze (from looking at forbidden things)...’ [Surah an-Nur : ayah 30]”

(Tuhfah al-Ahwadhi)

Thus, Islam does not allow men to deliberately stare at a non-*mahram* (marriageable) woman. Islam shuts all doors to love at first sight or lust at first sight. It is forbidden to look at any part of her body, whether one thinks she is beautiful or not, whether it provokes sexual desire or not, whether it is accompanied by evil thoughts or not, and whether it leads to immoral deeds or not.

## Courtship, Dating and Premarital Love

In Islam, there is no room for courtship and dating. Islamic teachings prohibit all forms of premarital intimacy, including taking a boyfriend or girlfriend (Surah An-Nisa: 25). It is strongly recommended for a Muslim woman to cover up her face in front of non-*mahram* men. Only under certain exceptions (such as a marriage proposal or medical treatment or witness in the court, etc.) are women allowed to display their faces in front of men. Prophet Muhammad (peace be upon him) said in one tradition:

إِذَا خَاطَبَ أَحَدُكُمْ امْرَأَةً فَلَا جُنَاحَ عَلَيْهِ أَنْ يَنْظُرَ إِلَيْهَا إِذَا كَانَ  
إِنَّمَا يَنْظُرُ إِلَيْهَا لِخُطْبَةٍ وَإِنْ كَانَتْ لَا تَعْلَمُ.

(مسند احمد عن ابو حميد)

“When one of you (believer) intends to marry a woman, there is no sin on him if he looks at her, so long as his looking at her is only for the purpose of the intention of marriage. And this is even if she is unaware of it.”<sup>60</sup>

Islam discourages courtship and love-affairs before marriage. According to Islamic law, a man and a woman are non-*mahram* for each other until their marriage (*nikah*) and departure of the bride from her parent’s home to her husband’s home. Just a betrothal (engagement) ceremony cannot make the man and woman permissible for each other. Islam forbids parents to send their daughter out with her fiancé. She cannot be alone with her fiancé under any circumstances. Such instances are not uncommon when the girl became pregnant right after engagement and then the man informed the girl and her parents that he has changed his mind and he will not marry this girl. The engagement ceremony is just an intention to marry and not an actual marriage. It has been clearly stated in a tradition of Prophet Muhammad (peace be upon him) regarding unrelated men and women:

<sup>60</sup> Sheikh Al-Albaani authenticated it in his *Silsilaat as-Saheehah* (no. 97) where he said: “its chain of narration is authentic. Its narrators are all reliable, according to the standard of Imam Muslim.”

## لَا يَخْلُونَ رَجُلًا بِامْرَأَةٍ إِلَّا كَانَ ثَالِثَهُمَا الشَّيْطَانُ

رواه الترمذى (1171) و صححه الالبانى فى صحيح الترمذى

"Whenever a man is alone with a woman the Devil makes a third." (At-Tirmidhi)<sup>61</sup>

The commandment in this hadeeth is clear that any form seclusion of unrelated men and women together is a guaranteed invitation to Satan. Obviously, this includes having a private meeting and sharing love-cards or e-cards on Valentine's Day (or on any other occasion) in the absence of guardians, etc. More importantly, this also includes online chat rooms, online dating sites, texting, IMs (instant messages) between them, sharing of photos by emails or Facebook or by sexting. In the same vein, private chatting especially with the advent of online cameras or pictures is equivalent to *khalwa* (i.e. an unrelated man and woman being alone together) and this involves one of the greatest causes of temptations for both women and men. Under such circumstances when unrelated (non-*mahram*) men and women are together in seclusion, it is easy to experience temptations and, as a result, human basic instincts can be ignited and *haram* (prohibited) things can happen. Therefore, we must never be alone with a woman who is not *mahram* to us (even if she is our future wife). When unrelated (non-*mahram*) men and women interact with each other on social networking sites or when the pictures of a Muslim girl or a woman leave her home through their postings on social networking websites such as Facebook, Twitter and others, then Satan definitely looks at them and spreads corruption in the society. As a consequence, the incidences of premarital love-affairs happen and divorce rates go up in our Muslim societies. It is precisely for this reason that in February 2010, renowned Islamic scholar Sheikh Abdul Hameed al-Atrash, former president of the Fatwa Committee at the prestigious Al-Azhar University (Cairo), issued a *fatwa* (Islamic legal verdict) that the use of social networking websites by Muslims has resulted in the rise of marital infidelity. This *fatwa* by Sheikh al-Atrash came after a study earlier that week which claimed that one in every five cases of divorces in Egypt had been resulted after one of the partners started to use social networking websites such as Facebook, Twitter, etc. Sheikh al-Atrash advised Muslims to stay away from such cyber platforms. While Sheikh al-Atrash issued this *fatwa* in Egypt, this is equally applicable to the Muslim men and women of every single Muslim country. Sheikh al-Atrash explained that such sites are mainly responsible for the growing incidents of marital discords in the country. He said in the *fatwa*:

"It is an instrument that destroys the family because it encourages spouses to have relations with other people and this is against Islamic *Shariah* law... While one or other of the spouses is at work, the other is chatting online with someone else, wasting their time and flouting the Sharia. This endangers the Muslim family."<sup>62</sup>

It is little wonder that legal experts in Europe and America are predicting that social networking sites such as Facebook, Twitter, MySpace and Bebo will soon be used in divorce court proceedings. According to the Western legal experts, many people "who enjoy flirtatious emails and conversations with people, who are not their partners, are often lulled into a false sense of security that they are not doing anything wrong because they are

<sup>61</sup> At-Tirmidhi (hadeeth 1171). Sheikh Al-Albaani authenticated it in his *as-Sahheeh* At-Tirmidhi.

<sup>62</sup> *Urdu Link Weekly*, California (USA), (Friday Feb 19, 2010) "Fatwa of al-Azhar University Scholar about Facebook" quoted in: Mushtaq, Gohar (2015) *Muslim Youth in the Age of Dajjal*. Riyadh, International Islamic Publishing House (IIPH), in press.



only flirting electronically”.<sup>63</sup> Antonia Love who is the chairperson of family law and partner at Farleys has noted in this regard that this will “certainly make a lawyer’s job easier as people are a lot less careful about what they write in emails than what they write down on paper.” In a recent survey conducted in the U.S. by the American Academy of Matrimonial Lawyers, it has been discovered that with the advent of social networking sites, emails, texting and chatting, an 88 per cent increase has been observed in the number of divorce cases where “electronic data” was used as the evidence. To add insult to injury, computer and Internet companies “are already preparing to cash in by bringing out software which a suspicious husband or wife can load on to a computer so that they can spy on all email sent to and from their spouse.” Such cyber-spying of husbands and wives on each other will only increase the rates of divorce in societies.

Prophet Muhammad (peace be upon him) said in a tradition that *hayaa* (modesty and inhibition) is the most important characteristic of Islamic culture:

لِكُلِّ دِينٍ خُلُقٌ وَخُلُقُ الْإِسْلَامِ الْحَيَاءُ (مَوْطَا إِمَامِ مَالِك)

“Every religion has a characteristic (*khuluq*) and the characteristic of Islam is modesty and inhibition (*hayaa*).” (Muwatta Imam Malik)<sup>64</sup>

The word “*hayaa*” (modesty and inhibition) in the Arabic language shares the same root as “*hayaat*” which means “life or existence”. This hadeeth means that the life of the Muslim nation lies in its modesty and inhibition. When shamelessness and immodesty will prevail among the Muslims, it will result in the death of the Muslim nation. Indeed, in another tradition, Prophet Muhammad (peace be upon him) warned the believers:

إِذَا لَمْ تَسْتَحْيَ فَاصْنَعِ مَا شِئْتَ. (صَحِيحُ بَخَارِي)

“If you do not have modesty & shame (*hayaa*) then do whatever you like to do.” (Saheeh Bukhari)<sup>65</sup>

Islam does not permit men and women to have relationships outside of marriage. There lies deep wisdom in this command. During courtship or premarital love, men and women show to each other only the bright aspects of their lives. After marriage, the two of them cannot live up to their premarital expectations which are indeed artificial. At that point, the bitter realities of life start to surface in their relationships which sometimes end up in divorce. This idea of “testing the waters before marriage” has born bitter fruits in the Western countries as Germaine Greer noted in her bestseller book *The Whole Woman*:

“Some of the briefest marriages are those that follow a long period of cohabitation.”<sup>66</sup>

<sup>63</sup> Bell, Jane (March 10, 2008) “Facebook and Flirting: the dangers of divorce” Georgia Family Law Blog. <http://www.gafamilylawblog.com/2008/03/facebook-and-fl.html> Retrieved on: Oct. 18, 2013

<sup>64</sup> Malik, Imam. *Muwattaa Imam Malik. Kitab al-Jaameh* (The Book on Comprehensive Topics), vol. 1, pg. 613

<sup>65</sup> Saheeh Al-Bukhari, Book on Etiquettes (Kitab al-Adab), Chapter: If you do not have modesty then do whatever you like to do. (Hadeeth No. 5769)

<sup>66</sup> Greer, Germaine (2000). *The Whole Woman*. New York, Anchor Books.

Scientific evidence by psychologists and sociologists suggests that dating, courtship and premarital relationships have long-term damaging effects on marital relationships. In one study published in the *Journal of Biosocial Science* in the year 2000, sociologists Neville Bruce & Katherine Sanders showed that the average high school romantic relationship lasts about eleven weeks.<sup>67</sup> Such premarital romantic relationships serve only to provide the worst type of preparation for a long lasting and loving relationship of husband and wife to stay together during times of hardship in marital life. Another study which supports this argument is the research of the psychologists Wyndol Furman and Elizabeth Wehner who studied romantic relationships for years. For middle and high school students, they found that “adolescents are not very concerned with the fulfillment of attachment or care giving needs... Instead, their focus is on who they are, how attractive they are ... and *how it all looks to their peer group*.”<sup>68</sup> Similarly, Dr. Leonard Sax argues that premarital romantic relationships and dating often develop bad habits in the youth. Those boys and girls may very well carry those bad habits (acquired while dating) with them for the rest of their lives.<sup>69</sup> For instance, they may learn that it is very easy to dump your boy-friend or girl-friend for the smallest mistake he or she had made. Young men may learn to treat girls as merely-sex objects for male gratification without sense of deep relationship with them. By the time those young men and women get married, the bad habits or bad experiences they had developed during their premarital romance or dating can potentially damage their marital relationships. It would have been much better if they had stayed away from premarital romance or dating to begin with.

Recently, a U.S. national survey of family growth looked at the cohabiting couples’ marital trends on their fifth, tenth, fifteenth and twentieth anniversaries. In this national survey by the Centers for Disease Control and Prevention, it was observed that the “couples who do not live together before marrying are much more likely to have long-lasting marriages”.<sup>70</sup> In other words, those men and women who go through courtships and who cohabit in order to develop understanding between them before getting married, when they do get married, their marriages turn out to be of the shortest duration. It seems that the “understanding” and “getting to know each before marriage” does not help to keep the marriages between couples and, instead, those “trial marriages” have an inverse effect – getting to know each other before marriage only increases the chances of divorce later.

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<sup>67</sup> Bruce, Neville & Sanders, Katherine (2001). "Incidence and Duration of Romantic Attraction in Students Progressing from Secondary to Tertiary Education." *Journal of Biosocial Science* **33**: 173-184.

<sup>68</sup> Furman, Wyndol & Wehner, Elizabeth, “ Adolescent Romantic Relationships: A Developmental Perspective” in Shulman, Samuel & Collins, Andrew, eds., (1997). *Romantic Relationships in Adolescence: Developmental Perspectives*. San Francisco, Wiley. Quoted in: Sax, Leonard, MD, PhD, *Why Gender Matters*

<sup>69</sup> Sax, Leonard M.D., Ph.D. (2005). *Why Gender Matters: what parents and teachers need to know about the emerging science of sex differences*. New York, Broadway.

<sup>70</sup> Centers for Disease Control and Prevention, National Survey of Family Growth, 2006-2010. Quoted in: Kim, Christine and Sheffield, Rachel (March 28, 2012) “Family Fact of the Week: Headlines Mask Cohabitation’s Continued Risks” *The Foundary* <http://blog.heritage.org/2012/03/28/familyfact-of-the-week-headlines-mask-cohabitations-continued-risks/> Retrieved on: Oct 22, 2013.

## Online Dating and the Story of a Spider and a Fly

Online dating is becoming increasingly popular among the online community of men and women. An increasing number of people are using online dating sites to find their future wife or husband. As of 2009, total number of people who have used online dating in the U.S. is 40 million, in China is 140 million and in India is 15 million. Some of the more popular services include eHarmony which has 20 million members while MATCH.COM which has 15 million members. Statistics also reveal that on the online dating sites, men tell lies most about their age, height and income whereas women tell lies most about their weight, physical build and age.<sup>71</sup> As of 2009, the online dating industry is worth \$1.049 billion dollars per year which means that it is bigger industry than pornography.<sup>72</sup> The mobile phone dating market is quickly gaining popularity with its worth of \$550 million in 2008 and it is expected to reach \$ 1.3 billion dollars in 2012. However, one dating review site has attested that “mobile phone dating is more about instant gratification. It is considered a tech-savvy young adults tool, [young adults] who are not looking for so much a long term relationship, but a casual fling or hook-up.”<sup>73</sup> It is not surprising therefore, as Joseph Essas, vice president of technology at eHarmony.com has noted, that their online dating website encounters the highest demand from people looking for matches just before Valentine’s Day. He says that on Valentine’s Day, “our demand doubles, if not quadruples.”<sup>74</sup>

This worldwide popularity of online dating also brings new challenges and problems for its users. The anonymous nature of internet makes it easier for people to deceive others about their true nature and identity. It gives a perfect opportunity to the online predators and sex offenders to seek out their victims online. They can prey upon innocent young women. These online predator men know many ways to attract women. They captivate women they meet online by convincing them that “I am the man you have been seeking for”. During online chatting, they learn from women themselves as to what their needs are, whether emotional or material or both. Many a times such predator men target women who are emotionally or economically deprived because they know it very well that it is easier to manipulate such women. These men use smooth talk and flattery when they are chatting with women online or texting them or even talking to them on the cell phone or on web cams. This scenario is very similar to the situation aptly depicted in an Urdu poem of the

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<sup>71</sup>McCarthy, Ellen (April 10, 2009) “On Dating: Online Dating and Deception”. The Washington Post (<http://www.washingtonpost.com/wp-dyn/content/article/2009/04/09/AR2009040901616.html>) Retrieved on: 2012-11-10.

<sup>72</sup>US B2C Online Paid Content: Five-Year Forecast (2008) Forrester Research Inc. survey of online adults. Quoted in: Mitchell, Robert L. (Feb. 13, 2009) “Online Dating: It’s bigger than porn”. ([http://blogs.computerworld.com/online\\_dating\\_its\\_bigger\\_than\\_porn](http://blogs.computerworld.com/online_dating_its_bigger_than_porn)) Retrieved on: 2012-11-10.

<sup>73</sup> November 09, 2009. “The Mobile Dating Market”. (<http://www.datingsitesreviews.com/article.php?story=The-Mobile-Dating-Market>) Retrieved on: 2012-11-10.

<sup>74</sup>Mitchell, Robert L. (Feb. 19, 2009) “Online Dating: Analyzing the Algorithms of Attraction”. PC World – Web & Communication Software (<http://www.pcworld.com/article/159884/>) Retrieved on: 2012-11-10.

poet of Islam, Dr. Mohammad Iqbal. In his poem "A Spider and a fly", Iqbal writes as this poem is translated into English as follows:

*One day a spider said to a fly  
"Though you pass this way daily*

*My hut has never been honored by you  
By making a chance visit inside by you*

*Though depriving strangers of a visit does not matter  
Evading the near and dear ones does not look good*

*My house will be honored by a visit by you  
A ladder is before you if you decide to step in*

*Hearing this the fly said to the spider,  
"Sir, you should entice some simpleton thus*

*This fly would never be pulled into your net  
Whoever climbed your net could never step down"*

*The spider said, "How strange, you consider me a cheat  
I have never seen a simpleton like you in the world*

*I only wanted to entertain you  
I had no personal gain in view*

*You have come flying from some unknown distant place  
Resting for a while in my house would not harm you*

*Many things in this house are worth your seeing  
Though apparently a humble hut you are seeing*

*Dainty drapes are hanging from the doors  
And I have decorated the walls with mirrors*

*Beddings are available for guests' comforts  
Not to everyone's lot do fall these comforts".*

*The fly said, "All this may very well be  
But do not expect me to enter your house*

*"May God protect me from these soft beds  
Once asleep in them getting up again is impossible"*

*The spider spoke to itself on hearing this talk  
"How to trap it? This wretched fellow is clever*

*Many desires are fulfilled with flattery in the world  
All in the world are enslaved with flattery"*

*Thinking this the spider spoke to the fly thus!  
"Madam, God has bestowed great honors on you!"*

*Everyone loves your beautiful face  
Even if someone sees you for the first time*

*Your eyes look like clusters of glittering diamonds  
God has adorned your beautiful head with a plume*

*This beauty, this dress, this elegance, this neatness!  
And all this is very much enhanced by singing in flight".*

*The fly was touched by this flattery  
And spoke, "I do not fear you any more*

*I hate the habit of declining requests  
Disappointing somebody is bad indeed"*

*Saying this it flew from its place  
When it got close the spider snapped it*

*The spider had been starving for many days  
The fly provided a good leisurely meal*

(Dr. Mohammad Iqbal – Bang-e-Dara)<sup>75</sup>

Hence, this story of a spider and a fly tells us that flattery is a very powerful weapon. There are many predator men on the world-wide-web who are just like the spider mentioned in this poem of Iqbal. In fact, those men may be regarded as “spidermen”. These “spidermen” on the world wide web use flattery to trap women who are as innocent as the fly in this story and once these women are trapped in the deceitful web of such “spidermen”, these women lose everything – their honor, virginity, wealth, and many a times, their life. Dr. Anne Moir has commented precisely on this aspect of male psychology when she wrote that mothers all around the world caution their daughters that “men are after only one thing, and they are usually right.”<sup>76</sup>

## **The Horrifying Dangers of Online Dating**

Love takes a long time to develop. But people, especially men, in online dating often rush into saying to women who they meet online that they love them but women should wonder what the big rush is. The oft-repeated saying “Love at First Sight” is nothing but a myth.

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<sup>75</sup> Iqbal, Mohammad (2001). Selected Poems of Allama Iqbal. Lahore, Maktaba Khawateen Magazine.

<sup>76</sup> Moir, Anne & Jessel, David (1991). Brain Sex: The Real Difference between Men & Women. New York, Carol Publishing Group.

In reality, it is “Lust at First Sight, not Love”. According to a research conducted by thepee.com, the 10 top lies people make on their online dating profiles are as follows:<sup>77</sup>

- I’m Slim and petite
- I’m tall, dark, and handsome
- I’m 29
- My interests are good wine, live music, and fine dining
- I’m sensitive, smart and funny
- I can’t wait to meet you!
- I just got out of a long relationship, so I am just looking for friends right now
- I enjoy the finer things in life
- I make more than \$250,000/year
- As the CEO of a successfully internet startup, I enjoy the finer things in life

The readers can also add to this list some other common lies told by men to women such as:

- I love you more than anything else in the world
- Sure that is my photo
- I don’t have a wife or girlfriend
- You are the most beautiful girl/woman I have ever seen
- I am romantic, tender, caring, affectionate, have good sense of humor
- I’m very fun and outgoing person

Muslims are following after the non-Muslims in terms of online dating, inch by inch and step by step, down to the lizard’s hole as Prophesized in the hadeeth of our beloved Prophet Muhammad (peace be upon him) quoted earlier. Among the top 10 Muslim dating websites are Muslima.com, Qiran.com, SingleMuslim.com, Muslims4Marriage.com, Nikah.com, Friends.com, to name only a few. At this moment, detailed statistics are not available on these Muslim websites, however, owing to the deceptive nature of the internet, the end results and dangers of these Muslim dating websites are expected to be no less than the other more popular dating sites. Our Muslim sisters and daughters must remember that the dangers of digital love are real. Michael Largo, the author of *Final Exits: The Illustrated Encyclopedia of How We Die*, has noted:

“Internet dating is becoming very popular, but since 1995, there's been [...] over 400 instances where a homicide has been related to the person that [the victim] met online.”<sup>78</sup>

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<sup>77</sup> Top 10 Online Dating Lies (<http://www.thepee.com/home/article/1829/Virtual-Insanity---Top-10-Online-Dating-Lies>) Retrieved on: Nov. 16, 2012.

<sup>78</sup> Largo, Michael (9 May 2007). "Loved To Death". *Videojug*. <http://www.videojug.com/interview/loved-to-death#how-dangerous-is-internet-dating>. Retrieved Nov. 16, 2012.

The pornography industry has blamed online dating sites for its recent \$74 million dollar decline in its porn business.<sup>79</sup> Why is pornography industry blaming online dating sites for the decline in its business? This is already telling us something about the nature of online dating and the majority of people who are now spending their money on online dating instead of spending on pornography. In fact, law enforcement officials are blaming internet for rise in rape cases. The number of rape cases in the United States reported to police has increased by 30% since 1993 and the police department in Charlotte, North Carolina is linking this increase to the growing popularity of Internet dating websites. Sergeant Darrell Price, chief of Charlotte-Mecklenburg Police Department's sexual assault unit said: "In the past, (rapists) would have to hunt and stalk. Now, all you have to do is (get on the Internet), and she's waiting for you at a hotel room."<sup>80</sup> Similar sentiments are reiterated by Parry Aftab, an Internet privacy lawyer and executive director of New York-based wired-safety.org, an Internet safety group. Aftab asserts that cyber-related sex crimes are rising. Furthermore, internet safety experts are arguing that "more date rapes and sexual assaults are growing out of Internet chat room introductions and from dates arranged through popular cyber-dating sites."<sup>81</sup> Likewise, law enforcement officials in Birmingham, Alabama have advised the people of their community to exercise caution because of the dangers of dating online. This happened after a woman from Tuscaloosa was raped by a man she met through an online dating site OkCupid.com. Despite the popularity of online dating, domestic violence experts are concerned about its inherent harms. In an advice to online users, Allison Dearing from Jefferson County Family Violence CCR said:

"There are maybe things to keep in mind about not meeting up with someone alone the first time or making sure you know a lot about the person. We talk about safety in numbers, going out in groups, may be a safer way to get to know someone."<sup>82</sup>

It is important to note that Allison Dearing's advice to women and men who use dating sites about "not meeting up with someone alone the first time" is in line with the advice our beloved Prophet Muhammad (peace be upon him) gave to us more than fourteen hundred years ago when he said: "*Whenever a man is alone with a woman the Devil makes a third.*" (at-Tirmidhi) Interestingly, Dearing's advice about "safety in numbers, going out in groups, may be a safer way to get to know someone" is basically the same as the Islamic commandment that a man can meet his potential bride before marriage as long as this is done in the presence of her guardian.

Relationships established on the internet and online dating sites are as superficial as this "One-Eyed" medium itself. One student at the University of Texas has rightly noted:

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<sup>79</sup> US B2C Online Paid Content: Five-Year Forecast (2008) Forrester Research Inc. survey of online adults. Quoted in: Mitchell, Robert L. (Feb. 13, 2009) "Online Dating: It's bigger than porn". [http://blogs.computerworld.com/online\\_dating\\_its\\_bigger\\_than\\_porn](http://blogs.computerworld.com/online_dating_its_bigger_than_porn) Retrieved on: 2012-11-10.

<sup>80</sup> "Police blame internet for rise in rape cases". <http://www.dosomething.org/blog/chatterbox/police-blame-internet-rise-rape-cases>. Retrieved 2012-11-09.

<sup>81</sup> Ibid.

<sup>82</sup> Melainie, Posey (Oct. 05, 2012). "Officials urge caution for online daters after alleged rape". <http://www.myfoxal.com/story/19750098/officials-urge-caution-for-online-daters-after-alleged-rape>. (Retrieved on: Nov. 10, 2012)

“Searching for a soul mate with a couple of back and forth e-mails or paying a membership to the latest dating Web site is hardly setting the foundation for a solid meaningful relationship. Is it possible to find love online? I say no.”<sup>83</sup>

The major problem with online dating is that many times people are dating more than one individual at a time. It is well known that men are much more promiscuous by their nature than women. Social scientist Alferd Kinsey has noted:

“There seems to be no question but that the human male would be promiscuous in his choice of sexual partners throughout the whole of his life if there were no social restrictions.... The human female is much less interested in a variety of partners.”<sup>84</sup>

Hence, owing to their promiscuous nature, many men utilize the anonymous nature of internet dating and try to date many women simultaneously. It is little wonder that according to online dating statistics, 11% of all daters are married, and an alarming 53% are already in a relationship (as shown in table below). This means that more than half of the people who use online dating are in fact dating more than one person at the same time. This is called ‘cheating’ and ‘deception’ in the common language. On top of this, InternetPredatorStatistics.com has revealed that 10% of sex offenders use online dating services to trap people and another 10% of the members of online dating sites are scammers. If we add the two, it comes to 20%. If we add those 53% who are dating more than one person simultaneously, this comes to 73%. This means that the chances of getting an honest, normal, available person through online dating sites are very, very low. These statistics are especially disturbing for “woman seeking men” on an online dating site.<sup>85</sup>

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<sup>83</sup> Anonymous (April 14, 2009) “Online dating is deceptive and dangerous”. The University Star, Texas State University, San Marcos <http://www.dosomething.org/blog/chatterbox/police-blame-internet-rise-rape-cases>. Retrieved 2012-11-09.

<sup>84</sup> Kinsey, Alferd C., Pomeroy, Wardell B. & Martin, Clyde E.. et al (1948). Sexual Behaviour in the Human Male. Philadelphia, W. B. Saunders.

<sup>85</sup> “Online Dating Statistics” (Source: Reuters, Herald News, PC World, Washington Post). Date Verified: June 20, 2012. <http://www.statisticbrain.com/online-dating-statistics/>. Retrieved 2012-11-09.



**Table: Online Dating Statistics**

List of Problem	Prevalence in Umarried Men compared to Married Men
People doing online dating but they are married	11%
People who are dating more than one person simultaneously	53%
Sex offenders who use online dating services to trap girls and women	10%
Percent who say common interests are the most important factor	64%
Percent of people who believe in love at first sight	71%
Percent of women who have sex on the first online dating encounter	33%
<b>Summarized from:</b>	
"Online Dating Statistics" (Source: Reuters, Herald News, PC World, Washington Post).	
Date Verified: June 20, 2012. ( <a href="http://www.statisticbrain.com/online-dating-statistics">http://www.statisticbrain.com/online-dating-statistics</a> )	

Another issue with online dating is the availability of too many choices. Barry Schwartz has noted in his book *The Paradox of Choice: Why Less is More* that giving too many choices to people does not make them happier. More choices actually make their life miserable and tend to lessen their satisfaction. The availability of too many choices makes the selection process burdensome, consumes a lot of time and often leads to nagging doubts in the end.<sup>86</sup> Online dating sites are a typical case of too much choice where giving too many choices in choosing a potential spouse tends to lessen the satisfaction of “man seeking women” or “woman seeking men”. A search on any major site for matches in a city will yield hundreds of results. So which ones are you going to choose? In addition, the availability of too many choices can drive the seeking person into the habit of always “checking out” or always “searching” for an ideal spouse even after he/she got a spouse. One student from Texas State University has rightly expressed this concern:

“The Internet can be addictive. If an individual meets someone one night, how does he or she know the person isn’t online searching for someone else the next?”<sup>87</sup>

Another real danger of dating is date rape. A date rape can happen to a woman in her own home or if she voluntarily goes to someone else’s home. This has become easier now with the advent of date rape drugs (also called predator drugs). Date rape drugs such as Ketamine, Rohypnol or GHB have sedative, hypnotic and amnesiac effects and they can be easily added to a food or drink without the victim’s knowledge. Date rape drugs can render a victim unconscious and with limited memory of what happened to them during or

<sup>86</sup> Schwartz, Barry (2005). *The Paradox of Choice: Why Less is More*. New York, Harper Perennial.

<sup>87</sup> Anonymous (April 14, 2009) “Online dating is deceptive and dangerous”. The University Star, Texas State University, San Marcos <http://www.dosomething.org/blog/chatterbox/police-blame-internet-rise-rape-cases>. Retrieved 2012-11-09.

a little before their unconsciousness. Using these drugs is a crime in most of the countries of the world. However, the problem is that the predator men, who have decided to rape women they have met online, usually do not care about the consequences whatsoever. Recently, a man named Jeffrey Marsalis, age 34, of Philadelphia received 20 years in prison for online date-rape of women, six out of seven of whom he met through the online dating site Match.com. Prosecutors said that Marsalis was a smooth talker and during online dating, he lied to women that he was an emergency room doctor, an astronaut and a Secret Service agent. In reality, Marsalis used to rape the women he met on dates “by slipping something into their drinks to incapacitate them. The women, most of them well-educated professionals, told strikingly similar stories during the 2½-week trial of meeting Marsalis and then feeling unusually intoxicated after returning from the bathroom or letting him buy a round of drinks from the bar.”<sup>88</sup> Before delivering the sentence to Marsalis, Judge Steven Geroff said to him:

"What you were was a wolf in sheep's clothing. Your world was a fantasy. Your lifestyle was a fantasy. What happened to your victims is reality."<sup>89</sup>

Nowadays, it is very easy for anyone to purchase date rape drugs through Internet. Therefore, Muslim women must understand that dating someone without the advice and presence of woman’s guardians is not safe no matter how innocent that “Muslim brother” may appear to them because in reality, he may also be a “wolf in sheep’s clothing” similar to what Judge Steven Geroff told Jeffrey Marsalis at the time of giving him prison sentence. Muslim women must be cautious if they are meeting a non-*mahram* “Muslim brother” in private (in the absence of the woman’s male relatives) because that seemingly innocent man could also put a date-rape drug in the drink of that Muslim woman and rape her. Beware the wolf!!

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<sup>88</sup> Walters, Patrick (Oct. 12, 2007) “Man Gets 20 Years in Online Date-Rape Case”. ABC News Local <http://abclocal.go.com/wpvi/story?section=news/local&id=5703637>. Retrieved Nov. 09, 2012.

<sup>89</sup> Ibid.

## Chapter 4

# THE EVILS AND TERRORIZING DANGERS OF DIVORCE

Islam does not totally ban the divorce. Of course, in the cases of severe need, Islam has kept this exit door open. In Islam, divorce is the last resort for the married couple to end their problems. Divorce is definitely lesser of the two evils when it is compared to the physical violence or adultery of the marital partner. However, many people are unaware of the evil consequences of divorce. The goal of Islamic *Shariah* is to increase the incidences of successful marriages and decrease the incidences of divorce. In the Western societies, the governments do not do much to prevent the incidences of divorces but they throw tons of funds at government programs to intervene and deal with the effects of the disintegrated families. The policy of Islam is to take steps to prevent family disintegration in the first place. Islam believes in prevention more than intervention because prevention is better than cure. For this reason, divorce is discouraged in Islam. It has been said in a hadeeth:

أَبْغَضُ الْحَالِلِ إِلَى اللَّهِ الطَّلَاقُ (مستدرک الحاكم)

“The most disliked *halal* (permissible) act in the sight of Allah is divorce.”  
(Mustadrak al-Haakim)<sup>90</sup>

Similarly, in another Prophetic tradition, there is an admonishment of deprivation of paradise for the woman who asks for divorce from her husband without any valid reason (and this hadeeth applies to men as well who divorce their wives for no valid reason):

أَيُّمَا امْرَأَةٍ سَأَلَتْ زَوْجَهَا الطَّلَاقَ فِي غَيْرِ مَا بَأْسٍ فَحَرَامٌ عَلَيْهَا رَائِحَةُ الْجَنَّةِ

(سنن ابى داؤد ، سنن ابن ماجه)

“A woman who had asked for divorce from her husband without any valid reason will not even smell the fragrance of paradise.” (Sunan Abu Dawud; Ibn Majah)<sup>91</sup>

It is for this reason that the act of divorce is regarded by some Islamic scholars as a major sin.<sup>92</sup> This is so because the health of a society depends on strong family system and low

<sup>90</sup> Al-Haakim (vol. 2, pg. 196) has graded this hadeeth as *saheeh* (authentic) and said that they [i.e. Bukhari & Muslim] did not narrate it. Imam Adh-Dhahabi agreed to his authentication of this narration in his *Talkhis*.

<sup>91</sup> Sunan Abu Dawud, Book of Divorce, Chapter on Khulaa, hadeeth # 2226. Sunan Ibn Majah, Book of Divorce, Chapter: It is disliked that a woman asks for khulaa (divorce), hadeeth # 2055.

<sup>92</sup> Al-Haythami, Ibn Hajar (2000) *Az-Zawaajir an-Iqtaraaf al-kabaair*. (Vol. 2, pg. 100) Egypt, Al-Mat'bah al-Khairiyah.

divorce rates. When Western sociologist Pitirim Sorokin examined factors that contribute to the cultural decline of a society, he noted that as the individuals of a society begin to engage in relations outside the bond of marriage, the birth rate declines and that nation begins to slowly depopulate. Sorokin concluded after studying decadent cultures that a society can remain healthy only if the families are strong, divorce rates are low and sexual activities are restricted to within marriage.<sup>93</sup> In the same vein, sociologist Carl Wilson noted in his book *Our Dance Has Turned To Death* that decadent cultures display seven typical characteristics: Men reject spiritual and moral development as the leaders of families; men begin to neglect their families in search of material gain; men begin to engage in adulterous relationships or homosexual sex; women begin to devalue the role of motherhood and homemaker; husbands and wives begin to compete with each other and families disintegrate; selfish individualism fragments society into warring factions; and men and women lose faith in God and reject all authority over their lives.<sup>94</sup> In such an atmosphere of selfishness, where both husband and wife do not care for their children or the family, divorce is the natural outcome. And there is nothing more destructive and lethal for a family than the divorce. For this reason, divorce is one of the most disliked actions in Islam.

## **Divorce is a Lose-Lose Situation for Everyone**

Many people have this misconception that men do not suffer much from the divorce; it is the women who suffer the most from a divorce. The fact of the matter is that divorce is not a win-lose situation either for men or for women. Divorce is a lose-lose situation for the whole society. Contrary to popular thinking, men suffer from divorce more than women do. It is true that men have better chances of finding new wives after divorce (by marrying women much younger than their age) whereas women divorced after their forties, after their childbearing years, spend the rest of their life unmarried. After age 50, for instance, only 11.5 percent of divorced women remarry.<sup>95</sup> However, the list of harms of divorce caused to men is longer. According to the figures from the Census Bureau, compared to divorced women, there are much more divorced men found in mental hospitals.<sup>96</sup> Moreover, from the data provided by the National Bureau of Health Statistics, divorced men of every age group between 35 and 65 have death rate more than three times as high as divorced women.<sup>97</sup> The causes of deaths are numerous but, as in the case of single men,

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<sup>93</sup> Sorokin, Pitirim *The American Sex Revolution* quoted in: Sheldon, Rev. Louis P. "Destruction of Marriage Precedes the Death of a Culture". Traditional Values Coalition Education and Legal Institute. Anaheim, California.

<sup>94</sup> Wilson, Carl (1981). *Our Dance Has Turned To Death*. Illinois, Tyndale House Publishers.

<sup>95</sup> Gilder, George (2001). *Men and Marriage*. Louisiana, Pelican Publishing Company. Computed from data in U.S. Bureau of the Census, *Current Population Reports*, Series P-20, No. 380, "Marital Status and Living Arrangements: March 1982" (Washington, D.C.: U.S. Government Printing Office, 1983)

<sup>96</sup> U.S. Bureau of the Census, "Census of Population: 1980" Subject Reports, *Persons in Institutions and Other Group Quarters*. Washington, D.C., U.S. Government Printing Office, 1982. Quoted in: Gilder, George *Men and Marriage*

<sup>97</sup> Carter, Hugh and Glick, Paul C. (1976) *Marriage and Divorce: A Social and Economic Study* Cambridge, Massachusetts, Harvard University Press. Also see: Gilder's *Men and Marriage*

the major reasons of death for divorced men are suicide and accidents. Divorced men commit suicide three and a half times more often than divorced women and four times more often die in an accidental fire or explosion. Moreover, divorced men are three times as likely as divorced women to die of the cirrhosis of the liver and six times as likely as divorced women to die of the heart attack.<sup>98</sup>

In fact, divorce is such an affair that neither man nor woman benefits from it. Only Satan benefits from divorce of a couple. It has been mentioned in a hadeeth that breaking up the family and sowing dissension between husband and wife is on the top of satanic agenda. Jabir (may Allah be pleased with him) reported that Allah's Messenger (peace be upon him) said:

إِنَّ إِبْلِيسَ يَضَعُ عَرْشَهُ عَلَى الْمَاءِ، ثُمَّ يَبْعَثُ سَرَايَاهُ، فَأَذْنَاهُمْ مِنْهُ مَنْزِلَةً أَعْظَمُهُمْ  
فِتْنَةً، يَجِيءُ أَحَدَكُمْ فَيَقُولُ: فَعَلْتُ كَذَا وَكَذَا، فَيَقُولُ: مَا صَنَعْتَ شَيْئًا، قَالَ: ثُمَّ  
يَجِيءُ أَحَدٌ كُمْ فَيَقُولُ: مَا تَرَكْتُهُ حَتَّى فَرَّقْتُ بَيْنَهُ وَبَيْنَ امْرَأَتِهِ، قَالَ: فَيُدْنِيهِ مِنْهُ وَ  
يَقُولُ: نَعَمْ أَنْتَ (صحيح مسلم)

“Satan places his throne upon water; he then sends detachments (for creating dissension); the nearer to him in rank are those who are most notorious in creating dissension. One of them comes and says: I did so and so. And he says: You have done nothing. Then one amongst them comes and says: I did not spare so and so until I sowed the seed of discord between a husband and a wife. The Satan goes near him and says: ‘You have done well.’ He then embraces him.”

(Saheeh Muslim)<sup>99</sup>

Satan is well aware that the psychological harms of divorce extend beyond the husband and wife. Divorce increases poverty level of families. Divorce of parents leaves a deep psychological scar on the personalities of children for the rest of their lives. Children from divorced parent families commit more crimes than children from intact families. In the United States alone, for instance, over half of prison inmates are from broken homes. Parental divorce also results in more child abuse, child neglect, early deaths and increased suicide rates of kids. Children of divorced parents perform poorly in schools and colleges and have lower graduation rates as compared to children from intact, always-married parents. We shall discuss each one of those harms in detail now:

## Divorce Reduces Living Standards of Families

The Qur'an tells us that men are the protectors of women:

<sup>98</sup> Ibid.

<sup>99</sup> Saheeh Muslim - *Kitab Sifat Al-Munafiqeen wa ahkaamuhum (Book of Attributes of Hypocrites and rulings about them)*, hadeeth # 2813.

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

“Men are the protectors and maintainers of women, because Allah has made one of them to excel the other, and because they spend (to support them) from their means.”

(Surah An-Nisa: 34)

Hence, Allah has entrusted men to protect, take care of and earn the bread for their families. Therefore, it is quite natural that women suffer financially from divorce more than men do (just like men suffer emotionally from divorce more than women do and die early). No matter what are the reasons for getting divorce, it is a reality that living standards of families decline after a divorce. The income which was used to support one household now gets divided to support two households. Latest research in social science in the United States has shown that divorce reduces the income of families with children by an average of 42 percent. In 1994, Mary Corcoran, professor of political science at the University of Michigan, revealed in a study that family income drops significantly after a divorce. She noted:

“During the years children lived with two parents, their family incomes averaged \$43,600, and when these same children lived with one parent, their family incomes averaged \$25,300.”<sup>100</sup>

Data shows that one in every five women is pushed into severe poverty as a result of divorce.<sup>101</sup> Nearly one out of three mothers with children at home end up losing their home (which they jointly owned with their husband) after their divorce.<sup>102</sup> In addition, 75% (three-fourth) of families with the lowest income are the ones with single parent (which is mostly divorced or unmarried mother) whereas 95% of families with the highest income are headed by married couples. Furthermore, married couples in their mid-50s have their household income 4 times more than that of divorced individuals (an average of \$132,000 compared to \$33,600). According to Edwin Feulner, Ph.D., president of The Heritage Foundation, a Washington-based public policy research institute, people who think that divorce brings happiness and prosperity to family are “divorced from reality”. He writes: “What's the best thing parents can do to ensure their children's future prosperity? Stay married.”<sup>103</sup>

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<sup>100</sup> Corcoran, Mary E. and Chaudry, Ajay (1997) "The Dynamics of Childhood Poverty," *Future of Children*, Vol. 7. Issue 2, pp. 40-54.

<sup>101</sup> Grall, Timothy S. (2003) "Custodial Mothers and Fathers and their Child Support: 2003," Current Population Reports, Series P60-230, Washington, U.S. Government Printing Office. Quoted in: Schramm, David G. (2009) "Counting the Cost of Divorce: What Those Who Know Better Rarely Acknowledge" *The Family in America* (A Journal of Public Policy) Vol. 23, pp. 55-64.

<sup>102</sup> Ibid.

<sup>103</sup> Feulner, Edwin J. (June 30, 1999) "Divorced from Reality" The Heritage Foundation, Washington DC. <http://www.heritage.org/research/commentary/1999/06/divorced-from-reality> Retrieved on: Oct. 22, 2013.

## Harms of Divorce Extend to Children and Grandchildren

Dr. Schramm, assistant professor of human development and family studies at the University of Missouri, Columbia, forcibly argues that “the consequences of divorce extend not just to the second but also the third and fourth generations.” In other words, divorce of parents triggers a downward cycle of dysfunctional behavior which not only affects their children but also their future generations of children. To support his contention, Dr. Schramm reports many sociological studies. In one twenty-year long study conducted on 691 grandparents, scientists explored the relationship between divorce and many different outcomes for the grandchildren. In this study which was published in the 2005 issue of *Journal of Marriage and Family*, researchers Amato and Cheadle found that children from divorced grandparents, compared to their peers without divorced grandparents, did poorly in schools and colleges, achieved lower levels of education, had many more conflicts in their marital lives and had lower quality relationships with their parents.<sup>104</sup> Commenting on the findings from this and other studies, Dr. Schramm writes:

“These extensive and undeniable consequences of divorce provide social historians and sociologists with plenty of evidence for the argument that the breakdown of the family is the single most important factor of nearly every social problem today.... When parents stop loving each other and dissolve a marriage, the negative ripple effects and social costs of divorce interact with a host of other risk factors that unravel threads in the tapestry of assets that are being woven into the lives of children.”<sup>105</sup>

When a husband and wife divorce, the whole family unit disintegrates and children of divorced parents suffer as a result. Children who live with a divorced parent or with a remarried parent suffer many disadvantages compared to children who live with their married, biological parents. Children of divorced parents suffer the loss of a positive adult role model in their lives because these children have to stay with only one of the parents after divorce. Furthermore, parents provide guidance, love, supervision, protection, encouragement and time to their children. However, when a family gets broken by a divorce, both parents are no longer together to provide care to their children. The following are some of the long-lasting detrimental effects and harms caused to children as a result of their parents’ divorce:

## Parental Divorce and Crime Rates among their Children

We have seen earlier in this book that single men commit more crimes than their married peers and this is a proof of the civilizing nature of marriage. The same holds true for the children of divorced parents. Studies have shown that boys raised by divorced parents, compared to boys raised in intact families, are more likely to commit crimes in their teenage as well as adulthood years. Research in social sciences is demonstrating that there is a strong link between a community’s crime rate and family structure Robert Sampson,

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<sup>104</sup> Amato, Paul R. and Cheadle, Jacob. (2005) “The Long Reach of Divorce: Divorce and Child Well-Being across Three Generations,” *Journal of Marriage and Family* 67: 191–215.

<sup>105</sup> Schramm, David G. (2009) “Counting the Cost of Divorce: What Those Who Know Better Rarely Acknowledge” *The Family in America* (A Journal of Public Policy) Vol. 23, pp. 55-64. (Available at [www.familyinamerica.org/index.php?doc\\_id=19&cat\\_id=4](http://www.familyinamerica.org/index.php?doc_id=19&cat_id=4)) Retrieved on: Oct. 29, 2013.

former professor of sociology at the University of Chicago analyzed crime rates in 171 cities of the United States with populations above 100,000. In his 1987 study, Sampson found that divorce rate – regardless of the economic status of the disrupted family – was strongly related to the robbery rates in large American cities. Hence, Sampson’s research has shown if a city’s divorce rate is lower, the number of crimes committed in that city will also be lower. This means when marriages end in divorce and households break, the children of divorced parents are much more likely to commit crimes as compared to the children raised by always-married parents.<sup>106</sup> This correlation is further supported by data obtained from the Department of Health and Social Services in the state of Wisconsin where the rates of imprisonment for juvenile delinquents in the year 1993 were 12 times higher for children of divorced parents than for children who were living with always-married parents.<sup>107</sup>

In another study published in the 1985 issue of *American Journal of Community Psychology*, researchers Rickel and Langer looked at short-term and long-term effects of divorce on children by tracking 1,000 families with children ranging from ages 6 to 18 for a period of six years. Rickel and Langer discovered that children living with divorced, single parents or with their step-fathers were more likely to exhibit criminal or disruptive behavior while children living in intact married families demonstrated the least problematic behavior.<sup>108</sup>

Likewise, a comprehensive U.S. study spanning over a period of 20 years looked at 6,400 boys from their childhood well into their adult age. The results of this longitudinal study revealed that children of divorced parents who are raised without their biological fathers in home are 3 times more likely to commit a crime and end up in prison than are children from intact families. One possible reason for more criminal behavior of boys raised without fathers could be that fathers are better in handling and controlling the behavior of boys.<sup>109</sup>

The sad part of the story is that the girls from divorced parents also suffer just like boys. As girls are more mature than boys of their equal age, girls feel the pain of marital breakdown of their families even more so than boys. Researchers Frost and Pakiz are conducting their ongoing ten-year long research project on 382 fifteen-year old female youth and they have noted in that “girls from recently disrupted families were more likely

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<sup>106</sup> Sampson, Robert J. (1987) "Crime in Cities: The Effects of Formal and Informal Social Control," *Crime and Justice*. Chicago, Illinois, University of Chicago Press.

<sup>107</sup> Wisconsin Department of Health and Social Services, Division of Youth Services, "Family Status of Delinquents in Juvenile Correctional Facilities in Wisconsin," (April 1994). Quoted in: Fagan, Patrick F. and Rector, Robert (June 5, 2000) "The Effects of Divorce on America" The Heritage Foundation Backgrounder, Issue No. 1373, Washington, DC.

<sup>108</sup> Rickel, Annette U. and Langer, Thomas S. (1985) "Short-Term and Long-Term Effects of Marital Disruption on Children," *American Journal of Community Psychology* Vol. 13, pp. 599-661. (In this study, children of single parents fell between these two groups in delinquency.)

<sup>109</sup> Harper, Cynthia and McLanahan, Sara S. (1998) "Father Absence and Youth Incarceration," presented at the annual meeting of the American Sociological Association, Washington, DC. Quoted in: Fagan, Patrick F. and Rector, Robert (June 5, 2000) "The Effects of Divorce on America" The Heritage Foundation Backgrounder, Issue No. 1373, Washington, DC.



than boys to experience problems in emotional and behavioral functioning”.<sup>110</sup> Social scientific studies have shown a strong relationship between family structure and disruptive behavior among girls.<sup>111</sup> For instance, studies have found that girls from divorced-parent homes are more likely to experiment with premarital sex than girls from two-parent homes. In addition, adolescent girls from divorced parents are more likely to use drugs, drink alcohol, skip school, exhibit hostile behavior and commit crimes as compared to girls from intact, always-married parents.<sup>112,113</sup>

## Parental Divorce and Child Abuse

Children of divorced parents are much more likely to suffer from physical as well as sexual abuse by their step-parents. To add insult of the injury, remarriage after divorce only adds to the existing abuse. Mothers may marry again after divorce (and it is perfectly permissible for a woman to remarry after her divorce in light of Islamic teachings). However, the available data and statistics on this issue suggest that the presence of a stepfather only increases the risk of abuse as noted by researchers Fagan and Rector in their report titled “The Effects of Divorce on America”:

“Not only do higher levels of divorce accompany higher levels of child abuse, but remarriage does not reduce the level of child abuse and may even add to it.”<sup>114</sup>

In a study published in the 1996 issue of the *Journal of the American Academy of Child and Adolescent Psychiatry*, the investigating psychologists Fergusson, Lynskey and Horwood found evidence that serious abuse is much higher among stepchildren than among children of intact, always-married families. In addition, among the adults in this study who admitted that they were sexually abused during their childhood were the ones who were more often raised in stepfamilies than by both biological parents in intact married families. It seems that men are more aggressive towards children with whom they are lacking any biological bond.<sup>115</sup>

Another excruciatingly painful aspect of divorce is the possibility of sexual abuse of children. Diana E.H. Russell, professor of sociology at Mills College (Oakland, California) did her research on a random sample of 930 adult women in San Francisco. Russell’s

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<sup>110</sup> Frost, Abbie K. and Pakiz, Bilge. (1990) “The Effects of Marital Disruption on Adolescents” *American Journal of Orthopsychiatry*, Vol. 60, Issue 4, pp. 544-555.

<sup>111</sup> Heimer, Karen (1996) “Gender, Interaction, and Delinquency: Testing a Theory of Differential Social Control” *Social Psychology Quarterly*, Vol. 59, pp. 39-61.

<sup>112</sup> Ibid.

<sup>113</sup> Kalter, Neil, Reimer, B., Brickman, A. and Chen, J. W. (1986) “Implications of Parental Divorce for Female Development” *Journal of the American Academy of Child Psychiatry*, Vol. 25, pp. 538-544.

<sup>114</sup> Fagan, Patrick F. and Rector, Robert (June 5, 2000) “The Effects of Divorce on America” The Heritage Foundation Backgrounder, Issue No. 1373, Washington, DC.

<sup>115</sup> Fergusson, David M., Michael T. Lynskey, John L. Horwood. (1996) “Childhood Sexual Abuse and Psychiatric Disorders in Young Adulthood: I. Prevalence of Sexual Abuse and Factors Associated with Sexual Abuse” *Journal of the American Academy of Child and Adolescent Psychiatry*, Vol. 34, pp. 1355-1364.

analysis revealed that the rate of sexual abuse of girls by their stepfathers was six or seven times higher than by their biological fathers who remain in intact, always-married families.<sup>116</sup> Sadly enough, this figure is even higher with the statistics provided by two behavioral psychologists from Canada's McMaster University (Ontario), Margo Wilson and Martin Daly in their study published in *Child Abuse and Neglect: Biosocial Dimensions, Foundations of Human Behavior*. Wilson and Daly found that sexual abuse of girls by their stepfathers can be 40 times greater than sexual abuse of daughters by their biological fathers whose family is not broken by divorce. Psychologists Wilson and Daly also looked at the police records in conjunction with their surveys and noted that two years of age and younger children from divorced parents are almost 100 times more likely to be killed by a stepparent than incidences of two years old children being killed by their biological parents who never got separated by divorce.<sup>117</sup>

Children of divorced parents end up living either in single parent homes or with step-families and it has been shown that such children are at a high risk for physical and sexual abuse. Child abuse occurs most often at the hands of step-fathers of children or boyfriends of their divorced moms. Although contribution of step-fathers and boyfriends to the child care is only 2%, yet they are the ones who abuse those children more than 50% of the times.<sup>118</sup> In fact, social scientists Daley and Wilson have shown through statistics that stepfathers are more likely than biological fathers to abuse their children. In concluding their study, Daley and Wilson wrote: "Living with a step-parent has turned out to be the most powerful predictor of severe child abuse yet."<sup>119</sup>

## Parental Divorce and Early Deaths of their Children

Divorce of parents not only causes psychological and emotional harm to children but also there have been documented studies demonstrating the effects of divorce on the physical health of children. For example, long-duration study published in the *Journal of Personality and Social Psychology* in 1997 tracked more than 1,500 middle-class children with high IQs throughout their lifespan and found a significantly higher death rate for children whose parents divorced, compared to those from intact families.<sup>120</sup> This implies that children of divorced parents die at earlier ages compared to children whose parents always lived together and did not divorce. Divorce causes stress for parents which affects their parenting abilities, and in directly, this stress is passed on to their children. Younger

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<sup>116</sup> Russell, Diana E. H. (1984) "The Prevalence and Seriousness of Incestuous Abuse: Stepfathers vs. Biological Fathers" *Child Abuse and Neglect*, Vol. 8, Issue 1, pp. 15-22.

<sup>117</sup> Wilson, Margo and Daly, Martin "The Risk of Maltreatment of Children Living with Stepparents" in Gelles, Richard J. and Lancaster, Jane B., eds., *Child Abuse and Neglect: Biosocial Dimensions, Foundations of Human Behavior* (New York: Aldine de Gruyter, 1987), pp. 215-232.

<sup>118</sup> Margolin, Leslie (1992) "Child abuse by mothers' boyfriends: Why the overrepresentation?" *Child Abuse & Neglect*, Vol. 16, pp. 541-551.

<sup>119</sup> Daly, Martin & Wilson, Margo I. (1996) "Evolutionary psychology and marital conflict: the relevance of Stepchildren". pp. 9-28 in Buss, D.M. & Malamuth, N., eds., Sex, power, conflict: feminist and evolutionary perspectives. New York, Oxford University Press.

<sup>120</sup> Tucker, Joan S. et al. (1997) "Parental Divorce: Effects on Individual Behavior and Longevity" *Journal of Personality and Social Psychology*, Vol. 73, pp. 385-386.

children are especially prone to this stress of parental separation. Gopal Singh and Stella Yu, two researchers from the Centers for Disease Control and Prevention (Maryland), reported in their study that these death rates of children increase especially when the divorce of parents occurs before their child's fourth birthday.<sup>121</sup>

## **Parental Divorce and Increasing Suicide Rate among their Children**

Sometimes the psychological strain of parental divorce and separation is more than children could bear. Consequently, children of divorced parents may resort to suicide sooner or later in an attempt to escape from the rejection and abuse they have gone through in their lives. Patricia McCall, professor of sociology at North Carolina State University, and her colleague Kenneth Land, have noted in their study published in the 1994 issue of *Social Science Research* that the most common underlying characteristic among adolescents who commit suicide is the divorce of their parents.<sup>122</sup>

In the past three decades, there has been an increase in adolescent suicides and there has been a corresponding increase in parental divorces all over the world and this is no coincidence. In fact, various researchers have found a link between rise in adolescent suicides or suicidal attempts and rise in parental divorces in cross-cultural studies done in the United States, Japan as well as Holland.<sup>123,124,125</sup> Parents having marital conflicts think if they divorce and separate, they will be able to provide "better" quality of life to their children. Parents decide to separate from each other by a divorce so that their children do not grow up in an environment where their mother and father are always arguing with each other. It is true that frequent arguments between husband and wife are counterproductive when it comes to the psychological wellbeing of children. However, divorce is not the only solution to the problem of frequent argument between the spouses. There are other less harmful options for conflict resolution between the spouses. Divorce may appear to be the best solution but it comes with its own baggage of problems. When those children of divorced parents reach their adult age, many commit suicide or at least attempt suicide and this global phenomenon is not restricted to the East and the West. According to psychologists Wodarski and Pamela, children of divorced parents feel that their parents might have rejected them or their parents might have lost interest in them because the two of them have separated.<sup>126</sup> Adolescence is already a period of great distress due to body's

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<sup>121</sup> Singh, Gopal K. and Yu, Stella M. (1996) "U.S. Childhood Mortality, 1950 through 1993: Trends and Socioeconomic Differentials" *American Journal of Public Health*, Vol. 86, pp. 505-512.

<sup>122</sup> Ibid.

<sup>123</sup> Nelson, Franklyn L. et al., (1988) "Youth Suicide in California: A Comparative Study of Perceived Causes and Interventions" *Community Mental Health Journal*, Vol. 24, pp. 31-42.

<sup>124</sup> Lester, David and Abe, Kazuhiko (1993) "The Regional Variation of Divorce Rates in Japan and the United States," *Journal of Divorce and Remarriage*, Vol. 18, pp. 227-230.

<sup>125</sup> Velez, Carmen Noevi and Cohen, Patricia (1988) "Suicidal Behavior and Ideation in a Community Sample of Children: Maternal and Youth Reports" *Journal of the American Academy of Child and Adolescent Psychiatry*, Vol. 27, pp. 349-356.

<sup>126</sup> Wodarski, John S. and Harris, Pamela (1987) "Adolescent Suicide: A Review of Influences and the Means for Prevention," *Social Work*, Vol. 32, pp. 477-484.

transition into puberty. Young boys and girls need the support of both biological parents during this critical period of life. To grow into adolescence in such depressing situation could easily trigger suicidal thoughts in an adolescent.

The stress before, during and after the separation of both parents is so much that during all their time period, which may extend to months, the custodial parents are mentally and emotionally absent to provide the necessary support for their children. Many times the feelings of revenge against the divorced spouse make the parent mentally unavailable for their children. Their parenting skills suffer decline and such single-parents are often harsh with their children. They offer less affection and appreciation to their children. Most divorced parents will not confess to this if they are asked and many, in fact, may claim that now they are doing better care of their children after getting rid of the other parent. However, the harsh reality is that divorce is like a black hole which drains all the energies of both separated parents.

## **Parental Divorce and Poor Academic Performance of their Children**

Most children from divorced parents get low grades and perform poorly in schools compared to children living with always-married parents. They have lower test scores and grade point averages and most of them do not make to the college. This is so because the divorce of parents increases anxiety and depression in parents as well as their children. Many times children have to change their residences along with their custodial one-parent after the separation of parents. This has an impact on a child's learning, achievement and overall educational experience. As Fagan and Rector put it:

“Because of its impact on stable home life, divorce can diminish the capacity to learn--a principle demonstrated by the fact that children whose parents divorce have lower rates of graduation from high school and college and also complete fewer college courses.”<sup>127</sup>

To support their contention, Fagan and Rector direct us to the "Impact of Divorce Project," which was a survey of 699 elementary students throughout the United States. This project which was carried out by Kent State University in Ohio revealed that children from divorced homes performed more poorly in spelling, reading, and math and they failed and then repeated a grade (class year) more frequently than did children from always-married, two-parent families.<sup>128</sup> Similarly, Anne Hill and June O'Neill, two professors of business and government at Baruch College, City University of New York, also observed in their research that growing up with a divorced parent has a significant, negative impact on children's examination and test scores.<sup>129</sup>

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<sup>127</sup> Fagan, Patrick F. and Rector, Robert (June 5, 2000) "The Effects of Divorce on America" The Heritage Foundation Backgrounder, Issue No. 1373, Washington, DC.

<sup>128</sup> Popenoe, David (1995) Life Without Father. New York, Martin Kessler Books. p. 57 quoted in: Quoted in: Fagan, Patrick F. and Rector, Robert (June 5, 2000) "The Effects of Divorce on America" The Heritage Foundation Backgrounder, Issue No. 1373, Washington, DC.

<sup>129</sup> Hill, M. Anne and O'Neill, June, (1994) "Family Endowments and the Achievement of Young Children with Special Reference to the Underclass" *Journal of Human Resources*, Vol. 29, pp.

When children grow up in a home with divorced mom, it results in lower cognitive test scores for young children due to the absence and unavailability of the father.<sup>130</sup> For daughters raised in the absence of fathers, their math scores in the exams are especially lower which contributes to their school underachievement.<sup>131</sup> For instance, in one study, Elizabeth Bing from the Department of Psychiatry at Stanford Medical Center compared the verbal abilities of girls from divorced families and the ones from intact two-parent families. She found out that a girl's verbal capacities increase when her father is present (intact two-parent family), especially when he reads aloud to her when she is young.<sup>132</sup> The gulf of academic differences between the children from always-married families and the children from divorced families only widens with age. By the time children reach the age of 13, psychologists have observed an average difference of half a year in reading abilities between children of divorced parents and those who have intact, always-married families.<sup>133</sup>

## Parental Divorce and Lower Graduation Rates of their Children

When parents seek divorce, it has harsh impact on the maximum education that those children can attain. The reason, as American sociologists Sara McLanahan and Gary Sandefur has pointed out, is that high school dropout rates are much higher among children of divorced parents than among children of always-married parents.<sup>134</sup> Furthermore, even in the cases when the child's custodial parent remarries after the divorce, the educational losses suffered by a child due to the breakup of his/her biological parents cannot be mended by the arrival of the new stepparent. In fact, data suggests that schools expel as many as 25% or one in every four stepchildren due to poor performance or disruptive behavior.<sup>135</sup>

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1064-1100. Quoted in: Fagan, Patrick F. and Rector, Robert (June 5, 2000) "The Effects of Divorce on America" The Heritage Foundation Backgrounder, Issue No. 1373, Washington, DC.

<sup>130</sup> Powell, Mary Ann and Parcel, Toby L. (1997) "Effects of Family Structure on the Earnings Attainment Process: Differences by Gender" *Journal of Marriage and the Family*. Vol. 59, p. 419, reporting on unpublished research by Frank Mott (1993), prepared for NIH/NICHD. Quoted in: Fagan, Patrick F. and Rector, Robert (June 5, 2000) "The Effects of Divorce on America" The Heritage Foundation Backgrounder, Issue No. 1373, Washington, DC.

<sup>131</sup> David Popenoe, *Life Without Father*, (New York, NY: The Free Press, 1996), p. , 148. Reporting on the findings of Goldstein (1982). Quoted in: Fagan, Patrick F. and Rector, Robert (June 5, 2000) "The Effects of Divorce on America" The Heritage Foundation Backgrounder, Issue No. 1373, Washington, DC.

<sup>132</sup> Bing, Elizabeth (1963) "The effect of child-rearing practices on the development of differential cognitive abilities" *Child Development*, Vol. 34, pp. 631-648

<sup>133</sup> Stevenson, Jim and Fredman, Glenda (1990) "The Social Correlates of Reading Ability" *Journal of Child Psychology and Psychiatry*, Vol. 31, Issue 5, pp. 681-698.

<sup>134</sup> Sara McLanahan and Gary D. Sandefur, *Growing Up With a Single Parent: What Hurts, What Helps* (Cambridge, Mass.: Harvard University Press, 1994), p. 67.

<sup>135</sup> Deborah A. Dawson, "Family Structure and Children's Health and Well Being: Data from the 1988 National Survey of Child Health," *Journal of Marriage and the Family*, Vol. 53 (1991), pp. 573-584.

Since children from divorced families complete less total years of education compared to children from intact families, consequently, children from divorced parents have lower incomes when they find jobs as adults.<sup>136</sup> Studies have also shown that the divorce of parents diminishes the chances for a child to attain a college education. Hillevi Aro, M.D., Ph.D. and Ulla Palosaari, M.D., two doctors from the National Public Health Institute in Finland, looked at the life trajectories of children in a Finnish town from the age of 16 until they reached age 22. In their study published in the 1992 issue of the *American Journal of Orthopsychiatry*, Dr. Aro and Dr. Palosaari revealed that the college attendance rate of children of divorced parents was about 60 percent when compared with children of intact, always-married families.<sup>137</sup>

The findings of Dr. Aro were further supported by the study published in the *Journal of the American Academy of Child Adolescent Psychiatry*. In that study, Judith Wallerstein, the investigating clinical psychologist from San Francisco, noted that from amongst the college-age students who attended the same high schools in an upper-class area (Marin County near San Francisco), 85 percent of students from intact families attended colleges but only two-thirds of children from divorced were able to make it to the colleges.<sup>138</sup> Commenting on the findings of Wallerstein, family scholars Fagan and Rector give the example of Asian-American families (i.e. Middle Eastern Muslims, Southeast Asian Muslims as well as Chinese and other Oriental people) who have the lowest rate of divorce in the United States. Fagan and Rector write:

“The well-known high rates of college attainment by Asian-American children illustrate this point. Asian-Americans also seem to have the highest levels of intact family life of all American ethnic groups.”<sup>139</sup>

All these statistics establish beyond the shadow of any doubt that children of divorced parents suffer physically, mentally and emotionally. Such children encounter deprivations, addictions and failures in their lives. As Patrick Fagan said in his testimony before the Senate of the United States:

“The children of parents who reject each other suffer: in deep emotional pain, ill health, depression, anxiety, even shortened life span; more drop out of school, less go to college, they earn less income, they develop more addictions to drugs and alcohol, and they engage in increased violence or suffer it within their homes.”<sup>140</sup>

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<sup>136</sup> Powell, Mary Ann and Parcel, Toby L. (1997) "Effects of Family Structure on the Earnings Attainment Process: Differences by Gender" *Journal of Marriage and the Family*. Vol. 59, p. 425. Quoted in: Fagan, Patrick F. and Rector, Robert (June 5, 2000) "The Effects of Divorce on America" The Heritage Foundation Backgrounder, Issue No. 1373, Washington, DC.

<sup>137</sup> Aro, Hillevi M. and Palosaari, Ulla K. (July 1992) "Parental Divorce, Adolescence, and Transition to Young Adulthood: A Follow-Up Study," *American Journal of Orthopsychiatry*. Vol. 62, No. 3, pp. 421-429.

<sup>138</sup> Wallerstein, Judith (1991) "The Long Term Effects of Divorce on Children: A Review" *Journal of the American Academy of Child Adolescent Psychiatry*, Vol. 30, pp. 349-360.

<sup>139</sup> Fagan, Patrick F. and Rector, Robert (June 5, 2000) "The Effects of Divorce on America" The Heritage Foundation Backgrounder, Issue No. 1373, Washington, DC.

<sup>140</sup> Fagan, Patrick F. (May 13, 2004) "The Impact of Marriage and Divorce on Children" (The Social Scientific Data on the Impact of Marriage and Divorce on Children before the Senate of the United

## Chapter 5

# ARE THREE DIVORCE PRONOUNCEMENTS ON A SINGLE OCCASION COUNTED AS ONE?

The Islamic law divides *talaq* (divorce) into two main types:

- 1) *Talaq as-Sunnah* – This is the divorce which is performed in accordance with the method prescribed by Prophet Muhammad (peace be upon him)
- 2) *Talaq al-Bid'aa* – This is the type of divorce which is against the Prophetic Sunnah

*Talaq as-Sunnah* is further subdivided into *talaq ahsan* and *talaq hasan*. In the first type, the husband pronounces only one divorce when the wife is in her purity and, during this time frame, he abstains from sexual relations with her and does not revoke it till the end of the third purity. After the *iddah* (or *iddat*) period, both can remarry with a fresh *nikah* without an intervening marriage. On the other hand, in *talaq hasan*, the three pronouncements of divorce are made in three successive or consecutive *tuh'rs* (time periods in which the wife is free from menstruation) but it must be borne in mind that three months are the minimum time period for the three separate divorce pronouncements to be completed.

However, Islamic jurists disagree regarding *talaq al-bid'aa*. This is the form of divorce where the divorce is uttered in three sentences in one *majlis* (session) such as man saying to his wife: “*anti taaliq, anti taaliq, anti taaliq*” (you are divorced, you are divorced, you

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States: Committee on Commerce, Science, and Transportation; Subcommittee on Science, Technology, And Space.) The Heritage Foundation Backgrounder, Issue No. 1373, Washington, DC.

are divorced). Muslim jurists generally agree that triple talaq (*talaq thalatha*) is not permissible, it is an innovation and it is prohibited to perform it. However, the disagreement of scholars comes regarding the legal effect of triple talaq. Majority (but not all) of Islamic scholars consider this form of divorce as valid, effective and irrevocable, resulting in complete separation of husband and wife. However, certain companions of the Prophet (peace be upon him), some Islamic scholars of the past such as Ibn e Taymiyyah, Ibn al-Qayyim as well as many modern day Islamic scholars hold the position that pronouncement of triple talaq in one setting or within one *tuh'r* is equivalent to one divorce no matter how many times a person has uttered the word “*anti taaliq*” (you are divorced).

This discussion is important here because we are now living in the age of Dajjal. We are living in an age when the Muslim family system is under direct attack of the system of Dajjal. Social networking sites and Internet have spread like an epidemic among the Muslim populations. Hence, Muslim men and women use, abuse and misuse the media and social networking sites and, in the end, breakup their families. In this age of technology, it is not uncommon to hear about married Muslim men (with a wife and children) in a fit of rage or in a drunken state or under the spell of an online affair utter three pronouncements of divorce. Some Muslim men may verbally say to their wives “*anti taaliq, anti taaliq, anti taaliq*” (you are divorced, you are divorced, you are divorced) while others may use SMS text messaging or even their Facebook page to post their three divorces to their wives. Others may “tweet” their three divorces using their twitter account. In almost all of such cases, women and children in poor Muslim countries are the ones who suffer the consequences of such family breakdown. The sad part of the story is that many such “emotional” husbands realize their mistake after committing such act of pronouncing three divorces and when they go to their local Sheikhs or Mufti’s to see if there is any way out, they are told in this age of *fitna* and tribulation that THREE divorce pronouncements in one setting are equal to THREE divorces and hence, there is no way out except that his former wife marries another person who sleeps with her and then divorces her and then they can remarry, a practice known as “halalah”.

## Step by Step Summary of the Divorce Process based on the Islamic Teachings

Islam is a religion which is a mercy to the mankind. Therefore, Islam encourages marriage and discourages divorce. Of course, Islam permits divorce but that is more like an emergency exit door, for high-conflict marriages, where all attempts of reconciliation between the husband and the wife are exhausted. For this reason, it has been said in a hadeeth as noted earlier: “The most disliked *halal* (permissible) act in the sight of Allah is divorce.” (Mustadrak al-Haakim)

It must be noted here that Islam has granted the primary right of divorce to men because men are the head of the family and they are the ones who are responsible by Islamic law to take care of the financial needs of the wife as the Qur’an asserts:

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



*“Men are the protectors and maintainers of women, because Allah has made one of them to excel the other, and because they spend (to support them) from their means.”*

(Surah An-Nisa: 34)

However, in order to maintain the balance in society, Islam has granted the right of ‘*Khulaa*’ to a woman in cases of high-conflict marriage or oppression of husband. She can approach an Islamic court of law, present a valid reason and ask Islamic court to dissolve her marriage if it has become unbearable for that woman to live with her husband. We shall be focusing here on the issue of a Muslim husband’s right of divorce and all the injustices which arise when men abuse and misuse their right and oppress their women.

If a marital discord emerges between a husband and a wife, the Qur’an advises both the husband and the wife to make all necessary efforts to save the marriage. This includes discussing the issue between the two of them to resolve the dispute. They are even asked to separate their beds from each other in the hope that this physical separation may bring them back to their senses and may cool off or vent their anger. If the dispute still remains unresolved, then the Qur’an advises the husband and the wife to have a meeting in the presence of two arbitrators, one from the wife’s side and one from the husband’s side:

وَإِنْ خِفْتُمْ شِقَاقَ بَيْنِهِمَا فَأَبْعَثُوا حَكَمًا مِّنْ أَهْلِهِ، وَحَكَمًا  
مِّنْ أَهْلِهَا إِنْ يُرِيدَا إِصْلَاحًا يُوَفِّقُ اللَّهُ بَيْنَهُمَا إِنْ اللَّهُ كَانَ عَلِيمًا  
خَيْرًا ۝ ٣٥

*“And if you fear dissension between the two (the man and his wife), 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.”*

(Surah An-Nisa: 35)

However, if the husband still wants to divorce his wife or if the couple still thinks that divorce is the only solution, then the husband must pronounce one *talaq* to her as long as she is not in her menstrual periods. The first *talaq* is followed by the waiting period called the *iddah*. After the first *talaq*, her *iddah* starts. Options available to the husband within the *iddah* period are either to give the second *talaq* or resume marital relations without re-marriage. The duration of *iddah* is three monthly periods whereas its duration lasts until the termination of pregnancy for pregnant women. If the husband does not resume his marital relations with his wife during her *iddah* period, then the Qur’an offers the couple a chance either to reunite or the husband can pronounce the third, irrevocable *talaq* which will dissolve their marriage and then he cannot remarry her. This process has been described in the Qur’an as mentioned in Surah at-Talaq as well as Surah al-Baqarah as follows:

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

“O Prophet (peace be upon him)! When you divorce women, divorce them at their *Iddah* (prescribed waiting periods), and count (accurately) their *Iddah*. And fear Allah your Lord.”  
(Surah at-Talaq: 1)

وَالْمُطَلَّاتُ يَتَرَبَّصْنَ بِأَنْفُسِهِنَّ ثَلَاثَةَ قُرُوءٍ وَلَا يَحِلُّ لَهُنَّ أَنْ  
يَكْتُمْنَ مَا خَلَقَ اللَّهُ فِي أَرْحَامِهِنَّ إِنْ كُنَّ يُؤْمِنْنَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ  
وَبَعُولَهُنَّ أَحَقُّ بِرَدِّهِنَّ فِي ذَلِكَ إِنْ أَرَادُوا إِصْلَاحًا وَلَهُنَّ مِثْلُ الَّذِي عَلَيْهِنَّ  
بِالْمَعْرُوفِ وَلِلرِّجَالِ عَلَيْهِنَّ دَرَجَةٌ وَاللَّهُ عَزِيزٌ حَكِيمٌ

“Divorced women remain in waiting for three menstrual periods, 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. And their husbands have more right to take them back in this [period] if they want reconciliation. And due to the wives is similar to what is expected of them, according to what is reasonable. But the men have a degree over them [in responsibility and authority]. And Allah is Exalted in Might and Wise.”  
(Surah al-Baqarah: 228)

Likewise, the Qur’an tells us that after completion of the second term, the husband can either retain his wife or divorce her finally:

الطَّلَاقُ مَرَّتَانٍ فَإِمْسَاكٌ بِمَعْرُوفٍ أَوْ تَسْرِيحٌ بِإِحْسَانٍ

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

And according to the Qur’an, the divorce process should be finalized in the presence of two witnesses.

فَإِذَا بَلَغْنَ أَجَلَهُنَّ فَأَمْسِكُوهُنَّ بِمَعْرُوفٍ أَوْ فَارِقُوهُنَّ بِمَعْرُوفٍ  
وَأَشْهِدُوا ذَوَى عَدْلٍ مِّنكُمْ وَأَقِيمُوا الشَّهَادَةَ لِلَّهِ

“Then when they are about to fulfill their term appointed, either take them back in a good manner or part with them in a good manner. And take for witness two just persons from among you (Muslims). And establish the testimony for [the acceptance of] Allah.”

(Surah At Talaq: 2)

It is clear from all of the above-quoted verses from the Qur’an that, in the Islamic teachings, divorce is not a piece of cake. Islam does not allow its followers to break up the families in the blink of an eye or in a fit of rage by uttering three words (*talaq, talaq, talaq*). Islam requires both the husband and the wife to go through a whole step-by-step process and

grants an opportunity to both the husband and the wife to decide about the future of their family. This gives a chance to both husband and the wife to decide about their future with a cool head. Islam not only places divorce as the last resort but also divides the process of pronouncing the divorce into different steps to give a last chance to anyone who would like to take a U-turn towards saving their family, their children and future generations.

## Evidence from the Qur'an Regarding Three Divorce Pronouncements Equivalent to One Divorce

Allah tells us in the Qur'an:

الطَّلُقُ مَرَّتَانٍ فَإِمْسَاكٌ بِمَعْرُوفٍ أَوْ تَسْرِيحٌ بِإِحْسَانٍ

“Divorce must be pronounced twice, and then (a woman) must be retained in honor or released in kindness.” (Surah al-Baqarah: 229)

This verse of the Qur'an is a proof that three divorce pronouncements equivalent to one because the apparent meanings of this verse are telling us that divorce must be pronounced sequentially. The Arabic word “*marrataan*” means “*marratan ba'da marratin*”, that is, one after the other. It is said in the Qur'an:

سُعَذِبُهُمْ مَرَّتَيْنِ ثُمَّ يُرَدُّونَ إِلَىٰ عَذَابٍ عَظِيمٍ

“Soon we shall punish them twice [in this world], then they shall be returned to a great punishment.” (Surah at-Tawbah: 101)

Here in this ayah, the word “*marratayn*” implies that there will be a gap between the two punishments, otherwise it will be considered a single punishment and not two punishments. Another reference to this is found in Surah Al-Isra where it is said to the Children of Israel that they will create mischief on the earth two times (*marratayn*) which obviously means at two different time-periods:

وَقَضَيْنَا إِلَىٰ بَنِي إِسْرَائِيلَ فِي الْكِتَابِ لِنُفْسِدَنَّ فِي الْأَرْضِ مَرَّتَيْنِ  
وَلِنَعْلَنَّ عُلُوقًا كَبِيرًا

“And We conveyed to the Children of Israel in the Scripture that, ‘You will surely cause corruption on the earth twice, and you will surely reach [a degree of] great haughtiness.’” (Surah Isra: 4)

In the same way, the word “*marrataan*” in Surah al-Baqarah (229) suggests a gap between two announcements of divorce, which means there should be a large enough time-gap between the two pronouncements of divorce. Furthermore, the third divorce should also happen after a time-gap as indicated in many ahaadeeth. The word *marrataan* (twice) carries the same sense even in our daily lives. For instance, when we tell to someone: “I went to your house twice but you were not at home”, this cannot mean that we went to the person's house twice in one visit but it must be after some reasonable gap of time. Once we went and the person was not at home, then we went another time and he was still not there. Thus, the act of going had to be carried out in two different periods of time.

While explaining ayah 229 of Surah al-Baqarah, famous Hanafi scholar Abu Bakr al-Jassas (died 370 A.H.) noted in his tafseer *Ahkam ul Qur'an*:

“This ayah of the Qur’an necessitates that the two divorce pronouncements must be on two separate occasions because otherwise if someone has made two pronouncements of divorce on a single occasion then it cannot be said about him that he divorced two times just like if a person gives two dirhams to someone then it cannot be said that he gave dirham two times unless he has given each of those dirhams on two separate occasions.”

(*Ahkam ul Qur'an*)<sup>141</sup>

In the same vein, another Hanafi scholar Nizam al-Din an-Nishapuri al-Qummi (died 1328 C.E.) wrote in his multi-volume exegesis of the Qur’an titled *Tafseer al-Ghareb al-Qur'an* regarding the commentary of ayah 229 of Surah al-Baqarah as follows:

“Among the people who are against three divorce pronouncements in one setting based on the verse of Surah al-Baqarah (229), there are also scholars who say that if two or three pronouncements of divorce are made on a single occasion then only one divorce will be binding and this position is the most reasonable. This was the position of the majority of the scholars from *Ahlul Bayt* (from the descendants of Prophet Muhammad (peace be upon him)). This prohibition is a proof that this act of three divorce pronouncements on one occasion results in corruption and to claim that such divorce is binding (finalized) is equivalent to including corruption in this matter.”

(*Tafseer al-Ghareb al-Qur'an wa Ragha'eb al-Furqaan*)<sup>142</sup>

What Nizam al-Din al-Qummi is referring to here as “corruption” (*fasaad*) is the breakup of the family unit and destruction of children’s future as a result of divorce. If threefold pronouncements of divorce on a single occasion are counted as threefold, finalized divorce then there is no hope for reconciliation no matter how much regret both man and woman feel and no matter how much they love each other. This defeats the whole purpose of Islamic teachings regarding giving an opportunity to a man who has pronounced first or the second divorce to realize that life may not be a bed of roses after separation from his wife and divorce does not necessarily make people any happier. On the other hand, when only one divorce is implemented then both the husband and wife have a chance to rethink about their decision to separate and be united again. Likewise, in the case of second divorce pronouncement, there is still a chance to reunite. Hence, the family members of both the man and the woman can take advantage of this golden opportunity to save a family from disintegration because, after all, making peace is better as the Qur’an asserts “*was'sulhu khairun*” (and reconciliation is better). (Surah an-Nisa: 128)

## Evidence from the Prophetic Sayings

From the traditions of Prophet Muhammad (peace be upon him), it is quite clear that during the life of the Prophet Muhammad (peace be upon him), people used to practice *talaq as-*

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<sup>141</sup> Al-Jassas al-Razi, Abu Bakr (died 370 A.H./ 980 C.E.) (1347 A.H.) *Ahkaam-ul-Qur'an*, Egypt, Mat'baa al-Bahia, vol. 1, pg. 389

<sup>142</sup> an-Nishapuri al-Qummi, Nizam al-Din Hasan bin Muhammad bin Hussain (died 1328 C.E.) (1417 A.H. / 196 C.E.) *Tafseer al-Ghareb al-Qur'an wa Ragha'eb al-Furqaan*, Beirut, Darul al Kutub al-Ilmiyyah, vol. 2, pg. 266.

*Sunnah (talaq-e-Ahsan)*. Prophet Muhammad (peace be upon him) clearly disapproved giving three divorce pronouncements (triple talaq) in one setting or within on *tuh'r*. The following are a few of the ahadeeth (Prophet's sayings) which are either *saheeh* (authentic) or *hasan* (good) in terms of their authenticity and the chain of narrators:

### Hadeeth # 1

عَنْ ابْنِ عَبَّاسٍ قَالَ: طَلَّقَ رُكَانَةَ بِنْتُ عَبْدِ يَزِيدَ أَخُو بَنِي عَبْدِ الْمُطَّلِبِ فِي مَجْلِسٍ  
ثَلَاثًا فَحَزِنَ عَلَيْهَا حُزْنًا شَدِيدًا، فَقَالَ لَهُ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ:  
”كَمْ طَلَّقْتَهَا يَا رُكَانَةُ؟“، قَالَ: ثَلَاثًا فِي مَجْلِسٍ وَاحِدٍ، فَقَالَ رَسُولُ اللَّهِ  
صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: ”فَإِنَّهَا وَاحِدَةٌ“ . (سنن ابى داؤد)

*“Ibn Abbas narrates that Rukanah divorced his wife three times in one sitting. Thereafter he was extremely grieved and went to the Prophet (peace be upon him) and complained to him. The Prophet (peace be upon him) asked him, “How did you divorce your wife?” He responded, “I pronounced three divorces at once.” The Prophet (peace be upon him) responded, “Indeed, this type of divorce is only equal to one divorce.”*

(Sunan Abu Dawud)<sup>143</sup>

This incident is also reported in Musnad Ahmad Ibn Hanbal that once Rukanah pronounced three divorces against his wife but later he was very sorry for it. When the Prophet (peace be upon him) asked him, ‘*How did you divorce your wife?*’ Rukanah replied that he had pronounced three divorces. The Prophet (peace be upon him) asked, ‘*Did you pronounce it in one sitting?*’ When he said, yes, Prophet Muhammad (peace be upon him) said to him: ‘*Treat it as one divorce only and if you want you can take your wife back.*’ And Rukanah took his wife back. (Musnad Ahmad)

Hence, this hadeeth clearly establishes that Prophet Muhammad (peace be upon him) endorsed the form of divorce as laid down by the Qur’an, i.e. talaq as-Sunnah. It is obvious from the above mentioned ahadeeth that although Rukanah had pronounced three Talaqs altogether, their marriage was not broken as it was considered only one Talaq. Hence, Prophet Muhammad (peace be upon him) asked Rukanah to take his wife back.

<sup>143</sup> Imam Ahmed considered this narration as authentic. Although some scholars have questioned the strength of this hadeeth, nonetheless, Ibn Kathir writes about this hadeeth: “Abu Dawud narrated it with a different chain and it is a good hadeeth, Inshallah.” See *Bidayatul Mujtahid*, Dar al-Salam, volume 2 pg 1383. Furthermore, Sheikh Ibn Taymiyyah has regarded the chain of transmission of this hadeeth as *jayyad* (good) (Majmoo al-Fataawa, 33/85) and Ibn al-Qayyim declared it as *saheeh* in *Zaad al-Ma’ad*. Imam Ya’la has narrated this hadeeth in his Musnad and graded it as *saheeh*. Likewise, Shawkaani has graded this hadeeth as *saheeh* in his *Nayl al-Awtaar* (vol. 6, pg. 246). Sheikh Albaani classified this hadeeth as *saheeh* and he has noted in his book *Irwa ul Ghaleel* (vol. 7, pg. 145, hadeeth # 2063) that even if we look at all the routes of transmission of this hadeeth, it can still be regarded as *hasan* (good).

## Hadeeth # 2

عَنْ ابْنِ عَبَّاسٍ قَالَ كَانَ الطَّلَاقُ عَلَى عَهْدِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَ أَبِي بَكْرٍ  
وَ سَنَتَيْنِ مِنْ خِلَافَةِ عُمَرَ طَلَاقُ الثَّلَاثِ وَاحِدَةً ، فَقَالَ عُمَرُ بْنُ الْخَطَّابِ إِنَّ النَّاسَ  
قَدْ اسْتَعْجَلُوا فِي أَمْرٍ قَدْ كَانَتْ لَهُمْ فِيهِ آنَاءٌ فَلَوْ أَمْضَيْنَاهُ عَلَيْهِمْ فَأَمْضَاهُ عَلَيْهِمْ .

(صحيح مسلم، كتاب الطلاق)

*Abdullah Ibn Abbas (may Allah be pleased with him) said: "Three divorces were considered to be one in the time of the Prophet (SAW), during the caliphate of Abu Bakr (may Allah be pleased with him) and in the first two years of Umar's (may Allah be pleased with him) caliphate. Then, Umar said: "Verily, the people have begun to hasten in the matter in which they are required to observe respite. So we should imposed this upon them (as a punishment), and he imposed it upon them."*

(Saheeh Muslim; Book of Divorce)

## Hadeeth # 3

أَخْبَرَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ رَجُلٍ طَلَّقَ امْرَأَتَهُ ثَلَاثَ تَطْلِيقَاتٍ  
جَمِيعًا ، فَقَامَ غَضْبَانًا ، ثُمَّ قَالَ : " أَيْلَعَبُ بِكِتَابِ اللَّهِ ، وَأَنَا بَيْنَ أَظْهُرِكُمْ " ، حَتَّى  
قَامَ رَجُلٌ وَقَالَ : " يَا رَسُولَ اللَّهِ ، أَلَا أَقْتُلُهُ ؟ "

(سنن النسائي)

Mahmood bin Lubayd narrates that Prophet Muhammad (peace be upon him) was informed that a man divorced his wife with three pronouncements altogether. Upon hearing this, the Prophet (peace be upon him) became very angry, he stood up and said: "Is the Book of Allah being mocked at in my presence?" Until one person stood and said: "O Allah's Apostle, should I not kill him?"

(Sunan Nisai)<sup>144</sup>

## Hadeeth # 4

<sup>144</sup> Sunan Nisai: Chapter on Divorce: 6/142. Ibn Kathir has regarded the chain of this hadeeth as authentic (*Irshad-ul-Faqeeh*, vol. 2, pg. 194) In addition, Ibn Hajr al-Asqalani has noted in his book on hadeeth compilation *Bulugh al-Maraam* that the narrators of this tradition are all trustworthy (*Bulugh al Maraam*, Kitab an Nikah, Chapter of Divorce, hadeeth no. 918, pg. 700). Likewise, Sheikh Nasir ad-Din Albaani has graded this hadeeth as saheeh (authentic) in *Ghayatul Maraam* (# 164).

عَنْ ابْنِ عَبَّاسٍ قَالَ: طَلَّقَ رَجُلٌ عَلَى عَهْدِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ  
 امْرَأَتَهُ ثَلَاثًا، فَقَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنْ يُرَاجِعَهَا، قَالَ:  
 إِنِّي قَدْ طَلَّقْتُهَا ثَلَاثًا، قَالَ: قَدْ عَلِمْتُ، وَقَرَأَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ  
 وَسَلَّمَ: يَا أَيُّهَا النَّبِيُّ إِذَا طَلَّقْتُمُ النِّسَاءَ فَطَلِّقُوهُنَّ لِعِدَّتِهِنَّ (سورة  
 الطلاق آية 1)، قَالَ: فَارْتَجِعَهَا. (مصنف عبدالرزاق)

*Ibn Abbas narrates that someone divorced his wife three times during the time of Prophet Muhammad (peace be upon him). The Prophet (peace be upon him) ordered him to take her back. The person said to the Prophet (peace be upon him) that I have divorced her three times. The Prophet (peace be upon him) said "I know that", and then he read the ayah from the Qur'an: [065:001] "O Prophet, when you [Muslims] divorce women, divorce them for [the commencement of] their waiting period" (Surah at-Talaq: 1). Hence, the person took her back. (Musannif Abdul Razzaq)<sup>145</sup>*

### Hadeeth # 5

سَأَلَ أَبُو الْجَوْزَاءِ ابْنَ عَبَّاسٍ هَلْ عَلِمْتَ أَنَّ الثَّلَاثَ كَانَتْ عَلَى عَهْدِ رَسُولِ  
 اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَ أَبِي بَكْرٍ عُمَرَ تَرُدُّ إِلَى الْوَاحِدَةِ، قَالَ نَعَمْ.  
 (مستدرک الحاکم ، سنن الدارقطني)

*Abu Jauza asked Ibn Abbas if he knew that three divorces were considered to be one during the time of the Prophet (peace be upon him) and during the caliphate of Abu Bakr and Umar (may Allah be pleased with them). Ibn Abbas replied: "Yes".*

(Mustadrak al-Haakim; Sunan Dar Qutni)<sup>146</sup>

<sup>145</sup> Musannif Abdul Razzaq, Vol 6, page 391, hadith # 11335. One of the narrators of this hadeeth is Ba'du Bani Raafi, who is *majhool* (unknown by this name). However, Ibn Hajr al-Asqalani has clarified in his book *Tahzeeb at-Tahzeeb* (vol. 12, pg. 387) that it is very likely that this narrator is actually Fadl bin Abdullah bin Abi Raafi' Madni who is so must trustworthy that Ibn Hibban has included him in his *Kitab al-Thiqaat* (The Book of Trustworthy Narrators) (vol. 5, pg. 295). In addition, Ad-Dhabi in his book *Al-Kaashif* (vol. 2, pg. 382) has said about this narrator that he has been regarded as a trustworthy narrator. This hadeeth is also narrated in Sunan Abu Dawud. Hence, this hadeeth is authentic and can be used as a supportive evidence to support the issue of three divorce pronouncements in one setting as equal to one divorce.

<sup>146</sup> There is one narrator, Abdullah bin Mo'amal Makki, in the chain of this hadeeth about whom Hafidh Ibn Hajr writes in his book *Taqreeb at-Tahzeeb* that he was a weak narrator of traditions. However, this hadeeth is narrated by Haakim in his *Mustadrak* and he graded it as *saheeh* (authentic). [Ibn Hajr al-Asqalani (1986) *Taqreeb at-Tahzeeb* Syria, Dar ul Rasheed]

## Hadeeth # 6

عَنْ ابْنِ عَبَّاسٍ إِذَا قَالَ أَنْتِ طَالِقٌ ثَلَاثًا بِنِمْ وَاحِدٍ فَهِيَ وَاحِدَةٌ. (سنن ابى داؤد)

*Ibn Abbas said that if someone uttered three divorces at one go then it will be considered one divorce.*

(Sunan Abu Dawud)<sup>147</sup>

## Evidence from the Sayings of Prophetic Companions (Sahaaba)

Imam al-Hakim relates that a man came to Ibn Abbas (may Allah be pleased with him) and asked him, “Are you aware that three divorces during the time of the Prophet (peace be upon him) equaled one [divorce]?” Ibn Abbas responded, “Yes.” al-Hakim states that this hadeeth is sound. In addition to Ibn Abbas, Ali bin Abi Talib, Abdullah bin Mas'ud, Abdur Rahman bin Auf and Zubair bin al-Awwam were the other notable companions who held that if one pronounces three divorces, only one takes place as it was noted by Ibn Hajr al-Asqalani in his commentary of Saheeh Bukhari titled *Fathul Baari* (vol. 9, pg 363).

In his commentary of Ibn Rushd's *Bidayatul al-Mujtahid*, notable contemporary scholar Dr. Abdullah al-'Uhad stated:

“There was a group of scholars who contended that one pronouncement of divorce could not follow another (meaning one said I divorce you! I divorce you! I divorce you! All at the same moment) but that, if it took place, it would only count as one divorce. This was related by Abu Musa as the opinion of Ali bin Abi Talib [may Allah be pleased with him], Ibn ‘Abbas, Tawus, ‘Ata, Jabir bin Zaid, al-Hadi, al-Qasim, al-Baqir, al-Nasir Ahmed bin ‘Esa and Zaid bin ‘Ali [may Allah be pleased with them all].

This was also the opinion of some of the later day scholars: Ibn Taymiyyah, Ibn al-Qayyim and other critical scholars. This was also related to be the opinion of the scholars of Cordoba and is currently followed by a large body of Muslim scholars due to its ease and removal of hardship.”<sup>148</sup>

Therefore, the claim that there is a consensus of Islamic scholars over the issue of three divorce pronouncements as equivalent to three is not correct. In fact, it is the other way around as noted by Ibn Qayyim in *Ighathatul Lahfan* as follows:

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<sup>147</sup> According to Ibn Qayyim, the chain of transmission of this hadeeth is *saheeh* and it is on the conditions of Saheeh al-Bukhari (*Awn al-Ma'bood*, vol. 2, pg. 227). This means that all of the narrators of this hadeeth are reliable, according to the standard of Imam Bukhari.

<sup>148</sup> *Sharh Bidayatul al-Mujtahid* pg. 1384 quoted in: Webb, Suhaib (December 2, 2007) “Ibn Taymiyyah and 3 Divorces” <http://www.suhaibwebb.com/islam-studies/ibn-taymiyyah-and-3-divorces-suhaib-webb/> Retrieved on: Nov. 5<sup>th</sup>, 2013.



“Regarding the issue of three divorce pronouncements in one setting as equal to one, this is sufficient as a proof in its favor that this commandment was being implemented during the rule of Abu Bakr as-Siddique (may Allah be pleased with him) and all the companions were with him on this issue; no companion disagreed with him nor did anyone differed with Abu Bakr so much so that some of the Islamic scholars say that initially there was a consensus on this and the difference only emerged during the reign of Umar bin Khattab (may Allah be pleased with him) (when he implemented the punishment of three divorces in one setting to cause finalized divorce) and this difference of opinion still exists among us till this day.”<sup>149</sup>

## Evidence from the Sayings of Islamic Scholars

Many of the later scholars including some of the students of Abu Hanifa and Malik and Ahmad, were of the opinion that three pronouncements of *talaq* in one setting (in one month of *tuhr* or purity) is forbidden and there is no obligation except one *talaq*. In fact, some Hanafi jurists like Hajjaj bin Artat and Muhammad Ibn Maqaatil take the position that if one pronounces three divorces, no divorce will take place.<sup>150</sup> The following are the verdicts of Islamic scholars regarding three pronouncements of divorce in one setting as equivalent to one divorce:

### Ata bin Abi Rabah

Ata bin Abi Rabah (died 114 A.H.) was a well-known *tabi'ee* in Makkah, commentator of the Qur'an, Islamic jurist and the famous student of Abdullah ibn Abbas and Abdullah ibn Umar. He gave the following verdict on the issue of three divorces in one setting:

“If you divorce your wife three times in one setting then it is only one divorce because we know that Ibn Abbas said the same on this issue.”

(Musannif Abdul Razzaq)<sup>151</sup>

### Tawus ibn Kaysan

Ibn Shihab az-Zuhri (died 124 A.H.) initially believed if a man divorces his wife three times in one setting then they will be counted as three divorce pronouncements and Az-Zuhri considered that to be the position of Ibn Abbas. Az-Zuhri told this to Tawus ibn Kaysan (died 106 A.H./724 C.E.) because Tawus was a closed student of Abdullah bin Abbas (may Allah be pleased with him). Upon hearing this, Tawus said to him: I am a witness that Ibn Abbas considered it only one.

(Musannif Abdul Razzaq)<sup>152</sup>

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<sup>149</sup> Ibn al-Qayyim, *al-Jawziyyah* (1993). *Ighathatul Lahfan Min Masaa'id ash-Shaytan*, Dar Al-Bayan. Vol. 1, pg. 307.

<sup>150</sup> Ali, Asghar (1999) *Maulana Umar Ahmad Usmani and Women's Rights in the Qur'an, Women and Modern Society*, India, Select Books.

<sup>151</sup> Musannif Abdul Razzaq, vol. 6, pg. 335, hadeeth# 1106

<sup>152</sup> Musannif Abdul Razzaq, Vol. 6, pg. 335, hadeeth # 11077

## Ibrahim an-Nakha'i

Ibrahim an-Nakha'i (died 96 A.H.) was a well-known tabi'ee and Islamic jurist. Famous Hanafi scholar Sheikh Badr al-Din Ayni Hanafi (died 855 A.H. / 1453 C.E.) has noted the position of Ibrahim an-Nakha'i in his book *Umdatul Qaree*, the commentary of *Saheeh Al-Bukhari*, as follows:

“Imam Bukhari pointed out in a chapter that there is difference of opinion regarding taking place of three divorces at once. The school of thought of Tawus, Muhammad bin Ishaq, Muslim al Hajjaj, Ibrahim an-Nakha'i, Ibn Maqaatel and of Ahlul Dahir is that giving three divorces all at once will be considered as one divorce only.”  
(Umdatul Qaree)<sup>153</sup>

## Fakhr ud Din ar-Razi

While writing the commentary of ayah 229 of Surah Al-Baqarah, Fakhr ud din ar-Razi stated:

“A large number of Islamic scholars of Islam have adopted the position that even if divorce is pronounced two or three times, it will only be counted as one divorce, and this saying is more probable since what is prohibited is harmful, and those who maintain that (three divorces) take place are striving to resort to harmful practice and it is inadmissible.” (Tafseer al-Kabeer)<sup>154</sup>

Here it must be noted that Fakhr ud din ar-Razi came a century before Ibn Taymiyyah and he himself took the position regarding three divorces all at once to count them as one divorce. Thus, Ibn Taymiyyah was not the first one to take this position.

## Sheikh ul Islam Ibn Taymiyyah

While discussing the difference of opinion among scholars on the issue of three divorces all at once, the great revivalist and Islamic scholar Ibn Taymiyyah stated:

“The third opinion is that pronouncing three divorces all at one is forbidden and only one divorce happens in such case and this opinion came from a group *salaf* [Pious Predecessors] and later ones of the companions of the Prophet (peace be upon him) including companions like Zubair bin al-Awwam, Abdul Rahman bin Awf, and it was narrated from Ali (the fourth caliph) and Ibn Masood and Ibn Abbas (may Allah be pleased with them all). It is also the position of many of the Tabi'een (second or third generation of Muslims) such as Tawus, Khallas bin 'Amr and Muhammad bin Ishaq. It was also the position taken by Dawud Ad-Dhahiri and the majority of his friends and it was also narrated from Abu Jaafar Muhammad bin Ali bin Al-Husseini and his son Jaafar (that may be why some of the Shia also chose

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<sup>153</sup> Ayni, Badr al-Din Mahmood bin Ahmed (died 855 A.H. / 1453 C.E.) (2001) *Umdatul Qaree Sharh Saheeh Bukhari*. Beirut, Darul Kutub al-Ilmiyyah. Vol. 20, page 223.

<sup>154</sup> Razi, Imam Fakhruddin. (died 606 A.H./ 1209 C.E.) (2000) *Tafseer al-Kabeer*. Beirut, Darul Kutub al-Ilmiyyah. Vol. 6, page 96.

this position of Sunni scholars) and it is also the opinion of some of the students of Abu Hanifa and Malik and Ahmad bin Hanbal.”

(Majmoo'ul Fataawa) <sup>155</sup>

## Ibn Rushd

Some people believe that Ibn Taymiyyah was the first Islamic scholar in the Islamic history who went against the consensus (*Ijmaa*) of Islamic scholars on the Issue of three divorce pronouncements. However, in addition to many of the companions of Prophet Muhammad (peace be upon him) (mentioned above), there were Islamic scholars well before Ibn Taymiyyah who considered three divorce pronouncements in one setting to be equivalent to one. One notable Islamic scholar and Muslim judge was Ibn Rushd who died about 200 years before Ibn Taymiyyah was even born. In his classic masterpiece book on the subject of Islamic jurisprudence, Ibn Rushd wrote as follows:

“There is a consensus that if three divorces are given on separate times then the divorce will take place as sayings of Allah goes in the Qur’an "A divorce is only permissible twice:". But there is difference of opinion when divorce is pronounced three times in one sitting then whether the divorce will take place or not.

Majority of the scholars consider three pronouncements of divorce as equal to three divorces. However, the Dhahiriyah and a group of other scholars hold that such an act is equal to only one divorce.”

(Bidaayat al-Mujtahid)<sup>156</sup>

Here, Ibn Rushd’s testimonial is clear that Ibn Taymiyyah did not reject the consensus of the Islamic scholars as there was only a “majority” and no consensus (*Ijmaa*’) on this issue.

## Qadhi Mohammad Ash-Shawkani

Some scholars have claimed that after Umar bin Khattab (may Allah be pleased with him) implemented the punishment of making three divorces all at once to be effective, thereafter there was a consensus (*Ijmaa*) of the Prophetic companions that three divorces are equal to three and final. However, renowned Yemeni scholar of Islam and jurisprudent Qadhi Shawkani (1759–1834 CE) has refuted this claim about the consensus in his book *Nayl al-Awtaar*. Qadhi Shawkani wrote:

“Regarding the abrogation, we will say that if the commandment of three divorces equivalent to one has been abrogated from any evidence from Quran and Sunnah, then where is that evidence? And if it is said that this commandment has been abrogated from consensus (*Ijmaa*) then we will say, where is the evidence of the proven *Ijmaa*?

This is very strange that people have been practicing something in the era of Abu Bakr (may Allah be pleased with him) and the beginning years of the caliphate of Umar (may Allah be pleased with him) which has been abrogated later. And if someone claims that the *Naasikh* (abrogator) is the position of Umar (may Allah be

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<sup>155</sup> Ibn Taymiyyah, Sheik ul Islam (1381 A.H.) Majmoo'ul Fataawa. Riyadh, Mat'ba ar-Riyadh. Vol. 8, pg. 33.

<sup>156</sup> Ibn Rushd, Abul Waleed Mohammad ibn Ahmed al-Qurtubi (1995) *Bidaayat al-Mujtahid wa Nihaayat al-Muqtasid*. Cairo, Darussalam. Vol. 2, pg. 61-63.

pleased with him) then it is also hard to believe as how can Umar (may Allah be pleased with him) abrogate a Proven Sunnah from his own opinion? And we ask for Allah’s forgiveness for harboring such thoughts in our minds about the Companions (may Allah be pleased with all of them) that they would have abrogated a Sunnah.”

(Nayl al-Awtaar)<sup>157</sup>

## Sheikh Abdul Aziz Bin Baaz

When Sheikh Abdul Aziz bin Baaz, a notable scholar of our modern age, was asked about this issue, he gave the following verdict in response:

“This position of considering three divorces in one sitting to be equivalent to one was the view of Ibn Abbas which is based on an authentic report narrated from him. According to the other report narrated from Ibn Abbas, he shared the view of the majority. The view that they should be regarded as one divorce was narrated from Ali, Abd ar-Rahman ibn Awf and Zubair ibn al-Awwam (may Allah be pleased with all of them). This was also the opinion of a number of the Tabi’een, Muhammad ibn Ishaq (renowned biographer of Prophet peace be upon him), and a number of the earlier and later scholars. It was also the view favored by Sheikh al-Islam Ibn Taymiyyah and his student Ibn Qayyim. This is also my position, because that is based on following all of the texts (from Qur’an and Sunnah), and because it is also more merciful and kindhearted to the Muslims.”<sup>158</sup>

## Reason behind the Implementation of Punishment by the Second Caliph

It has been mentioned earlier that Mahmood bin Lubayd narrates that Prophet Muhammad (peace be upon him) was informed that a man divorced his wife with three pronouncements altogether. Upon hearing this, the Prophet (peace be upon him) became very angry, he stood up and said: “Is the Book of Allah being mocked at in my presence?” (Sunan Nisai) In the same manner, Umar bin Khattab disliked three pronouncements of divorce in one setting to such an extent that he used to lash the person with his stick whenever he would find out about such a person as Ibn Hajar notes in his *Fath ul Baari*:

إِنَّ عُمَرَ كَانَ إِذَا أُتِيَ بِرَجُلٍ طَلَّقَ إِمْرَأَتَهُ ثَلَاثًا أَوْ جَعَّ ظَهْرَهُ (فتح الباری)

“When any person who had pronounced three divorces to his wife was brought to Umar, he used to lash the person on his back.” (Fath ul Baari)<sup>159</sup>

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<sup>157</sup> Shawkani, Qadhi Mohammad ibn Ali (2000). *Nayl al-Awtaar*. Lahore, Dost Associate Publishers. Vol. 10, pg. 256.

<sup>158</sup> Ibn Baaz, Abdul Aziz (1996) *Fataawa al-Talaaq* (Collections of Islamic verdicts of Sheikh Ibn Baaz) (Arabic) compiled by Dr. Abdullah al-Tayyar and Muhammad al-Musa. Riyadh, Darul Watan.

<sup>159</sup> Ibn Hajar al-Asqalani, Ahmad ibn Ali (2010) *Fath ul Baari*. Lahore, Al-Maktaba as-Salafiyya, 9/362. Also quoted in Sunan Saeed bin Mansoor, Book of Divorce, hadeeth #1073.

Hence, during his caliphate, Umar bin Khattab (may Allah be pleased with him) instituted that three pronouncements of divorce in one setting as equivalent to three divorces and made it binding. Umar bin Khattab (may Allah be pleased with him) implemented this as a form of punishment so that people would consider the serious consequences of triple-divorce pronouncements in one setting before they decide to do so and they stop from playing with this matter. In this way, people would stop and think before they utter three divorce pronouncements to their wives at the same time. The implementation of this punishment by Umar (may Allah be pleased with him) was meant to be a deterrent to the people so that they should rather give divorce to their wives in the step-by-step way as prescribed in the Qur'an. Imam Muslim narrates that Ibn Abbas reported that in time of Prophet Muhammad (peace be upon him) and during the caliphate of Abu Bakr (may Allah be pleased with him) and the first two years of the caliphate of Umar (may Allah be pleased with him), three divorce pronouncements were considered as one revocable divorce:

عَنْ ابْنِ عَبَّاسٍ قَالَ كَانَ الطَّلَاقُ عَلَى عَهْدِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَ أَبِي بَكْرٍ  
وَ سَنَتَيْنِ مِنْ خِلَافَةِ عُمَرَ طَلَاقُ الثَّلَاثِ وَاحِدَةً ، فَقَالَ عُمَرُ بْنُ الْخَطَّابِ إِنَّ النَّاسَ  
قَدْ اسْتَعْجَلُوا فِي أَمْرِ قَدْ كَانَتْ لَهُمْ فِيهِ آنَاءٌ فَلَوْ أَمْضَيْنَاهُ عَلَيْهِمْ فَأَمْضَاهُ عَلَيْهِمْ .

(صحيح مسلم، كتاب الطلاق)

“Abdullah Ibn Abbas (may Allah be pleased with him) said: “Three divorces were considered to be one in the time of the Prophet (peace be upon him), during the caliphate of Abu Bakr (may Allah be pleased with him) and in the first two years of Umar’s (may Allah be pleased with him) caliphate. Then, Umar said: “Verily, the people have begun to hasten in the matter in which they are required to observe respite. So we should imposed this upon them (as a punishment), and he imposed it upon them.”

(Saheeh Muslim)<sup>160</sup>

Thus, caliph Umar (may Allah be pleased with him) declared three divorces in one setting to be final and binding. However, this legal verdict of Umar (may Allah be pleased with him) was meant as a punishment for the people of his time only and not for us. There is no doubt that Umar (may Allah be pleased with him) had no intention whatsoever to change Islamic *Shariah* forever because he knew it very well that the religion of Islam is complete as the Quran attests to this in Surah Al Maidah (ayah 3). This is further strengthened by the fact that, during the end of his life, Caliph Umar (may Allah be pleased with him) expressed regret for implementing such punishment on people as we shall discuss in the next section.

<sup>160</sup> Saheeh Muslim, Book of Divorce, Chapter: Three Divorce Pronouncements, Hadeeth# 1472; Mustadrak al-Haakim, Book of Divorce, Vol. 2, page 196, hadeeth # 2793.

<b><i>Time period of Prophet Muhammad</i></b> (peace be upon him)	<b><i>Caliphate of Abu Bakr Siddique</i></b>	<b><i>Caliphate of Umar bin Khattab</i></b>	<b><i>Caliphate of Umar bin Khattab</i></b>	<b><i>Caliphate of Umar bin Khattab</i></b>
Madinan period of Prophet Muhammad (peace be upon him)	2 years caliphate of Abu Bakr	First 2 years of caliphate of Umar	Next 7 years of caliphate of Umar	Last year of caliphate of Umar
<b>Threefold pronouncement of divorce on a single occasion only counted as SINGLE Divorce</b>			<b>Threefold pronouncements of divorce on a single occasion counted as a THREE, Divorces</b>	<b>Umar regretted his decision to implement such a punishment of making threefold pronouncements of divorce on a single occasion to be legally finalized and binding</b>

## Caliph Umar's Later Regret for Implementing Such Punishment

According to the tradition described above, during the third year of his caliphate, Umar bin Khattab (may Allah be pleased with him) abolished the practice of triple divorce pronouncements in one setting to be counted as single divorce. It had become a widespread practice among the Arabs who hastened to give triple divorce pronouncements in one setting to their wives to get rid of them. Therefore, caliph Umar (may Allah be pleased with him) implemented that punishment. Later on, he expressed regret for his implementation of that punishment but the practice had already taken root in the Muslim society. In *Igathatul Lahfan*, Imam Ibn Qayyim has quoted on the authority of Abu Bakr Isma'ili who narrated in *Musnad 'Umar* that:

قَالَ عُمَرُ بْنُ الْخَطَّابِ رَضِيَ اللَّهُ عَنْهُ مَا نَدِمْتُ عَلَى شَيْءٍ نَدَامْتِي عَلَى ثَلَاثٍ:  
أَنْ لَا أَكُونَ حَرَّمْتُ الطَّلَاقَ، وَ عَلَى أَنْ لَا أَكُونَ أَنْكَحْتُ الْمَوَالِيَّ، وَ عَلَى أَنْ  
لَا أَكُونَ قَتَلْتُ النَّوَائِحَ.

(مُسْنَدُ عُمَرَ بْنِ الْخَطَّابِ لِأَبِي بَكْرٍ إِسْمَاعِيلَ، إِغَاثَةُ اللَّهْفَانِ لِابْنِ الْقَيْمِ)

Umar bin al-Khattab (may Allah be pleased with him) said: "I do not regret anything as I regret three (of my steps): I should not have prohibited divorce, that I should not have married freed slaves, and that I should not have killed wailing mourners."

Since the commandment of triple pronouncement of divorce in one setting as equivalent to one is ordained by Allah and practiced by His Messenger (peace be upon him), it cannot be prohibited by anyone coming later. Umar bin Khattab (may Allah be pleased with him) knew this truth and he never intended to prohibit it permanently. However, when he saw that people started to misuse this concession granted to them in *Shariah*, he prohibited triple divorce pronouncement equivalent to one divorce and, as a punishment, implemented triple divorce pronouncement on a single occasion to be equal to finalized divorce. This was meant to be a temporary punitive measure to teach a lesson to those people who were taking the matter of divorce lightly. Since he was the person who implemented this command to count unified triple divorce as three, he felt regret towards the end of his life for his action pertaining to divorce.

## Arguments of Ibn Taymiyyah to Support Three Divorce Pronouncements Being Equivalent to One

As a ruler and administrator, Umar bin Khattab (may Allah be pleased with him) is known to resort to *ijtihad* (juristic reasoning) to tackle social and religious issues of the then Arab society. There are many examples of such measures of *ijtihad* taken by Umar bin Khattab (may Allah be pleased with him) during his period of caliphate. For instance:

- Umar bin Khattab (may Allah be pleased with him) lifted off the punishment for stealing (*hadd as-saraqah*) during the year of the famine because of the possibility that people may be forced or tempted to steal to eat as they had no means to get food.
- He prohibited selling of *ummul walad* (female slave who has borne a child to her master and who is immediately considered free after his death).
- Umar (may Allah be pleased with him) prohibited some of the close Prophetic companions (such as Hudhaifa bin Yaman) from marrying *kitabiyah* women (Jewish and Christian women).
- He ordered the burning of the house of a drunkard <sup>162</sup>
- He gave fatwa of stopping Hajj *Tamattu* (Umrah with Hajj) <sup>163</sup>

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<sup>161</sup> Ibn al-Qayyim, al-Jawziyyah (1993). Ighathatul Lahfan Min Masaa'id ash-Shaytan, Dar Al-Bayan. Vol. 1, pg. 351.

<sup>162</sup> Abu Ubayd al-Qasim ibn Sallam (2005) Kitab al Amwaal (The Book of Revenue) transl. Eng. by Imran Ahsan Khan Nyazee, London, Garnet Publishing Ltd.

<sup>163</sup> Saalim ibn Abdullah ibn Umar said: I was sitting with Ibn Umar (may Allah be pleased with him) in the mosque once, when a man from the people of Syria came to him and asked him about continuing the Umrah onto the Hajj (known as Hajj *tamattu*). Ibn Umar replied, "It is a good and beautiful thing." The man said, "But your father (i.e. Umar bin Khattab) used to forbid it!" So he said, "Woe to you! If my father used to forbid something which the Messenger of Allah (peace be upon him) practiced and commanded, would you accept my father's view, or the order of the Messenger of Allah (peace be upon him)?" He replied, "The order of the Messenger of Allah (peace be upon him). [Musnad Ahmad (no. 5700); At-Tirmidhi; *Kitab al Hajj Chapter At Tamattu*. Imam Tirmidhi declared this hadeeth as *saheeh*]

Actually, Umar bin Khattab (may Allah be pleased with him) did not intend to change Islamic law. He implemented all those commands in light of the principle of *Istihsan*, a well-recognized principle in Islamic jurisprudence which means "juristic preference". Professor Muhammad Hashim Kamali explains this in his book *Principles of Islamic Jurisprudence* as follows:

“It has been suggested that the ruling of the second khalif, Umar ibn al-Khattab, not to enforce the *hadd* penalty of the amputation of the hand for theft during widespread famine, and the ban which he imposed on the sale of the slave-mothers and marriage with *kitabiyahs* in certain cases were all instances of *istihsaan*.”<sup>164</sup>

Hence, all the above-mentioned rulings of caliph Umar (may Allah be pleased with him) were based on the principle of juristic preference, implemented based on the prevalent conditions of his time. The same holds true for Umar’s (may Allah be pleased with him) ruling on divorce which was implemented due to certain conditions of his time which may not exist in our times. It is precisely for this reason that many of the notable Prophetic companions from the era of Umar bin Khattab (may Allah be pleased with him) as well as *tabi’een* held the position that three divorces pronouncements on a single occasion equaled one divorce because this is how it was practiced during the time of Prophet Muhammad (peace be upon him) and during the era of first caliph Abu Bakr (may Allah be pleased with him). Those *sahaaba* and *tabi’een* who took this position included Ali bin Abi Talib, Ibn ‘Abbas, Abdullah bin Mas’ud, Abdur Rahman bin Auf, Zubair bin al-Awwam, Tawus, ‘Ata, Jabir bin Zaid, al-Hadi, al-Qasim, al-Baqir, al-Nasir Ahmed bin ‘Esa and Zaid bin ‘Ali [may Allah be pleased with them all].

What was the attitude of prophetic companions in such matters of juristic preference versus the actual ruling as mentioned in the Qur’an and as practiced by Prophet Muhammad (peace be upon him)? Two narrations of two prophetic companions (one of them being the own son of Umar bin Khattab (may Allah be pleased with him)) on the issue of Hajj *tamattu* are given here because Umar bin Khattab (may Allah be pleased with him) gave the fatwa to people to stop Hajj *tamattu*. Based on the stand of those two prophetic companions, parallels can be drawn on the issue of three divorce pronouncements in a single setting as equivalent to one versus three. The two narrations are as follows:

Saalim ibn Abdullah ibn Umar said: I was sitting with Ibn Umar (may Allah be pleased with him) in the mosque once, when a man from the people of Syria came to him and asked him about continuing the Umrah onto the Hajj (known as Hajj *tamattu*). Ibn Umar replied, “It is a good and beautiful thing.” The man said, “But your father (i.e. Umar bin Khattab) used to forbid it!” So he said, “Woe to you! If my father used to forbid something which the Messenger of Allah (peace be upon him) practiced and commanded, would you accept my father's view, or the order of the Messenger of Allah (peace be upon him)?” He replied, “The order of the Messenger of Allah (peace be upon him).”

[Musnad Ahmad; At-Tirmidhi]<sup>165</sup>

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<sup>164</sup> Kamali, Muhammad Hashim (2006) *Principles of Islamic Jurisprudence* Cambridge (UK), The Islamic Text Society.

<sup>165</sup> Musnad Ahmad (no. 5700); At-Tirmidhi; *Kitab al Hajj Chapter At Tamattu*. Imam Tirmidhi declared this hadeeth as *saheeh*.



Muhammad ibn Abdullah ibn al-Harith ibn Nawfal ibn Abd al-Muttalib narrates that he heard Sad ibn Abi Waqqas (may Allah be pleased with him) and ad-Dahhak ibn Qays discussing Hajj *tamattu* in between umra and hajj. Ad-Dahhak said to him: "Only someone who is ignorant of what Allah says would do that [Hajj tamattu]." Upon hearing this, Sad ibn Abi Waqqas (may Allah be pleased with him) said, "How wrong is what you have just said, my nephew!" Ad-Dahhak said, "Umar ibn al-Khattab (may Allah be pleased with him) forbade that," and Sad ibn Abi Waqqas (may Allah be pleased with him) replied back, "The Messenger of Allah (peace be upon him) did it and we did it with him."

(Muwattaa Imam Malik)<sup>166</sup>

Sheikh ul Islam Ibn Taymiyyah argued that during his era (600 years after Umar bin Khattab), implementation of such punishments to men would result in causing a lot of hardship to the women and children of those men while Umar bin Khattab (may Allah be pleased with him) never intended to punish women and children in the first place. Those same circumstances which Ibn Taymiyyah talked about in his era also exist now in our time and age (about 1400 years after caliph Umar).

Ibn Taymiyyah has also explained that the ruling of Umar (may Allah be pleased with him) regarding divorce can be considered as a type of 'discretionary punishment', which can be implemented when there is necessity for it. Ibn Taymiyyah also noted that there were notable prophetic companions who opposed the ruling of Umar (may Allah be pleased with him) because there was no differentiation between those who performed this act of triple divorce (in one setting) intentionally with full awareness of its consequences and those who performed it out while unaware of its consequences. In addition, this ruling did not differentiate those who deserved punishment and those who were innocent. Ibn Taymiyyah also argued that only the *talaq as-sunna* can be binding on individuals as it is evident from the textual evidence. If this act of triple divorce in one setting equivalent to three, finalized divorces is considered impermissible but valid in the Islamic *Shariah*, what purpose is served by categorizing divorce into permissible and prohibited? If this is true then that would result in contradiction in *Shariah* rulings but Allah would never reveal contradictory rulings on us.<sup>167,168,169</sup>

## The Islamic Position on *Halalah (tahleel)* Marriage

Islamic law does not allow a couple to remarry after a man has divorced his wife for the third time unless the woman marries another man. Hence, after three divorces, a man's ex-wife is only permissible for him to marry after she has married another man and the two are separated by either divorce or death, as it is commanded in the Qur'an:

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<sup>166</sup> Muwattaa Imam Malik; Book 20, Number 20.17.61

<sup>167</sup> Ibn Taymiyyah, Sheikul Islam (1381 A.H.) Majmoo'ul Fataawa. Riyadh, Mat'ba ar-Riyadh. Vol. 8, pg. 33.

<sup>168</sup> Ibn al-Qayyim, al-Jawziyyah (1993). Ighathatul Lahfan Min Masaa'id ash-Shaytan, Dar Al-Bayan. Vol. 1, pg. 351.

<sup>169</sup> Ibn Al-Qayyim, al-Jawziyyah (1976). A'laamul Moqi'een. Lahore, Ahl Hadeeth Academy.

الطَّلُقُ مَرَّتَانٍ فَإِمْسَاكَ بِمَعْرُوفٍ أَوْ تَسْرِيحٍ بِإِحْسَنٍ وَلَا يُجِلُّ  
لَكُمْ أَنْ تَأْخُذُوا مِمَّا آتَيْتُمُوهُنَّ شَيْئًا إِلَّا أَنْ يَخَافَا أَلَّا يُقِيمَا  
حُدُودَ اللَّهِ فَإِنْ خِفْتُمْ أَلَّا يُقِيمَا حُدُودَ اللَّهِ فَلَا جُنَاحَ عَلَيْهِمَا فِيمَا افْتَدَتْ  
بِهِ تِلْكَ حُدُودُ اللَّهِ فَلَا تَعْتَدُوهَا وَمَنْ يَتَعَدَّ حُدُودَ اللَّهِ فَأُولَئِكَ هُمُ  
الظَّالِمُونَ ﴿٢٢٩﴾

فَإِنْ طَلَّقَهَا فَلَا تَحِلُّ لَهُ مِنْ بَعْدُ حَتَّى تَنْكِحَ زَوْجًا غَيْرَهُ فَإِنْ طَلَّقَهَا فَلَا  
جُنَاحَ عَلَيْهِمَا أَنْ يَتَرَاجَعَا إِنْ ظَنَّا أَنْ يُقِيمَا حُدُودَ اللَّهِ وَتِلْكَ حُدُودُ اللَّهِ  
يُبَيِّنُهَا لِقَوْمٍ يَعْلَمُونَ ﴿٢٣٠﴾

“Divorce must be pronounced twice, and then (a woman) must be retained in honor or released in kindness..... And if he has divorced her [for the third time], then she is not lawful to him afterward until [after] she marries a husband other than him. And if the latter husband divorces her [or dies], there is no blame upon the woman and her former husband for returning to each other if they think that they can keep [within] the limits of Allah . These are the limits of Allah, which He makes clear to a people who know.”

(Surah al-Baqarah: 229,230)

Hence, the divorced couples are not allowed to remarry until the ex-wife marries another man. This ruling is made by Islamic *Shariah* in order to discourage the occurrences of divorces and to protect the honor of women. Furthermore, the Islamic law requires that this marriage which will make her permissible for her first husband should be a valid marriage. This means only if the divorced woman decides to marry another man so that she could spend the rest of her life peacefully and for the sake of the future of her children and then, at some point in their life, the second husband also divorces her as a matter of coincidence or the second husband dies, and then the woman decides on her own will to go back to her former husband, she can remarry her former husband. And this process is known as “halala” (*tahleel*) marriage. Hence, it is clear that this whole incidence will have to be based on a number of coincidences and nothing can be planned. *Halala* marriage is not an option to get the woman back to her first husband by pre-planning or agreement for a *tahleel* marriage. Islamic law strictly prohibits temporary marriage (*mut'ah* marriage) as well as marriage for the purpose of making the woman permissible for her first husband (*tahleel* marriage). Such pre-planned marriages are *haraam* and invalid according to the Islamic *Shariah* and doing so does NOT make the woman permissible for her first husband.

There are many saheeh ahaadeeth from the Prophet (peace be upon him) which definitively indicate that *tahleel* marriage is *haraam*. In those ahaadeeth, the Prophet (peace be upon him) has admonished those who misinterpret the ayah of the Quran (Surah al-Baqarah: 229,230) regarding *halala* to serve their own petty interests and he has removed the confusion. According to one hadeeth, the Prophet (peace be upon him) said:

## لَعَنَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ الْمُحَلَّلَ وَالْمُحَلَّلَ لَهُ

(ترمذى، نسائى، ابن ماجه)

“The Prophet of Allah (peace be upon him) has cursed *muhallil* (the one who marries a divorced woman with the intention of making her lawful for her former husband) and *muhallal lahu* (the first husband for whom she is made lawful).”

(Tirmidhi, Sunan Nisai, Sunan Ibn Majah)<sup>170</sup>

In another hadeeth narrated from Uqbah ibn Aamir, Prophet Muhammad (peace be upon him) said:

أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «الْأَخْبِرُكُمْ بِأَلْتَيْسِ الْمُسْتَعَارِ؟» قَالُوا:

بَلَى، يَا رَسُولَ اللَّهِ، قَالَ: «هُوَ الْمُحَلَّلُ، لَعَنَ اللَّهُ الْمُحَلَّلَ وَالْمُحَلَّلَ لَهُ

(سنن ابن ماجه)

“Shall I not tell you of a borrowed billy-goat.” They said, Yes, O Messenger of Allah. He said, “He is *al-muhallil* (the one who marries a woman and divorces her so that she can go back to her first husband). May Allah curse *al-muhallil* and *al-muhallal lahu*.”

(Sunan Ibn Majah)<sup>171</sup>

It has also been narrated that the second caliph Umar ibn al-Khattab (may Allah be pleased with him) said whilst addressing the people:

“By Allah, if any *muhallil* or *muhallal lahu* will be brought to me, I will stone them to death.”

(Musannif Abd al-Razzaq)<sup>172</sup>

Al-Haakim narrates from Naafi’ that Abdullah bin Umar said:

كُنَّا نَعُدُّ هَذَا سَفَاحًا عَلَى عَهْدِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ

(مستدرک الحاكم)

“At the time of the Messenger of Allah (peace be upon him), we would regard that (*tahleel* marriage) as *zina* (fornication).

(Mustadrak al-Haakim)<sup>173</sup>

<sup>170</sup> This hadeeth was classed as *hasan Saheeh* by Tirmidhi. Likewise, Ibn Qattan has graded this hadeeth as saheeh and Ibn Daqeeq al-Eid has classified this hadeeth as authentic on the conditions of Imam Bukhari (Al-Talkhees al-Habeer, vol. 3, pg. 170)

<sup>171</sup> Sunan Ibn Majah, hadeeth #1936. This hadeeth is also narrated by Mustadrak al-Haakim (vol. 2, pg. 199) who graded it as saheeh. In addition, this hadeeth is classed as *hasan* by Sheikh al-Albaani in *Saheeh Sunan Ibn Majah*.

<sup>172</sup> Musannif Abd al-Razzaq, Vol. 6, # 2650

<sup>173</sup> Mustadrak al-Haakim, vol. 2, # 199

It is a matter of profound regret that today when so-called “moderate” Muslim imams and “rent-a-sheiks” who are the most vocal supporters of “three-divorces-in-one setting to be effective and final” are asked by the couples who have pronounced three divorces in one go in a fit of rage, such “moderate” Muslim imams and “rent-a-sheiks” tell them that now their marriage is dissolved and then they show them the way of *tahleel* marriage as a way to make it permissible for the couple to remarry. It is for this reason that in certain parts of the world, there are *Halala Nikah* (*tahleel* marriage) Centers commercially available to such couples as paid-for-affairs in order to fulfill the minimum criteria to reunite the woman with her first husband. But it is clear the Qur’an and *Sunnah* both prohibit such a marriage and all those who are involved in such marriage arrangements are cursed and they are clearly fornicators. Such practice of *halala* or *tahleel* marriage is haraam beyond the shadow of any doubt.

## Divorce in a State of Severe Anger

Prophet Muhammad (peace be upon him) said in one hadeeth:

لَا طَّلَاقَ وَلَا عِتَاقَ فِي إِغْلَاقٍ (سنن ابن ماجه)

“There is no divorce and no freeing of slaves when it is done by force or in a state of intense anger.” (Ibn Majah)<sup>174</sup>

In the commentary of this hadeeth, renowned Islamic scholar Ibn al-Qayyim al-Jawziyya wrote his famous essay titled *Ighaathat al-Lahfaan fi Hukm Talaaq al-Ghadbaan*. To sum up his position, Ibn al-Qayyim stated that anger is of three types:

- 1) This is the type of anger which is not so severe to the extent that it would affect a person’s mind or power of thinking. The person knows very well what he is saying and what he means. There is no dispute among the scholars of Islam that in such case divorce, manumission and contracts are valid.
- 2) The second kind of anger is that which reached to a limit that the man no longer knew what he was doing or saying. There is no disagreement among the Islamic scholars that in this situation divorce does NOT take place. If his anger is so intense that he does not know what he is saying, there is no doubt that none of his words should be implemented in this case. The words of an adult person with sound mind (*mukallif*) are only applicable if he knows what he is saying, and if the speaker really intends what he is speaking.
- 3) The third type of anger is the one that falls between the two categories mentioned above, where the anger goes beyond the ordinary level but not so far as to make him behave like an insane person. There is a disagreement among the Islamic scholars on the applicability of this type of anger. The evidence from the Islamic texts suggests that divorce, freeing of slaves and contracts in such cases are not valid, and this is the kind of anger known as *ighlaaq*.

(Zaad al-Ma’aad)<sup>175</sup>

<sup>174</sup> This hadeeth which has been narrated by Ibn Majah (hadeeth number: 2046) has been classed as *saheeh* (authentic) by Sheikh al-Albaani in his book *Irwa’ al-Ghaleel*, number 2047).

<sup>175</sup> Ibn Al-Qayyim, al-Jawziyyah (1990). Zaad al-Ma’aad (in Urdu). Karachi, Nafees Academy.

While explaining *ighlaaq*, contemporary Islamic scholar Sheikh Abdul Aziz Bin Baaz gave the following verdict on this issue:

“If you uttered the words of divorce when you were in a state of extreme anger and you did not even realize it, and you could not control yourself, because of your wife’s harsh words or insults, and your wife admits that, or you have a witness of good character, then divorce has NOT taken place. This is due to the Islamic juristic evidence which indicates that divorce does not take place if the words are spoken at a moment of extreme anger – and if the person was not even aware of his uttered words due to his state of anger then the ruling applies even more so. For instance, Ahmad, Abu Dawud and Ibn Majah have narrated a hadeeth from Ayesha (may Allah be pleased with her) that the Prophet (peace be upon him) said: “*There is no divorce and no manumission in the event of ighlaaq.*”

The word *ighlaaq* (in the above mentioned hadeeth) means compulsion or anger according to the majority of scholars. If a man’s state of anger has made him unaware of what he was saying, so he is like one who is unconscious, insane or drunk, because of the intensity of his anger. So divorce does NOT take place under such circumstances. In addition, if the husband cannot control his words or actions because of the intensity of his anger, then divorce does not take place. Anger can be of the following three types:

- 1) When a person is angry and he is no longer aware of what he is doing. This person’s case is similar to an insane person, so divorce does not take place according to all scholars.
- 2) When a person is very angry but is still aware of what he is doing, but his anger is so intense that he cannot control his tongue and the anger makes him say the words of divorce. In this case too, divorce does not take place according to the correct scholarly opinion.
- 3) The ordinary type of anger which is not very intense. In this case, divorce takes place, according to all the scholars of Islam.”<sup>176</sup>

Scientific evidence suggests that during the extreme state of anger, the thought pattern in our brain changes. Once a person gets angry, his thinking faculties are shut off. Cerebral cortex is the thinking part of the brain (higher brain) which is responsible for logic and judgment. On the other hand, limbic system is the emotional center of the brain, and it is centered in amygdala. This is located in lower part of the brain and it is considered more primitive than the cortex. Scientific studies have shown that during extreme emotional states, such as in a state of intense anger, the lower part (emotional center) of the brain reaches a stage when it can override the higher, thinking brain (cortex), which means that the person will stop using his/her brain. It is for this reason that anger is considered the most difficult emotional response to resist as the Columbia University psychologist Dr. Daniel Goleman asserts in his best-selling book *The Emotional Intelligence*. Dr. Goleman notes that the person in a state of anger suffers from “emotional hijacking” of the brain.<sup>177</sup> Likewise, Gerry Vassar, the President and CEO of “Lakeside Educational Network”, has explained the process of anger in the brain as follows:

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<sup>176</sup> Ibn Baaz, Abdul Aziz (1996) *Fataawa al-Talaaq* (Collections of Islamic verdicts of Sheikh Ibn Baaz) (Arabic) compiled by Dr. Abdullah al-Tayyar and Muhammad al-Musa. Riyadh, Darul Watan. pg. 19-21.

<sup>177</sup> Goleman, Daniel (1995). *Emotional Intelligence*. New York, Bantam Books.

“During an overriding event, the amygdala goes into action without much regard for the consequences (since this area of the brain is not involved in judging, thinking, or evaluating). This reactive incident has come to be known as an amygdala hijacking.... The impact of this hormonal flush last for several minutes during which time the person is usually out of control and may say or do things he or she will later regret, when the thinking part of the brain reengages.”<sup>178</sup>

Hence, the correct scholarly position in Islam is that divorce does not count in a state of anger when the anger of the person is so intense that he cannot control his tongue and the anger causes him to utter the words of divorce.

## Prohibition of Giving Divorce during a Woman’s Menstrual Periods

In Islamic teachings, a husband is commanded to divorce his wife when she is in a ‘state of purity’, i.e. when she is clean after her menstrual period and the husband had not had sexual intercourse with her. In the Islamic law (*fiqh*), if a husband divorces his wife during her menstrual periods, it is accepted according to many Islamic scholars. According to Abdullah ibn Umar (may Allah be pleased with him) and some of the tabi’een as well as Islamic scholars such as Ibn Taymiyyah, Ibn Qayyim and contemporary scholars such as Ibn Baaz and Ibn Uthaymeen, divorce of a menstruating woman does not count as such because Allah says in the Qur’an:

يَا أَيُّهَا النَّبِيُّ إِذَا طَلَّقْتُمُ النِّسَاءَ فَطَلِّقُوهُنَّ لِعَدَّتِهِنَّ وَأَحْصُوا الْعِدَّةَ

“O Prophet! When you divorce women, divorce them at their Iddah (prescribed periods) and count (accurately) their Iddah.” (Surah al-Talaaq: 1)

Further evidence on this issue comes from the hadeeth about Abdullah ibn Umar, when he divorced his wife at the time of her menses. He told the Prophet (peace be upon him) about that and the Messenger of Allah (peace be upon him) became very upset upon hearing this and said:

“Tell him to take her back, then keep her until she has become pure, then menstruated, then become pure, then if he wishes he may keep her after that and if he wishes he may divorce her.” Then the Prophet (peace be upon him) said: “That is the prescribed period at which Allah has commanded men to divorce women.”

(Saheeh Bukhari)<sup>179</sup>

There exists a difference of opinion among the scholars on this issue. The group of scholars who say this divorce is prohibited but it will be counted claim that when Prophet Muhammad (peace be upon him) ordered Ibn Umar to take her back, this in itself means

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<sup>178</sup> Vassar, Gerald (Feb. 01, 2011) “How Does Anger Happen in the Brain” *Lakeside Connect* <http://lakesideconnect.com/anger-and-violence/how-does-anger-happen-in-the-brain/> Retrieved on: July 16, 2014.

<sup>179</sup> Saheeh Bukhari, Chapter on Divorce, hadeeth # 5251

that the divorce was surely counted, otherwise why did the Prophet (peace be upon him) ordered him to take her back.

On the other hand, Islamic scholars who claim that divorce during menses is prohibited and it will not count present the following traditions to support their position:

فردھا رسول اللہ صلی اللہ علیہ وسلم ولم یرھا شیئاً (سنن ابی داؤد)

“Prophet Muhammad (peace be upon him) returned her (the wife of Ibn Umar) and considered it (the divorce) nothing.” (Sunan Abu Dawud)<sup>180</sup>

Similarly, in a tradition from Saheeh Muslim, Abu Zubair reported that he heard Abd ar-Rehman bin Aiman (the freed slave of 'Azza) say that he asked Ibn Umar (may Allah be pleased with him) and Abu Zubair heard: What is your opinion about the person who divorced his wife in the state of menses? Thereupon he said:

*Ibn Umar divorced his wife during the lifetime of Allah's Messenger (peace be upon him) while she was in the state of menses. Upon this Allah's Messenger (peace be upon him) told him to take her back and so he took her back and he (further) said:*

إِذَا طَهَّرَتْ فَلْيُطَلِّقْ أَوْ لِيُمْسِكْ

“When she is pure, then either divorce her or retain her.”

*Ibn Umar said that Allah's Apostle (peace be upon him) then recited this verse: "O Apostle, when you divorce women, divorce them at the commencement of their prescribed period" (Surah al-Talaaq: 1).*

(Saheeh Muslim)<sup>181</sup>

In another narration from Sunan An-Nisai, it states:

عن ابن عمر أنه طلق امرأته وهي حائض فذكر للنبي صلى الله عليه وسلم فقال مره فليراجعها ثم

ليطلقها وهي طاهر (سنن النسائي، كتاب الطلاق، باب ما يفعل إذا طلق تطليقة وهي حائض)

*Abdullah bin Umar divorced his wife, while she was menstruating, Prophet peace be upon him returned her to him then Abdullah bin Umar divorced her while she was not menstruating.*

(Sunan An-Nisai)<sup>182</sup>

In light of the above traditions, the following are the verdicts of some of the Islamic scholars from the past and present who hold the position that divorce during menstruation does not count:

## Sheikh ul Islam Ibn Taymiyyah

The great revivalist and Islamic scholar Ibn Taymiyyah states in his *Majmoo'ul Fataawa*:

<sup>180</sup> Sunan Abu Dawud, hadeeth no: 2185

<sup>181</sup> Saheeh Muslim, Chapter: It is forbidden to divorce the Woman during her Menses, Book 9, Number 3489

<sup>182</sup> Sunan An-Nisai, The Book of Divorce, hadeeth no: 3398

“Most of the scholars take the position that divorce during menses will count even though it is prohibited to do so while there is another group of scholars who say that divorce given during menstruation does not count. The scholars who say that divorce during menstruation does NOT take place include people like Tawus, Ikrimah, Khallas, Umar, Muhammad bin Ishaq, Hajjaj bin Artah and Ahlul Daahir including Imam Dawud ad Dahiri and his companions, and a group from companions of Abu Hanifa, Malik and Ahmad. It is also the position taken by Abu Jaafar al Baqir and from Jaafar bin Muhammad as Sadiq as well as other scholars of ahlul bayt.”<sup>183</sup>

## Qadhi Mohammad Ash-Shawkani

Famous Yemeni scholar of Islam and jurist Qadhi Shawkani (1759–1834 CE) discussed this issue in his monumental work on Islamic jurisprudence *Nayl al-Awtaar*:

“It is narrated by Ibn Hazm in *al Muhalla* (his book of Islamic jurisprudence) with sound chain up to Ibn Umar with the route of Abdul Wahhab Thaqafi from Obaidullah bin Umar from Nafi from Ibn Umar that "*If a man divorces his wife while she was menstruating then it will not count*" and this chain is authentic. Furthermore, it has also been narrated by Ibn Abdul Barr from ash-Shuabee (tabi'ee) that "*If someone divorces his wife and she was in her periods then it will not count according to saying of Ibn Umar*". And a similar tradition from the Ziyadah of Abul Zubair (that Prophet peace be upon him did not count divorce) is also narrated by Al Humaidi in his compilation "*Jama bain al Saheehayn (Bukhari, Muslim)*" where he clearly noted that he will only narrate authentic narrations on the conditions of Bukhari and Muslim in his collection.”<sup>184</sup>

## Ibn Qudama al-Maqdisi

Imam Mawaffaq ad-Din Ibn Qudama (1147 – 1223 C.E.) wrote in his book of Islamic jurisprudence *Al-Mughni*:

“Divorce according to Sunnah is that the woman is divorced in a state of cleanliness (she is not menstruating) without an intercourse, the husband gives one divorce and leaves her as such till the *iddah* is over.”

(Al-Mughni Ibn Qudama)<sup>185</sup>

## Burhan al-Din al-Farghani al-Marghinani

Famous Hanafi jurist Burhan al-Din al-Farghani al-Marghinani stated in *Al-Hidayah*, the classical fiqh manual on Hanafi fiqh, as follows:

“The best procedure for divorce is that the husband should give one divorce to his wife, and that too when she is in a state of cleanliness and he had not had an

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<sup>183</sup> Ibn Taymiyyah, Sheikul Islam (1381 A.H.) Majmoo'ul Fataawa. Riyadh, Mat'ba ar-Riyadh. Vol. 33, pg. 81

<sup>184</sup> Shawkani, Qadi Mohammad ibn Ali (2000). Nayl al-Awtaar. Lahore, Dost Associate Publishers.

<sup>185</sup> Ibn Qudama, Mawaffaq ad-Din (1997) Al-Mughni. Riyadh, Dar A'lim al-Kutub. Vol. 7, pg. 98.



intercourse with her. Then he should leave her in the same state till the term of iddat is over. This procedure is better, because the Companions of the Prophet (peace be upon him) desired that more than one divorce should not be given till the period of iddat is over.” (Al-Hidayah)<sup>186</sup>

## Sheikh Abdul Aziz Bin Baaz

Famous contemporary scholar Sheikh Abdul Aziz bin Baaz gave the following verdict on this issue:

“Divorce of a menstruating woman does not count as such according to the stronger of the two scholarly opinions, which is contrary to the view of the majority. The majority of scholars assume that such a divorce does count as such, but the correct scholarly view is the one found in the fataawa (legal verdicts) of some of the *tabi’een* and in the fatwa of Ibn Umar (may Allah be pleased with him). This is also the view supported by Sheikh ul Islam Ibn Taymiyyah and his disciple Ibn Qayyim and many other scholars who consider that this divorce does not count as such, because it is contrary to the laws of Allah. Allah has clearly commanded in the Qur’an that a woman should be divorced when she is in a state of purity, free from menstrual bleeding and free from *nifaas* (postpartum bleeding, and during a time of purity when her husband has not yet had intercourse with her. This is the divorce that is prescribed according to the Islamic law (*Shariah*). If the husband divorces her during her menses or *nifaas*, or during a time of purity when he has had intercourse with her, then his divorce is *bid’ah* (an innovation) and does not count as such according to the stronger of the two scholarly views, because Allah says in the Qur’an: *O Prophet! When you divorce women, divorce them at their Iddah (prescribed periods) and count (accurately) their ‘Iddah.* (Surah al-Talaq:1)”<sup>187</sup>

## Sheikh Muhammad bin Saalih al-Uthaymeen

Sheikh Muhammad bin Saalih al-Uthaymeen, a notable modern-day scholar, was once asked about a man who divorced his wife when she was menstruating but he did not know that she was menstruating – does this divorce count as such? Sheikh al-Uthaymeen issued the following ruling concerning this issue:

Islamic scholars have differed concerning a divorce that takes place while a woman is having her monthly periods.... The more correct view in our opinion is that taken up by Sheikh ul Islam Ibn Taymiyyah, which is that divorce at the time of menstruation does not count as such, because it goes against the command of Allah and His Messenger. The Prophet (peace be upon him) said in a hadeeth: “Whoever does any action that is not in accordance with this matter of ours will have it rejected.” The supportive evidence for this issue comes from the hadeeth of Abdullah ibn Umar, when he divorced his wife while she was having her menstruation. He told the Prophet (peace be upon him) about that and the

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<sup>186</sup> al-Marghinani, Burhan al-Din al-Farghani (2008) *Al-Hidayah: The Guidance*. Bristol (England), Amal Press.

<sup>187</sup> Ibn Baaz, Abdul Aziz (1996) *Fataawa al-Talaq* (Collections of Islamic verdicts of Sheikh Ibn Baaz) (Arabic) compiled by Dr. Abdullah al-Tayyar and Muhammad al-Musa. Riyadh, Darul Watan. pg. 44.

Messenger of Allah (peace be upon him) got very angry and said: “Tell him to take her back, then keep her until she has become pure, then menstruated, then become pure, then if he wishes he may keep her after that and if he wishes he may divorce her.” Then the Prophet (peace be upon him) said: “*That is the prescribed period at which Allah has commanded men to divorce women.*” The “prescribed period” at which Allah has commanded Muslim men to divorce their wives means that a man may only divorce his wife when she is in a state of purity (not menstruating) and he has not had sexual relationship with her after her becoming pure. Based on this, if he divorces her when she is menstruating, he has not divorced her according to the orders of Allah, so it will be rejected. We believe that the divorce that has been issued to this woman [about whom the question was asked] does not count as such, and that the woman is still married to her husband. It is irrelevant whether the husband knew that she was menstruating or not menstruating when he issued the divorce. Yes, his awareness of her condition does not matter at all, but if he knew about that then he has committed a sin, and the divorce does not count. If he did not know that his wife was in her menses, then the divorce still does not count, but there is no sin on the husband in that case.”<sup>188</sup>

Hence, it is clear from the above evidences that it is prohibited for men to divorce when their wife is going through her menses. Although a difference of opinion exists regarding the validity of such divorce, it is clear that the person is ordered to take his wife back and not to touch her until she is free from her menses. Then, after she gets her menses a second time and becomes pure after the second period, he may either keep her or he may divorce her. Moreover, the correct scholarly opinion in this regard is that divorce at the time of menses does NOT count as such for the simple reason that this goes against the command of Allah and His Messenger (peace be upon him).

There lies a deep wisdom in the prohibition of giving divorce during the menstrual periods of the wife. An obvious wisdom in such commandment is that during the menstrual periods, it is prohibited for the husband and wife to have sexual relations. Hence, in the absence of such a body contact, a husband may not be attracted towards his wife. However, in her state of cleanliness, the couple may reconcile their differences and the husband may give up the idea of divorcing her. Social scientific studies have shown that intimacy and making love after harsh arguments (known as ‘makeup-sex’) between couples helps to mend their differences and re-connect their hearts.

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<sup>188</sup> al-Uthaymeen, Muhammad bin Saalih Fataawa Islamiyyah, Riyadh, Darussalam. Vol. 3, pg. 268.

## Chapter 6

# MEN ARE FROM MARWA, WOMEN ARE FROM SAFA – DIFFERENT PSYCHOLOGIES OF MEN AND WOMEN

In terms of their biological, emotional and psychological makeup, there exists a profound difference between men and women and Islam is well aware of this fact. The Qur'an has clearly stated that males and females are not the same:

وَلَيْسَ الذَّكَرُ كَالْأُنثَىٰ

*“And the male is not like the female.”* (Surah Ale-Imran: 36)

Due to the inherent biological differences between males and females, differences in their psychological tendencies and dispositions are unavoidable. Since men do not suffer from the hormonal effects of the reproductive cycle, Islam has given men the responsibility of dealing with the hostile outside world of strangers and continuously earning a livelihood for their wives and children. Men do not suffer from biological breaks and hormonal disturbances every month as women do. It is for this reason that Allah has made this as the religious obligation for men to financially take care of their family. Women suffer from the hormonal effects before and during their menstrual periods every month and, hence they are encouraged to focus their energies in the friendly environment of home. Likewise, due to their different body physiologies, men and women process emotions differently in their brains. In a study conducted by scientists at the Department of Psychiatry at the University of Düsseldorf in Germany discovered that the center of emotions in men is focused in the

brain region called amygdale and its stays there for the whole life. Thus, emotions are processed in male brain in a very specific area. However, emotions are processed in female brains throughout the whole brain and in both brain hemispheres at the same time.<sup>189</sup> This makes it difficult for women to separate emotion from reason. For a marital life to be happy and successful, men and women must understand, tolerate and accommodate each other's differences.

## **Men must understand Emotional Nature of Women**

Women are emotional by their nature which has many benefits in the upbringing of children. However, in marital life, women may sometimes be harsh in the use of their arguments against their husbands (although exceptions do exist and it may be the other way around in some cases). This is further fueled due to superior verbal abilities of women compared to men who have better spatial abilities generally.<sup>190</sup> However, men must understand that many a times the emotional outbursts of wives over their husbands are not totally under their control. Rather, the mood swings of women are often controlled by the monthly rise and fall of their female hormones with every menstrual cycle. It is for this reason that Islam has not granted total authority of divorce to a wife.

Islam understands and respects the gender differences. Not giving the right of divorce to a woman is for her benefit. A woman living in miserable conditions with an abusive husband can still get separation (divorce) from him but she has to present her case to an Islamic court or authority which is understandably a slow process and does not happen in an instant after an emotional outburst. Thus, a woman has a chance to think twice about the implications of her action. Not recognizing the biological differences between men and women, Western societies have granted no-fault right of divorce to both men and women which have resulted in sky-rocketing rates of divorce in those societies. Thus, it is only logical that Islam must have check and balance for emotional husbands as well. Islam would not allow them to break the bond of marriage in a fit of rage by uttering three divorce pronouncements in one setting, closing all the doors for any remorse or reconciliation as discussed earlier.

With researches in medical science, we now know that sudden mood swings are not always in women's control especially during their pre-menstrual as well as para-menstrual periods and this cycle of hormones repeats every month. Women cannot change this as this is the way they were created by Allah. This is part of their fate. Prophet Muhammad made a reference to this in one of his hadeeth when his wife Ayesha was crying because she could not participate in some of the rituals of Hajj because she began to menstruate as soon as they reached Makkah to perform the pilgrimage:

'Aisha said, "We set out with the sole intention of performing Hajj and when we reached Sarif, (a place six miles from Mecca) I got my menses. Allah's Apostle came to me while I was weeping. He said 'What is the matter with you? Have you got your menses?' I replied, 'Yes.' He said, 'This is a thing which Allah has ordained

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<sup>189</sup> Schneider, Frank, et al. (2000). "Gender Differences in Regional Cerebral Activity during Sadness." Human Brain Mapping Vol. 9: pp. 226-238.

<sup>190</sup> Hanlon, Harriet, Robert Thatcher and Marvin Cline (1999). "Gender Differences in the Development of EEG Coherence in Normal Children." Developmental Neuropsychology Vol. 16, Issue 3: 479-506.

for all the daughters of Adam. So do what all the pilgrims do with the exception of the Tawaaf (Circumambulation) round the Kaa'ba."

(Saheeh Bukhari)<sup>191</sup>

Thus, menstruation is something which has been ordained for all the daughters of Adam and women do not have much control over it. Therefore, men should be more tolerant towards the rude behavior of their wives especially during this time period which can extend sometimes up to 2 weeks every month (days of pre-menstruation plus days of menstruation).

## Psychological Changes in Women during Menstrual Cycles

Differences exist between men and women in terms of their reproductive natures. Women are different from men in this respect that women, due to their creative nature, have well-defined monthly reproductive cycles manifested by the rise and fall of certain sex hormones. About one week before the beginning of menstruation, the levels of the sex hormones progesterone and estrogen fall to their lowest levels in women. In this state, when there are low levels of progesterone in the body to pacify the mood and even lower levels of estrogen to promote feelings of comfort, women may suffer mood swings and behavior changes which range from aggression and hostility to severe depression.<sup>192</sup>

Pre-menstrual syndrome (PMS) refers to tension, irritability and depression through which most of the women go through to a certain degree PMS before and during their menstrual periods. Doctors and researchers have also noted that these changes are most prominent during few days preceding the menstruation and during the first 4 days of menstruation. Other associated changes observed among PMS sufferers include carelessness, forgetfulness, absent mindedness, accident proneness, unpunctuality, suicidal intent, increased propensity towards crime (among few women), and disturbances among women prisoners. The causes of PMS symptoms are the cyclic rise and fall of the levels of female sex hormones during the menstrual cycle.<sup>193</sup> When PMS symptoms become severe among women, the condition is called premenstrual dysphoric disorder (PMDD), a condition characterized by extreme mood swings, disrupting their work and damaging their relationships. Around 30 percent of women suffer PMS symptoms, and up to 8 percent of women experience the symptoms of PMDD which can be destructive.<sup>194</sup> In one study, it was found that during PMS and the menstrual periods, about 50 percent of acute psychiatric and medical admissions are made to the hospital.<sup>195</sup> In fact, in the French penal code, PMS

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<sup>191</sup> Saheeh Bukhari – Book No. 6, Book of Menstrual Periods, No. 293

<sup>192</sup> Moir, Anne & Jessel, David (1991). Brain Sex: The Real Difference between Men & Women. New York, Carol Publishing Group.

<sup>193</sup> (February 5, 2001) "PMS sufferers 'consider suicide" BBC News: Health. <http://news.bbc.co.uk/2/hi/health/1154013.stm> Retrieved on: Aug. 10, 2013.

<sup>194</sup> Gallenberg, Mary M. (M.D.) <http://www.mayoclinic.com/health/pmdd/AN01372>. Retrieved on: Sept. 11, 2011.

<sup>195</sup> Stone, Michael H. (1982). "Premenstrual tension in borderline and related disorders". Behaviour and the Menstrual Cycle. R.C. Friedman (ed.). New York, Dekker: 317-343.

condition is placed under the category of temporary insanity.<sup>196</sup> In a clinical study on PMS, researchers Melges and Hamburg noted:

“The psychological changes that occur during this phase of the menstrual cycle can have serious consequences for a susceptible woman and also for society at large, and should not be looked upon as a minor nuisance.”<sup>197</sup>

## **Suicide Attempts during Pre-menstrual Syndrome**

Scientific researchers have noted a strong link between premenstrual illness and increased attempts of suicide by women before and during their menstrual periods. It has been noted in certain studies that up to one-third (33%) of women with severe PMS symptoms attempt suicides before and during their menstrual periods. In one study published in the 1993 issue of the *Journal of Affective Disorders*, Dr. Jean Endicott of the New York State Psychiatric Institute looked at the autopsy results of women who had committed suicides. He found evidence of increased attempts of suicides among those women during the premenstrual phase of the cycle. Dr. Endicott stated in this study:

“There is evidence from autopsies that completed suicide is more likely to occur during the late luteal phase of the cycle.”<sup>198</sup>

Likewise, in another study published in the August 1986 issue of the *Journal of Clinical Psychiatry*, the investigating psychiatrists William A. Price and Lynn DiMarzio noted that “the paramenstruum, the 4 days preceding and the first 4 days of menstruation, is associated with increased rates of medical, surgical, and psychiatric hospitalizations; increased rates of suicide attempts; and increased severity of suicidal intent.”<sup>199</sup>

These results support the findings of the British physician Dr. Katharina Dalton a few decades ago. Dr. Katharina Dalton was a physician at the University College Hospital, London and pioneer in the research on PMS before and during the menstruation. Dr. Dalton, who did comprehensive studies on British women, demonstrated that suicide attempts increase by 17-fold during the luteal phase (time period which encompasses the few days before menstruation begins) as opposed to the pre-ovulatory phase of the cycle.<sup>200</sup>

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<sup>196</sup> Moir, Anne & Jessel, David (1991). Brain Sex: The Real Difference between Men & Women. New York, Carol Publishing Group.

<sup>197</sup> Melges, Fredrick T. and Hamburg, David A. (1976). Psychological effects of hormonal changes in women. Human Sexuality in Four Perspectives. Frank A. Beach (ed.). Baltimore (Maryland), Johns Hopkins University.

<sup>198</sup> Endicott, Jean (1993) “The menstrual cycle and mood disorders” *Journal of Affective Disorders* Vol. 29, Issue 2, pp. 193-200.

<sup>199</sup> Price, William A. and DiMarzio, Lynn (Aug 1986) “Premenstrual tension syndrome in rapid-cycling bipolar affective disorder” *Journal of Clinical Psychiatry*, Vol. 47, Issue 8, pp. 415-417.

<sup>200</sup> Dalton, Katharina (1959) “Menstruation and acute psychiatric illnesses”. *British Medical Journal*, Vol. 1, pp. 148-149.

## Depression and Aggression during Pre-menstrual Syndrome

During and right after PMS, bodies of women undergo chemical changes under the influence of hormones. Most of those changes are painful for women's bodies. Consequently, many women suffer from depression in the days prior to the start of their menstruation. In one comprehensive study of 400 women with mild to severe PMS conducted by the Women's Nutritional Advisory Service (WNAS), it was revealed that eight out of ten women suffering from PMS had affected their relationship with their husbands. It was also found in the survey that more than eight out of ten (which means 80%) of women feel violent and aggression for as much as two weeks before the start of their monthly periods. WNAS survey also claimed that compared to 10 or 15 years ago, there are much more women now who suffer from PMS symptoms. To add insult to the injury, as WNAS says, it seems that doctors do not have any effective treatment or medicine for PMS. The most medical science can do is to prescribe pain killing medicines or to offer powerful anti-depressants such as Prozac which only provide symptomatic relief. Other similar studies conducted from 1985 to 1996 investigating the issue of PMS among women have found that among the women suffering from PMS 97% of them have mood swings, 92% feel depressed, 84% feel aggressive and violent, 94% suffer from anxiety and 73% of women suffer from loss of libido (loss of sexual drive during PMS period).<sup>201</sup> Similarly, it has been found that 50 percent of female prisoners commit their crimes during the times of their premenstrual or menstrual periods, suggesting the role of female aggression during this critical monthly phase.<sup>202</sup>

## Accidents and Misconducts during Pre-menstrual Syndrome

Dr. Dalton studied the relationship of the PMS and accidents as well as crimes. Using the retrospective calculation method, Dr. Dalton noted evidence for the influence of menstrual cycles on behavior in her studies of acute psychiatric illness and involvement in accidents. She discovered that 45% of the women admitted to the hospital for an acute psychiatric illness were admitted during their para-menstruum phase (the 4 days before the start of menstruation and the first 4 days of menstruation) and 52% of the women admitted to the hospital after serious accidents were admitted during the same 8-day phase.<sup>203</sup>

In the same vein, Dr. Dalton conducted a comprehensive study on the relationship between the menstrual cycle and criminal behavior and the findings from this study were published in the 1961 issue of the *British Medical Journal*. Dr Dalton did her 6-month-long investigative research in an English women's prison where she interviewed 156 newly convicted women who had committed crimes within the previous 28 days. In this scientifically conducted study, it was found that half of all the crimes (49% of all) were committed by women either 4 days before their menstruation began or during the first 4

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<sup>201</sup> Stewart, Maryon (1997) No More PMS! London, Vermilion (Random House).

<sup>202</sup> Moyer, Kenneth E. (1987). Violence and Aggression: A Physiological Perspective. New York, Paragon House.

<sup>203</sup> Dalton, Katharina (1960b) "Menstruation and accidents". *British Medical Journal* Vol. 2, pp. 1425-1426.

days of menstruation (i.e. an 8-day phase referred to as the "paramenstruum"). In the same prison, Dr. Dalton also interviewed all women prisoners who had been reported to the prison in-charge for their bad behavior while serving their sentences. Surprisingly, out of 94 women interviewed by Dr. Dalton, 54% of those women misbehaved during the paramenstruum. In concluding her research, she hypothesized that symptoms of PMS such as irritability, lethargy, and water retention could be responsible for commission of certain crimes, especially crimes of violence or assault.<sup>204</sup>

Dr. Dalton's investigations on PMS did not stop at the prisons. She even went to the schools and studied the relationship between menstruation and schoolgirls' behavior. This study of Dr. Dalton, conducted at an English boarding school, was later published in the *British Medical Journal*.<sup>205</sup> It was a common practice in that English school to keep track of grades given for bad behavior with the date and type of offense and also to keep records of the girls' menstruation dates, Dr. Dalton was able to perform her analysis. A total of 272 offenses were studied and it was found that a statistically significant portion of those offenses (29%) were committed during the 4 days of menstruation. Examples of unacceptable behavior (according to that school's standards) which occurred significantly more often during menstruation included unpunctuality, forgetfulness, avoiding games, etc.<sup>206,207</sup>

To sum up, scientific studies done on women with PMS before and during their menstrual periods have demonstrated that we should blame the female hormones and we should refrain from blaming women for many of their behavioral changes during PMS. Men should give benefit of doubt to their argumentative wives and deeply look into the causes of anger and unhappiness of their wives before they make a decision to divorce their wife and break apart a family. Islamic teachings encourage marriage and discourage divorce. Preventing families from disintegration is the top most goal of Islamic *Shariah*. Islam is well aware of the ill-effects of PMS before and during their menstrual periods which happen to different women in varying degrees and may result in either the wife asking for divorce to the husband or the husband annoyed by his wife's mood swings to such an extent that he divorces his wife. From the above discussion, it will also be easier for the readers to understand as to why in the Qur'an the three pronouncements of divorce are linked neither to the lunar monthly cycle nor to the solar monthly cycle but, instead, to the menses of the women, as the Qur'an asserts:

يَا أَيُّهَا النَّبِيُّ إِذَا طَلَقْتُمُ النِّسَاءَ فَطَلِّقُوهُنَّ لِعَدَّتِهِنَّ وَأَحْصُوا الْعِدَّةَ

“O Prophet! When you divorce women, divorce them at their Iddah (prescribed periods) and count (accurately) their Iddah.” (Surah al-Talaaq: 1)

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<sup>204</sup> Dalton, Katharina (1961) “Menstruation and crime”. *British Medical Journal*, Vol. 2, pp. 1752-1753.

<sup>205</sup> Dalton, Katharina (1960a) “Effect of menstruation on school girls' weekly work”. *British Medical Journal*, Vol. 1, pp. 326-328.

<sup>206</sup> Dalton, Katharina (1960c) “School girls' behavior and menstruation”. *British Medical Journal*, Vol. 2, pp. 1647-1649.

<sup>207</sup> Dalton, Katharina (1971) The Premenstrual Syndrome. Springfield (Illinois), C. C. Thomas Press.



Likewise, in one hadeeth it is stated:

*Ibn Umar divorced his wife during the lifetime of Allah's Messenger (peace be upon him) while she was in the state of menses. Upon this Allah's Messenger (peace be upon him) told him to take her back and so he took her back and he (further) said:*

إِذَا طَهَّرَتْ فَلْيُطَلِّقْ أَوْ لِيُمْسِكْ

“When she is pure, then either divorce her or retain her.”

*Ibn Umar said that Allah's Apostle (peace be upon him) then recited this verse: "O Apostle, when you divorce women, divorce them at the commencement of their prescribed period" (Surah al-Talaaq: 1).*

(Saheeh Muslim)<sup>208</sup>

Similarly in one tradition regarding the incident of Ibn Umar, it is narrated:

فَرَدَّهَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَلَمْ يَرَهَا شَيْئًا (سنن ابى داؤد)

“Prophet Muhammad (peace be upon him) returned her (the wife of Ibn Umar) and considered it (the divorce) nothing.” (Sunan Abu Dawud)<sup>209</sup>

In another narration from Sunan An-Nisai, it states:

عن ابن عمر أنه طلق امرأته وهي حائض فذكر للنبي صلى الله عليه وسلم فقال مره فليراجعها ثم

ليطلقها وهي طاهر (سنن النسائي، كتاب الطلاق، باب ما يفعل إذا طلق تطليقة وهي حائض)

*Abdullah bin Umar divorced his wife, while she was menstruating, Prophet (peace be upon him) returned her to him then Abdullah bin Umar divorced her while she was not menstruating.*

(Sunan An-Nisai)<sup>210</sup>

<sup>208</sup> Saheeh Muslim, Chapter: It is forbidden to divorce the Woman during her Menses, Book 9, Number 3489

<sup>209</sup> Sunan Abu Dawud, hadeeth no: 2185

<sup>210</sup> Sunan An-Nisai, The Book of Divorce, hadeeth no: 3398

## **Chapter 7**

### **HOW TO SAVE MUSLIM HOMES AND MARRIAGES**

Islam does not believe in the idealistic concept of marriage. Marriage, according to Islam, is not a fairy tale where nothing unpleasant happens between the spouses. Instead, Islam recognizes that life is not a bed of roses and there are ups and downs in marital life. When people live together, it is natural to have disagreements and complaints against each other. None of us are angels. We are human beings who show a preference and reaction to different situations in our lives with situation-specific emotions. A husband and a wife bound in a marital contract are no exception to these ups and downs in life. This chapter will discuss how Muslim homes and marriages can be saved from divorce and breakup.

#### **Wife Needs Love & Care, Husband Wants Respect**

If we look at the Qur'an and the *Sunnah*, we will notice that the concepts of respect, care and love have been accentuated and stressed in the Qur'an and the *Sunnah* in the marital relationship. It is worthwhile to note that men have been urged to show love and care towards their wives while women are encouraged to show respect and obedience to their

husbands (as long as it does not involve disobedience of Allah and His Messenger peace be upon him). Allah commands Muslim husbands to overlook their wives' faults and be kind and loving towards them as it is stated in the Qur'an in different places:

وَعَاشِرُوهُنَّ بِالْمَعْرُوفِ فَإِنْ كَرِهْتُمُوهُنَّ فَعَسَىٰ أَنْ

تَكْرَهُنَّ شَيْئًا وَيَجْعَلَ اللَّهُ فِيهِ خَيْرًا كَثِيرًا ﴿١٩﴾

“Live with them in kindness. For if you dislike them – perhaps you dislike a thing and Allah makes therein much good.” (Surah an-Nisa: 19)

وَإِنْ تَعَفَّوْا وَتَصْفَحُوا وَتَغْفِرُوا فَإِنَّ اللَّهَ غَفُورٌ رَحِيمٌ ﴿١٤﴾

“And if you pardon and overlook and forgive (the faults of your wife and children) then indeed Allah is forgiving and merciful.” (Surah at-Taghabun: 13)

Our beloved Prophet Muhammad (peace be upon him) advised Muslim husbands as follows:

اِسْتَوْصُوا بِالنِّسَاءِ خَيْرًا فَإِنَّهُنَّ خُلِقْنَ مِنْ ضِلْعٍ، وَإِنَّ أَعْوَجَ شَيْءٍ فِي الضِّلْعِ أَعْلَاهُ،

فَإِنْ ذَهَبَتْ تَقِيمُهُ كَسَرْتَهُ، وَإِنْ تَرَكْتَهُ لَمْ يَزَلْ أَعْوَجَ فَاسْتَوْصُوا بِالنِّسَاءِ (بخارى. مسلم)

“Take good care of women, for they were created from a bent rib, and the most curved part of it is its top; if you try to straighten it, you will break it, and if you leave it, it will remain arched, so take good care of women.” (Bukhari & Muslim)<sup>211</sup>

The Prophet (peace be upon him) also said:

اَكْمَلُ الْمُؤْمِنِينَ إِيمَانًا أَحْسَنُهُمْ خُلُقًا، وَخَيْرُكُمْ خَيْرُكُمْ لِنِسَائِهِمْ (ترمذى)

“The most perfect believer in the matter of faith is one who has excellent behavior; and the best among you are those who behave best towards their wives.” (Al-Tirmidhi)<sup>212</sup>

While men are urged in the Qur'an and Sunnah to show kindness and love towards their wives, the emphasis is totally different when wives are addressed. Women are generally not told in the Qur'an and Sunnah to be kind and loving towards their husbands probably because it is ingrained in the nature of most women to love their husbands unconditionally. It is for this reason that generally men do not complain that their wives do not love them. However, many husbands quite often complain that their wives do not respect them. Hence, this the Qur'an and Sunnah have accentuated precisely this sentiment with regards to wives. We all know that actions speak louder than words. Respect, therefore, cannot be just a lip service but it has to be put in practice. To show respect to someone means to respect one's wishes, to respect one's advice means to follow that person's advice. When we show respect to a leader, it means we do what he tells us to do. In this context, it is easy to understand that when a wife shows respect to her husband, it means she has to respect his wishes. Prophet Muhammad (peace be upon him) said in a tradition:

<sup>211</sup> Saheeh Bukhari, Kitab un Nikah (Book of Marriage); Saheeh Muslim, Kitab ar-Rida'a (Book of Wet Nursing)

<sup>212</sup> Narrated by Abu Hurairah. This hadeeth has been graded as hasan by Tirmidhi 8/628).

الْمَرْأَةُ إِذَا صَلَّتْ خَمْسَهَا وَصَامَتْ شَهْرَهَا وَأَحْصَنَتْ فَرْجَهَا وَأَطَاعَتْ بَعْلَهَا

فَلْتَدْخُلْ مِنْ أَيِّ أَبْوَابِ الْجَنَّةِ شَاءَتْ (مشكاة المصابيح)

“When any woman prays her five, fasts her month, guards her modesty and obeys her husband, it is said to her: ‘Enter paradise from whichever of its doors you wish.’”

(*Mishkaat al-Masabeeh*)<sup>213</sup>

Interestingly, Dr. Emerson Eggerichs has reached to the same conclusion in his path-breaking book *Love & Respect: The Love She Most Desires; The Respect He Desperately Needs*. Dr. Eggerichs explains that in a marital relationship, the most important need for a husband is ‘respect’ while the most important need for a wife is ‘love’ and care. Dr. Eggerichs states that marriages are destroyed when the couple becomes trapped in the “crazy cycle”, i.e. the vicious cycle of argumentation when a wife feels that her husband is not showing love to her, she often reacts with disrespect, which in turn causes the husband to behave more unloving towards his wife. Dr. Eggerichs suggests that in order to make any marriage successful and to break the “crazy cycle”, the husband must show unconditional love towards his wife and the wife must display unconditional respect for her husband. Thus, a husband should not wait for his wife to show respect to him before he will show love to her. Likewise, the wife must not say but her husband has to demonstrate his love before she will show him any respect. If the couple is not willing to sacrifice and to show unconditional care towards each other, they will remain caught in the “crazy cycle”. Both husband and wife have to understand the primary need of each other in a marital relationship.<sup>214</sup>

While explaining this concept, Muslim journalist sister Yasmin Mogahed observes:

“Why are we as women told to respect and follow the wishes of our husbands? It is because men are given an extra degree of responsibility. Allah says: “Men are the protectors and maintainers [*qawwamun*] of women, because Allah has given the one more [strength] than the other, and because they support them from their means . . .” (Qur’an, 4:34)

But won’t this unconditional respect towards one’s husband put us, as women, in a weak, submissive position? Won’t we set ourselves up to be taken advantage of and abused? Quite the contrary. The Quran, the prophetic example, and even contemporary research have proven the exact opposite. The more respect a woman shows her husband, the more love and kindness he will show her. And in fact, the more disrespect she shows, the more harsh and unloving he becomes.”<sup>215</sup>

<sup>213</sup> Narrated by Anas bin Malik. This hadeeth has been graded as hasan by Ibn Hajr al-Asqalaani in *Takhreej Mishkaat al-Masabeeh* (3/300). Ibn Hibaan has also narrated this hadeeth in Saheeh Ibn Hibaan (#4163). Al-Albaani has graded this hadeeth as hasan in *Takhreej Mishkaat al-Masabeeh* (#3190)

<sup>214</sup> Eggerichs, Emerson (2004). *Love & Respect: The Love She Most Desires; The Respect He Desperately Needs*. Nashville (Tennessee), Thomas Nelson.

<sup>215</sup> Mogahed, Yasmin (Jan. 04, 2011) “A Successful Marriage: The Missing Link” *SuhaibWebb.com: Your Virtual Mosque* (<http://www.suhaibwebb.com/relationships/marriage-family/spouse/a-successful-marriage-the-missing-link-by-yasmin-mogahed/>) Retrieved on: July 17, 2014.

## Some Suggestions to Promote and Save Marriages

The following are some suggestions that may prove helpful in promoting and saving marriages:

- Muslim couples should be taught to have a strong commitment to marriage and a strong reluctance to divorce. Unhappy couples should not be locked in a mindset to consider divorce as the only solution to every marital conflict. In fact, University of Chicago sociologist Linda Waite suggests that “in order to get happier, unhappy couples or spouses must first avoid divorce.”<sup>216</sup>
- Islam regards marriage as an act of worship. When people distant themselves from the worship of Allah, they tend to have less *tawqa* (God-consciousness). With no fear of Allah in their hearts, such people tend to have less compassion in their hearts. They oppress the weak and they do not think about the well-being of whole family, i.e. their spouses and children. No doubt that attachment to religion and worship saves marriages. Indeed, the word “religion” comes from the Greek root-word “religio” which means “to bind”. Hence, devotion to religion helps in “binding the families” and avoiding divorce. A National Longitudinal Survey of Adolescent Health, Wave 1, 1995 has revealed that children raised in intact families where the family members are attached to religion and worship have higher grades in schools and colleges while children from divorced parents and no attachment to religion have lowest scores and grades.<sup>217</sup>
- Muslim parents of both the husband and the wife should try their best not to interfere too much into the marital affairs and matrimonial life of their daughter or their son. Too much in-law interference will only make the matters worse. Couples should strive for moving from a dependent relationship with parents to an interdependent relationship with their spouses. In this regards, Muslim activist sister Munira Lekovic Ezzeldine advices Muslim couples that they should not share their every single problem related to their marital life with their parents because it is quite natural that parents tend to take the side of their child. Ezzeldine writes:

“Couples should clearly communicate with each other what they will share with parents and what is best left between them. They should remain loyal to each other and remember that the marital relationship must come first in each other’s lives as they strive to create their own family.

Each spouse is responsible for protecting their spouse, even toward their respective parents. As the Qur’an describes: “...They are your garments and you are their garments...” (2: 187) Like our clothing, spouses must protect each other by not allowing anyone to speak ill of their spouse. This clearly demonstrates to the parents that the couple is a unit that cannot be split... Negative comments made

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<sup>216</sup> Waite, Linda J., Don Browning, William J. Doherty, Maggie Gallagher, et al. (2002). Does Divorce Make People Happy? Findings from a Study of Unhappy Marriages. New York, Institute for American Values.

<sup>217</sup> Fagan, Patrick F. (May 13, 2004) “The Impact of Marriage and Divorce on Children” (The Social Scientific Data on the Impact of Marriage and Divorce on Children before the Senate of the United States: Committee on Commerce, Science, and Transportation; Subcommittee on Science, Technology, And Space.) The Heritage Foundation Backgrounder, Issue No. 1373, Washington, DC.

- about one's spouse must not be tolerated and parents must get the impression that their child's spouse will always be respected, even in his or her absence.”<sup>218</sup>
- Muslim countries can offer discount on marriage license fees (or waive it altogether) for every prospective bridegroom and bride who attends a four-hour marriage preparation class. In this pre-marriage preparation class, a section of the class should be devoted to discuss the long-range harmful effects divorce on women, men, children and the society at large. This class should also have practical suggestions and tips as to how marriages can be made successful by strictly adhering to the teachings of the Qur'an and *Sunnah* and by purifying our spiritual diseases of the hearts. Of course, those marriage preparation classes should be single-sex classes since the concept of co-education is totally against Islam and mixed-gender education has been proven to be morally and psychologically disastrous for both men and women.<sup>219</sup>
  - Muslim countries should begin public information campaigns in print and on television and radio educating the public about the hidden dangers of divorce. For instance, speeches of Islamic scholars on television and radio as well as written messages on TV stating the harms of divorce to the whole society.
  - Islamic organizations as well as the governments can create pamphlets and brochures summarizing the latest social scientific research on the ill-effects of delayed marriages and divorce and the benefits of marriage to men and women.

## Women's Superiority in Making Marriages Successful

It has been shown in the previous chapters that women's emotional centers in the brain are better connected compared to the emotional centers in men's brains. In this context, it must not be surprising that women are emotionally more intelligent than men and many women commendably use this skill to save the marriages from destruction. Indeed, most of the times the credit of saving and uniting the family goes to the woman of the family. Dr. Anne Moir, female geneticist from the United Kingdom, states that the success of marriage throughout the world is in reality the victory of the female brain, the triumph of the female power over the naturally promiscuous male physiology. Dr. Moir observes:

“The success of many marriages is a tribute to women's superiority in social diplomacy. Perhaps more marriages would be more universally successful if men, too, acquired at least that one female skill.”<sup>220</sup>

Research has demonstrated that women have better ability to understand non-verbal behavior cues. They are much better than men in studying the facial impressions from very early age as shown by researchers.<sup>221</sup> A woman's intuition, ability to judge her husband's personality and her pacifist nature helps in keeping the family united. Therefore, it is a

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<sup>218</sup> Ezzeldine, Munira Lekovic (Jan. 21, 2011) "In-Law Interference" SuhaibWebb.com: Your Virtual Mosque (<http://www.suhaibwebb.com/relationships/marriage-family/in-law-interference-2/>) Retrieved on: July 21, 2014)

<sup>219</sup> Mushtaq, Gohar, Ph.D. (2015). The Hijaab: Liberation or Oppression? : A Detailed Discussion in the Light of Scientific Research. Riyadh, International Islamic Publishing House.

<sup>220</sup> Moir, Anne & Jessel, David (1991). Brain Sex: The Real Difference between Men & Women. New York, Carol Publishing Group.

<sup>221</sup> Boyatzis, Chris, Chazan, E. & Ting, C.Z. (1993). "Preschool children's decoding of facial emotions." Journal of Genetic Psychology 154: 375-382.

mistake to assume that a woman as a wife simply holds a subordinate position to her husband and she has no input in any decision making. Her intuition and knowledge have more contribution in maintaining the institution of marriage than any man could contribute. These qualities in females are God-gifted because women carry the womb, hence, called “woman” – a manifestation of Divine Mercy as mentioned in one of the Prophet Muhammad’s (peace be upon him) traditions. Women are better than men in many aspects of their personalities. Anne Moir writes:

“Marriages work, against all the odds, not because women are submissive, and accommodate their domineering males; marriages work because women’s natural social skills – it’s been called ‘social intelligence’ – enable them to manage a relationship so much better than a man. Women can predict and understand human behaviour better than men, can sense the motives behind speech and behaviour; so, if he is the engine of the ship, she is the rudder. She is also the navigator, because she alone has the chart and knows where the rocks are.... Marriages go wrong when men and women fail to acknowledge, or begin to resent, each other’s complementary differences.”<sup>222</sup>

## **Does Divorce Make Unhappy People Any Happier?**

It is a fact of life that some kind of argument happens between a husband and a wife at some point in their lives in every married household on this planet. We as human beings are blessed with an intellect and a thinking brain from Allah. Every person had his/her own brain and way of thinking and it is natural for all of us, men and women, to disagree with each other on some matters. Children look up to their parents as their role models and, hence, when they see their parents opposing and arguing with each other day in and day out, children are naturally affected by such unfriendly atmosphere. However, not every argument between a husband and a wife could have detrimental effects on the children. Family scholars Linda Waite and Marrie Gallagher have challenged the common myth about divorce that children are better off when parents in conflict separate. Linda and Marrie have noted in their social scientific studies that not every unhappy marriage has harmful effects on children. There is a difference between being unhappy in your marriage, which is not harmful to the children, and having a conflicted, hostile, argumentative marriage which could possibly have negative child outcomes.<sup>223</sup> Actually, only a small minority of divorces have beneficial effects on children while most of the divorces leave children in worse state of affairs than before. Children flourish and blossom when they have two parents as long as the parents are not in very high conflict every day.

Divorce is helpful only when a high-conflict marriage is ended. However, not every unhappy marriage is high-conflict marriage. Then, the question arises that how many marriages are high conflict type – the type that needs to be ended for the welfare of the children? University of Pennsylvania sociologist Paul Amato and social psychologist Alan Booth answer this question in their brilliant book *A Generation at Risk: Growing Up in an Era of Family Upheaval*. Amato and Booth report that only less than one third (less than

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<sup>222</sup> Moir, Anne & Jessel, David (1991). Brain Sex: The Real Difference between Men & Women. New York, Carol Publishing Group.

<sup>223</sup> Waite, Linda and Gallagher, Marrie (2000) The Case for Marriage: Why Married People are Happier, Healthier, and Better Off Financially. New York, Doubleday.

33%) of the unhappy marriages are high-conflict type.<sup>224</sup> This means that majority of divorces these days cause breaking up of relatively low-conflict marriages and those could have been easily avoided otherwise. Now the next question that needs to be answered is that should we end every high-conflict marriage? Unfortunately, practical experience and available data tells us that divorce does not solve the problems of every high-conflict marriage. Studies have demonstrated that divorce does not make people any happier. In a study reported by sociologist Webster-Stratton, divorced mothers report more stress as single parents than they felt as married parents, and often list “ongoing conflicts with ex-spouse” as one of the biggest sources of their stress. Divorced moms also believe that they are less efficient as parents and they experience more trouble making their children mind them (Webster-Stratton, 1989). Hence, being divorced does not appear to offer much help to many parents.<sup>225</sup>

Studies have also shown that many divorced people who eventually remarry feel their second marriages are not any better than their first marriages.<sup>226</sup> It seems that many divorced people initially thought that they themselves are free from any fault and the whole problem lied in their spouse. Once they get rid of their first spouse by seeking divorce, and after they marry another person, their life will surely be filled with happiness. However, the reality is that marital life is not a fairytale life. There are always ups and downs in every marital life. None of us is free from faults. Likewise, in a five-year long NSFH data analysis study titled “Does Divorce Make People Happy?” sociologist Linda Waite and her research team concluded the following:

“Does divorce make unhappily married people happy? The answer, surprisingly, in this research, seems to be ‘no’. Divorce typically offered unhappy spouses no relief in terms of symptoms of depression, and was not associated with increases in personal happiness or other measures of psychological well-being.”<sup>227</sup>

## **Beware of Anger – the Chief Enemy of Marriage**

Anger is a mechanism given to human beings as a means of their self-defense, but if not properly controlled, it becomes a very destructive quality. In fact, anger is one of the two most common causes of divorce as shown by statistics. A recent national survey on Marriage in America conducted by The National Fatherhood Initiative in 2005 found that

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<sup>224</sup> Amato, Paul R. and Booth, Alan. (1997) A Generation at Risk: Growing Up in an Era of Family Upheaval. Cambridge (Massachusetts), Harvard University Press.

Webster-Stratton, Carolyn (May 1989) “The Relationship of Marital Support, Conflict, and Divorce to Parent Perception, Behaviors, and Childhood Perception Problems” *Journal of Marriage and the Family* Vol. 51, pp. 417-430.

<sup>225</sup> Webster-Stratton, Carolyn (May 1989) “The Relationship of Marital Support, Conflict, and Divorce to Parent Perception, Behaviors, and Childhood Perception Problems” *Journal of Marriage and the Family* Vol. 51, pp. 417-430.

<sup>226</sup> Amato, Paul R. and Booth, Alan. (1997) A Generation at Risk: Growing Up in an Era of Family Upheaval. Cambridge (Massachusetts), Harvard University Press.

<sup>227</sup> Waite, Linda J.; Don Browning, William J. Doherty, Maggie Gallagher, Ye Luo, and Scott M. Stanley (2002). Does Divorce Make People Happy? Findings from a Study of Unhappy Marriages. New York, Institute for American Values.



the most common reasons for divorce are “lack of commitment” and “too much arguing”.<sup>228</sup> If a couple tries to control their anger in their marital life, they may not have “too much arguing” and, hence, they may avoid divorce.

As discussed earlier, our brain undergoes an “emotional hijack” during a state of anger. In such a situation, emotional response can actually bypass a person’s thinking brain. The person who is overtaken by anger does not use his analytical capabilities to make a decision. His thinking portion of the brain is inhibited by his strong emotions and he commits irrational and sinful acts. This is what happens between the husbands and their wives during marital conflicts and arguments. It seems that Satan takes the best advantage of husband/wife in anger as the emotional hijacking of his/her brain occurs. Prophet Muhammad (peace be upon him) said in a tradition:

إِنَّ الْغَضَبَ مِنَ الشَّيْطَانِ وَإِنَّ الشَّيْطَانَ خُلِقَ مِنَ النَّارِ وَإِنَّمَا  
تُطْفِئُ النَّارَ بِالْمَاءِ فَإِذَا غَضِبَ أَحَدُكُمْ فَلْيَتَوَضَّأْ  
(سنن ابوداؤد، مسند احمد)

*“Anger is from Satan and Satan has been created from fire. Since water extinguishes fire, therefore, when one of you is overtaken by anger let him make Wudhu.”*  
(Sunan Abu Dawud; Musnad Ahmad)<sup>229</sup>

When a person in a state of anger performs ablution, water from ablution lowers the person’s body temperature. When their body loses heat, it helps in bringing the temper back to normal. It is for this reason that doctors advise people with very high fever to wash their extremities (hands and feet) as well as their face with water to lower down body’s temperature. In addition, when a person leaves the location of argument to perform ablution, this will naturally cause him/her to become silent as he/she will be physically absent from there for a few minutes. It has also been reported in another prophetic tradition:

أَلَا وَإِنَّ الْغَضَبَ جَمْرَةٌ فِي قَلْبِ ابْنِ آدَمَ (ترمذی)

*“Beware of anger, for it is a live coal on the heart of the descendants of Adam.”*  
(At-Tirmidhi)<sup>230</sup>

If we look at fire, we will notice that it is chaotic by its nature and it can go out of control very easily. Fire is beneficial to us as long as it is under our control. Once fire gets out of our control, it becomes destructive. Another feature of fire is that it rises in the upward

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<sup>228</sup> Glenn, Norval D. (2005) With this Ring: A National Survey on Marriage in America. Gaithersburg, Maryland, The National Fatherhood Initiative.

<sup>229</sup> Sunan Abu Dawud (hadeeth # 4784); Musnad Ahmad (vol.4, # 226). This hadeeth has also been narrated by Imam Baghawi in Sharh as-Sunnah (#3583). The authenticity of this hadeeth is strengthened by the fact that great hadeeth scholars such as Hafiz al-Iraqi quoted it in Takkreej al-Ihya (3/145,151) and Ibn Hajr Asqalaani in his Fath ar-Rabbani (10/384) and did not grade this hadeeth as weak.

<sup>230</sup> At-Tirmidhi (hadeeth #2191). This hadeeth is also narrated in Musnad Ahmad (3/19, 11159). Tirmidhi has graded this hadeeth as hasan. Moreover, Hafiz As-Suyyuti has also declared this hadeeth as hasan in his al-Jaami as-Sagheer (#1610).

direction, which is not like dust, which is attracted in the downward direction and, hence, the ideal state of human beings is to be humble. Since Satan is created from fire, he is arrogant. It is for this reason that when a person gets angry, a lot of times Satan fuels the anger of the person by igniting that person's ego and arrogance.

To sum up, the best solution in cases of arguments between spouses is to:

1. Perform ablution (*wu'du*)
2. Walk away from the place where argument between spouses started
3. Use humorous remarks to cool down the anger of your spouse, remember if you are the first one to reconcile then you will be the one worthy of reward from Allah for saving the marriage
4. Change the subject of discussion by saying to your wife (or husband): "We will talk about it later. Let's now focus on (something which we both like to do.....)."
5. Try your best to avoid talking back (responding angrily) your spouse during a verbal argument between the two of you. Remember that trying to answer back to the arguments of your angry wife will only give her the ammunition to make further verbal assaults and counter-attacks on you. The same advice goes to wives facing an angry, argumentative husband. Hence, it is wise to remain silent because silence is gold. It is narrated in a hadeeth that Prophet Muhammad (peace be upon him) advised us:

إِذَا غَضِبَ أَحَدُكُمْ فَلَسِيكُتْ (مسند احمد)

"When one of you is in a state of anger, you should remain silent."

(Musnad Ahmed)<sup>231</sup>

A word of advice when husbands are having arguments with their wives: Muslim men must remember that women have superior verbal qualities, so they make the best use of it when blaming their husbands in verbal fights. Since men usually lack the eloquence of women, they make the mistake of resorting to physical violence against their wives. This is so much against the life of our beloved Prophet Muhammad (peace be upon him) who never raised his hands or even his voice when his wives were having arguments with him. Muslim men should, instead, give their wives a chance to cool down and surely enough, experience tells us that most angry wives, after giving a long, emotional speech in front of their husbands, do cool down. Social reformer Gerald Vassar gives the following advice to angry couples:

"When we know someone is 'amygdala hijacked', then we should give him or her some time (over 20 minutes) before we attempt to resolve or discuss what happened because it takes about that long for hormonal releases to decrease in intensity."<sup>232</sup>

Clinical psychologist Dr. Albert Ellis reports in his book *How to Control Your Anger Before It Controls You* that it usually takes around 20 minutes for a very angry person to

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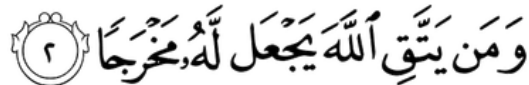
<sup>231</sup> Musnad Ahmed, hadeeth number: 2057. Bukhari has also narrated this hadeeth in *Al-Adab al-Mufrid*. Sheikh Albaani has graded this hadeeth as *saheeh* in his *Silsilat as-Saheehah*.

<sup>232</sup> Vassar, Gerald (Feb. 01, 2011) "How Does Anger Happen in the Brain" *Lakeside Connect* (<http://lakesideconnect.com/anger-and-violence/how-does-anger-happen-in-the-brain/>) Retrieved on: July 16, 2014.

move from an emotional state to thinking state of the brain. Thus, it can take about half hour for an extremely angry person to come back to his/her senses and normal functionality.<sup>233</sup> All these techniques are beneficial depending on the situation and may help in saving a family from divorce and destruction.

## Importance of Developing Tolerance and *Taqwa* among Muslim Couples

Islam teaches the spouses to develop tolerance and patience towards each other because it is natural for people living together to disagree and develop misunderstandings among each other. However, this disagreement should not necessarily end in divorce because the harms of divorce on the spouses, children and society are profound. Islam teaches us that although divorce is permissible, it is one of the most unpleasant permissible acts. In some of the Prophetic traditions, there is an admonishment of deprivation of paradise for the one who divorces without any valid reason. It is for this reason that the act of divorce is regarded by some Islamic scholars as a major sin.<sup>234</sup> In Qur'an, in the Chapter on Divorce, Muslim spouses have been advised:



*“And for those who fear Allah, He (ever) prepares a way out.”*

(Surah At-Talaaq: 2)

In fact, the word “taqwa” (being God-conscious) appears 4 times in the first 5 verses of Surah At-Talaaq alone. Indeed, for the couples who are conscious of Allah and who are patient, there is a way out. If a husband has *tawqā* of Allah, he will never oppress his wives and never usurp her rights. If a wife has *tawqā* of Allah, she will never disobey her husband. *Taqwa* of Allah and a strong belief in the Day of Judgment will help to develop patience in the couples and patience always pays off.

In order to avoid divorce, Muslim men and women need to communicate with each other in their marital life. If both of them spend most of their time immersed in electronics, there will be no communication between them. For instance, Harvard University sociologist Robert Putnam writes in this regard:

*“Time diaries show that husbands and wives spend three or four times as much time watching television together as they spend talking to each other.... Moreover, as the number of TV sets per household multiplies, even watching together becomes rarer.”<sup>235</sup>*

If this is the case with TV where at least there exists a possibility of sitting and watching it together, with later technologies such as computer, Internet, social networking sites, mp3

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<sup>233</sup> Ellis, Albert & Raymond Chip Tafrate (2000). How to Control Your Anger Before It Controls You. New York, Citadel Press.

<sup>234</sup> Al-Haythami, Ibn Hajar (2000) Az-Zawaajir an-Iqtaraaf al-kabaair. (Vol. 2, pg. 100) Egypt, Al-Mat'bah al-Khairiyyah.

<sup>235</sup> Putnam, Robert D. (2000) Bowling Alone: The Collapse and Revival of American Community. New York, Simon & Schuster.

players and smart phones, there is much less or no possibility of being together. Thus, one can imagine what happens when a Muslim husband returns from work to home. He spends most of his time surfing the web while his wife may be busy sharing her pictures with her friends on Facebook. When there is minimal communication between husband and wife, Satan can easily sow the seeds of discord between the two of them. No wonder that divorce rates are increasing among Muslims in a similar fashion as among non-Muslims.

Another point that needs to be emphasized here in regards to *taqwa* is that we as Muslims are not allowed under any circumstances to cooperate in sin and disobedience to Allah and His Messenger (peace be upon him). Allah commands us in the Qur'an:

وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَىٰ وَلَا تَعَاوَنُوا  
عَلَى الْإِثْمِ وَالْعُدْوَانِ وَاتَّقُوا اللَّهَ إِنَّ اللَّهَ شَدِيدُ الْعِقَابِ ﴿٢﴾

...And cooperate in righteousness and piety, but do not cooperate in sin and transgression. And fear Allah; Indeed Allah is severe in penalty."

(Surah al-Maidah: 2)

Muslim husbands and wives must care for each other's sentiments but they cannot do this at the expense of displeasing Allah. We have the life of our beloved Prophet Muhammad (peace be upon him) as the most successful husband and we can learn many ways to win the heart of our wife from his *seerah* (biography). It is true that women are emotionally and psychologically disturbed when they suffer from PMS before and during their menstrual periods but they cannot use this as an excuse to stop their husbands from performing 5 times congregational prayers in the masjid or fasting or spreading the message of Islam and struggling in the path of Allah. If a Muslim wife is going through her PMS syndrome or hormonal disturbance, a Muslim husband cannot please her if she asks him that he disobeys his pious mother or goes out and earn money by *haraam* (impermissible) means just so that they can lead a luxurious lifestyle. Depression or aggression during PMS does not make it permissible for her to listen to music because listening to music is *haraam* in Islam as I have shown this in detail in my book about music.<sup>236</sup> The same holds true for men as well that they are not justified to disobey Allah or force their wives to disobey Allah under any circumstances. Of course, oppressing one's wife is not permissible in Islam but Muslim husbands must understand that Allah has made them the final authority in the house and they cannot win the heart of their wives by displeasing Allah. It is clearly mentioned in the hadeeth:

لَا طَاعَةَ لِمَخْلُوقٍ فِي مَعْصِيَةِ الْخَالِقِ

(الجامع الصغير ، الاستيعاب)

"There is no obedience to the creations (people) in disobedience to the Creator (Allah)."

(al-Jaame al-Sagheer & al-Iste'aab)<sup>237</sup>

<sup>236</sup> Mushtaq, Gohar (2010). The Music Made Me Do It: An In-Depth Study of Music through Islam and Science. Riyadh, International Islamic Publishing House.

<sup>237</sup> Ibn Abdul Barr has declared the chain of this hadeeth as saheeh in al-Iste'aab (Vol. 3, pg. 26). As-Suyyuti has graded this hadeeth as saheeh in Jaame al-Sagheer (9903). Sheikh Albaani has declared this hadeeth as saheeh in Saheeh al-Jaami (#7520).

## Importance of Staying in the Company of Pious People

Human beings are social creatures. They are receptive to the effects of the company of people around them. Staying in the company of corrupt people absolutely corrupts a person. On the other hand, staying in the company of pious people has positive effects on a person. If a man spends most of his time in the company of divorced men or men who are abusive to their wives, this may have effect on their own character and they may start to emulate their peers in terms of how to behave towards their wives. Likewise, if women do not choose pious women as their friends and, instead, spend time in the company of feminist women or those divorced women who spend majority of their time backbiting about their ex-husbands, this will surely have polluting effect on the mentality of a woman. Women often lose respect of their husbands and even ask for divorce when these women begin to spend a good amount of their time in the company of feminist women or gossiping, divorced women.

Therefore, Muslim husbands and wives should strive to stay in the company of righteous and pious people. When a person sits in the company of pious and God-fearing people, he/she learns good habits from them, adopts their Islamic etiquettes, and becomes steadfast on the path to righteousness. In the Qur'an, Allah has commanded us to stay in the company of pious people:

وَأَصْبِرْ نَفْسَكَ مَعَ الَّذِينَ يَدْعُونَ رَبَّهُمْ بِالْغَدَاةِ وَالْعَشِيِّ  
يُرِيدُونَ وَجْهَهُ، وَلَا تَعْدُ عَيْنَاكَ عَنْهُمْ تُرِيدُ زِينَةَ الْحَيَاةِ الدُّنْيَا  
وَلَا تُطِعْ مَنْ أَغْفَلْنَا قَلْبَهُ، عَن ذِكْرِنَا وَاتَّبَعَ هَوَاهُ وَكَانَ أَمْرُهُ فُرُطًا ﴿٢٨﴾

*“And keep yourself patient [by being] with those who call upon their Lord in the morning and the evening, seeking His countenance. And let not your eyes pass beyond them, desiring adornments of the worldly life, and do not obey one whose heart We have made heedless of Our remembrance and who follows his desire and whose affair is ever [in] neglect.” (Surah al-Kahf: ayah 28)*

Similarly, Allah has commanded all the believers to stay in the company of those who are truthful in their words and deeds:

يَأْتِيهَا الَّذِينَ ءَامَنُوا اتَّقُوا اللَّهَ وَكُونُوا مَعَ الصَّادِقِينَ ﴿١١٩﴾

*“O you who believe! Be afraid of Allah, and be with those who are true (in words and deeds).” (Surah At-Tawbah: 119)*

Our beloved Prophet Muhammad (peace be upon him) said in one hadeeth:

الْمَرْءُ عَلَى دِينِ خَلِيلِهِ فَلْيَنْظُرْ أَحَدُكُمْ مَن يُخَالِلُ.

(ترمذى، ابوداؤد)

*“A person is upon the religion of his close friend, so beware whom you befriend.”*

It must be noted here that it is not just physical presence of friends which constitute a person's company. In fact, these days the online communities of friends on social networking websites (Facebook, Twitter, MySpace, Friendster, Peekyou, etc.) as well as Chat rooms are also included in the company of friends a person keeps and people should be conscious about them.<sup>239</sup> Bad online community of divorce-loving friends is as much disastrous for a person as his/her physical friends. In fact, online friends could be more dangerous because they are hidden. So beware when someone starts to gossip about their spouse on a social networking site. Their corrupting influence can destroy our *Emaan*, your home, your future as well as the future of your children through divorce.

## Feelings of Regret after Divorce

Linda Waite argues that the psychological outcomes of an unhappy marriage are known but the psychological consequences of divorce are uncertain because it is an act of future. She observes that divorce eliminates some of the stresses and potential harms by ending an unhappy marriage but it also gives birth to a multitude of other stress and sources of stress on which individuals have little or no control such as reaction and retaliation of one's spouse after divorce, effects of divorce on the academic performance and mental and physical health of children, new financial stresses for separated parents, new relationships or marriages which may bring new joy but may also bring new grief, stress and frustrations. From the analysis of the NSFH data over the period of five years, it became clear that divorce did not reduce the symptoms of depression for unhappy men and women who decided to end their marriages. In addition, divorce did not appear to raise their feelings of self-esteem compared to unhappy spouses who stayed married.<sup>240</sup>

Research has shown that a significant number of divorced men and women regret the decision of their divorce, even many years later. For instance, the New Jersey Family Policy Council report in 1999 that 46 percent of the divorced people in the state of New Jersey were feeling sorry for their decision to divorce and reported that they wished that they themselves and their divorced spouse had tried harder to resolve their differences.<sup>241</sup>

Likewise, in another study reported by Alan Hawkins and his associates of the Brigham Young University, 40 percent of the currently divorced residents from Minnesota

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<sup>238</sup> Imam Tirmidhi has graded this hadeeth as *hasan* (acceptable). This hadeeth of Abu Dawud (no. 4833) has also been graded as *hasan* by Sheikh Al-Albaani in "*Saheeh Abu Dawud*".

<sup>239</sup> Mushtaq, Gohar (2015). *Muslim Youth in the Age of Dajjal*. Riyadh, International Islamic Publishing House.

<sup>240</sup> Waite, Linda J., Don Browning, William J. Doherty, Maggie Gallagher, Ye Luo, and Scott M. Stanley (2002). *Does Divorce Make People Happy? Findings from a Study of Unhappy Marriages*. New York, Institute for American Values.

<sup>241</sup> New Jersey Family Policy Council (1999) *New Jersey Marriage Report: An Index of Marital Health*. Parsippany (New Jersey), New Jersey Family Policy Council. Quoted in: Waite, Linda J. et al. (2002). *Does Divorce Make People Happy? Findings from a Study of Unhappy Marriages*.

expressed that they had at least some regrets about their decision to divorce.<sup>242</sup> When currently divorced Minnesotans were asked the question, “Looking back, do you wish you and your ex-spouse had tried harder to work through your differences?”, sixty six percent (66%) of them answered “YES” to that question.<sup>243</sup> This tells us the amount of regret, sadness and guilt couples feel after divorce later in their life. They wish they had done things differently in their past. They wish they had not separated by divorce. They would want to give anything just to turn back the hands of time and correct their mistakes, but it is too late then.

The feelings of regret after divorce remind us of the story of a beggar and his wife which has many lessons in it:

Once upon a time a man was sitting with his wife eating fried chicken. A beggar knocked on their door and asked for food. The wife asked her husband to give a portion of chicken to the beggar at their door. The man became angry at his wife’s suggestion and told her to stop advocating for poor people. Then, the man went to the door, scolded the beggar and drove him away. When the man returned back to his dining table, his wife advised him that he should not have scolded the beggar. Upon hearing this, the man became furious and told his wife: “You are giving an advice to a rich person like me. How dare you do this? I do not want to live with a woman like you. I am going to divorce you.” Thus, the man divorced his wife. By the will of Allah, that man after divorcing his wife started to get losses in his business one after the other and he became poor to the extent that he became bereaved of all his possessions. In the meantime, this person’s ex-wife married another man. One day she was sitting with her husband eating fried chicken when all of a sudden a beggar knocked at the door of their home. The man said to his wife: “Give this fried chicken to the man at the door.” When the woman opened the door, she was shocked to find out that the beggar at the door asking for food was her ex-husband who had divorced her. She gave him the fried chicken and came back to her new husband at the dining table while she was weeping. Her husband asked her why she was crying and she told him that the man at the door begging for food was her previous husband. Then, she told him the story of the beggar that her previous husband had reprimanded and drove away without giving him any food. When that woman’s new husband heard this, he told her: “You will be surprised to know that I was that beggar whom your ex-husband scolded. Later on, Allah made my financial conditions good and here I am in front of you today.”<sup>244</sup>

This story teaches us that we must fear Allah and must not oppress our spouses in our marital relationships because Allah is swift and severe in reckoning:

إِنَّ بَطْشَ رَبِّكَ لَشَدِيدٌ ﴿١٢﴾

“Indeed, the vengeance of your Lord is severe.”

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<sup>242</sup> Hawkins, Alan J. et al. (2000) Minnesotans’ Attitudes about Marriage and Divorce. Provo (Utah), Family Studies Center, Brigham Young University.

<sup>243</sup> Minnesota Family Institute. 1998. Minnesota Marriage Report. Minneapolis, MN: Minnesota Family Institute. Quoted in: Waite, Linda J. et al. (2002). Does Divorce Make People Happy? Findings from a Study of Unhappy Marriages.

<sup>244</sup> Subhani, Rahmatullah (1966) Makhzan-e-Akhlaq (in Urdu). Lahore, Maktabah-e-Milliyah.

Times do not stay the same. The person who appears to be in absolute power today may be as helpless as a beggar tomorrow. This is how Allah brings about changes in the condition of people as the Qur'an tells us:

وَتِلْكَ الْأَيَّامُ نُدَاوِلُهَا بَيْنَ النَّاسِ

“And these days [of varying conditions] We alternate among the people.”

(Surah Ale-Imran: 141)

## **There is a Hope if You Show Patience – Unhappy Marriages Get Better with Time**

Many people do not realize that bad marriages can improve with time and effort and there is social scientific evidence supporting this contention. In a 5-year long study headed by Linda Waite and her research team from the University of Chicago, data from the National Survey of Family and Households was analyzed by looking at the responses of 645 spouses out of 5,232 married adults who rated their marriages as unhappy in 1980's. Five year later the same adults were re-interviewed to follow those unhappy spouses as their lives took different paths – some had separated as a result of divorce while some had stayed married. The results are summarized as follows:

- Dr. Waite and her associates observed in this study that 64% of the married people, who stayed together despite difficulties in their marital relations and who rated their marriages as unhappy but they decided to avoid divorce, reported being much happier five years after the troubled period.
- It was observed in this study that unhappy spouses who had divorced and later remarried were not any happier than unhappy spouses who decided to avoid divorce.
- Unhappily married adults who sought divorce did not report any more emotional and psychological improvements compared to those unhappy couples who decided to keep their marriages.
- It was observed in this study that the most unhappy couples who decided to keep their marriages were the ones who reported the most dramatic turnarounds in their marital relationships five years later. In other words, 80% of the couples who rated their marriages as very unhappy but who avoided divorce reported their marital life to be very happy five years later.
- In a follow-up to this study, this team of researchers also conducted focus group interviews with 55 formerly unhappy husbands and wives who had saved their marriages from break-up. It was found out that the “marriage endurance ethic” played the major role in saving those marriages as Dr. Waite has noted: “Many spouses said their marriages got happier, not because they and their partner resolved problems, but because they stubbornly outlasted them.”<sup>245</sup>

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<sup>245</sup> Waite, Linda J.; Don Browning, William J. Doherty, Maggie Gallagher, Ye Luo, and Scott M. Stanley (2002). Does Divorce Make People Happy? Findings from a Study of Unhappy Marriages. New York, Institute for American Values.



This comprehensive research is telling us that many husbands and wives who were unhappy with their marriages had their marital life turned into a happy life after five years. They showed patience and tolerance towards each other and they reaped the benefits of it within a span of five years because patience always pays off. Patience and tolerance saved their house from disintegration and saved their children from depression, crimes, school underachievement, low test scores, child abuse, diseases, early deaths, etc.

These findings prove that most marriages get better over time; everyone's circumstances change with time. Times do not stay the same. With time, many sources of disagreement and conflict tend to disappear (such as financial problems, depression, children's behavior problems, job changes, too much involvement of in-laws in the couple's family matters, family friends, etc.). It is the nature of this life that permanent happiness and permanent unhappiness are both very rare. We need to control our tongues and our hands from oppressing others. The Qur'an tells us to be patient (*saabir*) in all of our matters:

وَأَصْبِرُوا إِنَّ اللَّهَ مَعَ الصَّابِرِينَ ﴿٤٦﴾

*And be patient. Surely, Allah is with those who are patient.*

(Surah al-Anfal: 46)

أُولَئِكَ يُؤْتَوْنَ أَجْرَهُمْ مَرَّتَيْنِ بِمَا صَبَرُوا وَيَدْرُءُونَ بِالْحَسَنَةِ السَّيِّئَةَ  
وَمِمَّا رَزَقْنَاهُمْ يُنْفِقُونَ ﴿٥٤﴾

*These people will be given their reward twice over, because they are patient, and repel evil with good, and spend out of what We have provided them.*

(Surah Al-Qasas: 54)

إِنَّمَا يُوفَى الصَّابِرُونَ أَجْرَهُمْ بِغَيْرِ حِسَابٍ ﴿١٠﴾

*Only those who are patient shall receive their reward in full, without reckoning.*

(Surah az-Zumar: 10)

وَأَصْبِرْ وَمَا صَبْرُكَ إِلَّا بِاللَّهِ

*And endure patiently; your patience is not but from Allah.*

(Surah An-Nahl: 127)

The Qur'an also advises us that we should be courteous and forgiving in our marital relationships with our spouses. The relationship between husband and wife should be based on mercy and mutual understanding. In fact, the Qur'an orders men to look at the positive attributes of their wives when treating them:

وَعَاشِرُوهُنَّ بِالْمَعْرُوفِ فَإِنْ كَرِهْتُمُوهُنَّ فَعَسَى أَنْ  
تَكْرَهُوا شَيْئًا وَيَجْعَلَ اللَّهُ فِيهِ خَيْرًا كَثِيرًا ﴿١٩﴾

“And consort with your wives in a goodly manner, for if you dislike them, it may well be that you dislike something which Allah might yet make a source of abundant good.” (Surah An-Nisa: 19)

The golden advice given by the Qur’an provides a perfect solution to marital conflicts. When the spouses concentrate on the good things in each other and turn a blind eye to the negative qualities in each other, they will be more forgiving towards their spouse. It is for reason that sociologists and family scholars argue that majority of the divorces happen among low-conflict marriages and they could be avoided if husbands and wives concentrate on good things in each other. For instance, University of Colorado sociologist Joseph Hopper conducted in-depth qualitative interviews with 30 divorcing couples. Dr Hopper found that many divorced men and women still remembered and cherished the memories of the positive attributes of their ex-spouses. Dr. Hopper stated:

“At the same time that they listed complaints, however, divorcing people easily reported good things about their marriages. They liked having someone at home, someone to talk with about their day. They described camping trips, holidays and birthdays . . . feelings of security, safety and comfort.”<sup>246</sup>

Dr. Hopper also noted that among all these divorcing couples, divorce could have been avoided because the couples could see the good qualities of their spouses: “[I]t seemed that many outcomes were possible in nearly every marriage I learned about.”<sup>247</sup>

It is for this reason that our beloved Prophet Muhammad (peace be upon him) advised especially the husbands to treat their wives kindly and in the best way, perhaps due to their greater authority. The Prophet (peace be upon him) said in one hadeeth:

“The best of you is the one who is best to his family (wife) and I am the best of you to my family.” (at-Tirmidhi; Ibn Majah)<sup>248</sup>

In another hadeeth, the Prophet (peace be upon him) said:

اِسْتَوْصُوا بِالنِّسَاءِ خَيْرًا . . . . . (بخارى. مسلم)

“I advise you to treat women well.” (Bukhari & Muslim)

After all, it is courtesy, mercy and care for each other which keep the marriages intact and let the marriages survive the test of time. Marriages are primarily based on mercy, not love. During the caliphate of the second righteously guided caliph Umar bin Khattab, a man came to him and told Umar that he wanted to divorce his wife. When Umar bin Khattab asked the man: “Why do you want to divorce your wife?” The man replied: “Because I do not love her anymore.” Upon hearing this, Umar bin Khattab said to him:

أَوْكُلَّ الْبُيُوتِ بُنِيَتْ عَلَى الْحُبِّ؟ فَإِنَّ الرِّعَايَةَ وَالتَّذَمُّمَ؟

<sup>246</sup> Hopper, Joseph (1993) “The Rhetoric of Motives in Divorce” *Journal of Marriage and the Family* Vol. 55, Issue 4: pp. 801-813.

<sup>247</sup> Hopper, Joseph (1993) “The Rhetoric of Motives in Divorce” *Journal of Marriage and the Family* Vol. 55, Issue 4: pp. 801-813.

<sup>248</sup> This hadeeth has been graded as *Saheeh* (authentic) by Sheikh Nasir al-Din Albaani in *Saheeh al-Jaami* (hadeeth #3315).

“Are all the homes (marital relationships) founded on love? Then, where are the feelings of courtesy and guardianship (in marital relationship)?”<sup>249</sup>

## Conclusion

It has been shown in this book that marriage is the best solution for the survival of human race on this planet. Many Muslim parents love to unnecessarily delay the marriages of their sons or daughters, sometimes for the sake of career and other times because they want to marry their son or daughter only within the family or only from “overseas”. Some parents may even say to their daughters: “My daughter, I will marry you to any suitable Muslim man in the whole world as long as he is your cousin!!” Unnecessarily delaying the marriages puts excessive strain on young boys and girls and only helps to spread the seeds of promiscuity and indecency in the society. Islam believes that the ends do not justify the means, therefore, in Islam there is no room for courtship, dating and premarital relations. The Islamic juristic evidence presented in this book also elucidates that, in this age of *fitnah* (tribulation), we need to go back to the ruling on divorce as it was practiced during the time of our beloved Prophet Muhammad (peace be upon him) when three divorce pronouncements in a single setting were considered as a single divorce. Moreover, divorce in a state of severe anger and during the menses of a woman is not acceptable according to the correct scholarly opinion.

Extensive medical and biological evidence has been provided to urge men to understand the emotional instability and mood swings of women due to the hormonal influence and their monthly PMS before and during their menstrual periods. Now that scientific research has proved that women go through different psychological changes every month, men should be more forgiving towards their wives. Most importantly, sociological studies have shown that divorce does not make people any happier except in certain extreme cases. Divorce is helpful for the couple and the welfare of their children *only* in the cases of high-conflict marriages. However, not every unhappy marriage is high-conflict type. Available data and studies have shown that only less than one third (less than 33%) of the unhappy marriages are high-conflict type. This implies that the most of the divorces in our times only result in ending relatively low-conflict marriages and such marriages could have been easily avoided otherwise with better conflict resolution approaches. Divorce of parents has profound effects on their child’s social skills, language development and problem solving abilities and ability to handle stress and depression. Parental divorce results in higher rates of crimes and behavior problems in boys and more psychological issues in girls. To sum up, if Muslim husbands and wives truly follow the teachings of Islam and have *tawqa* of Allah, their marital life can become blissful. I would like to end this book with the following advice of American family scholars, Linda Waite and Maggie Gallagher, regarding improving the marriage stability rate:

“Family experts, in other words, have an obligation to let the public know: Sure smoking kills, but so does divorce. Yes, a college education boosts a man’s earnings, but so does getting and keeping a wife. Of course children need parental

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<sup>249</sup> Waliullah, Shah Muhaddith Dehlawi (n.d.). Izalat al-Khafa' an Khilafat al-Khulfa. Karachi, Qadimee Kutub Khana.

attention, but they do best if they get it from both a father and a mother” [and not from divorced and separated parents].<sup>250</sup>

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<sup>250</sup> Waite, Lida J., & Gallagher, Marrie (2000). *The Case for Marriage*. New York, Doubleday.