



Divorce is Halal Even if it is the Most Hated Halal

(Translated)

Because it is a complete legislation, it has taken care of man and provided him with ways to enable him to satisfy his organic needs and instincts without causing misery for him and other human beings, and created adequate curative solutions to all the problems and difficulties he encounters. This is Islam, the Deen that the Creator approved it for His servants so that they may live in comfort, satisfied and pleasing their Lord. Like other instincts, Islam addressed the procreation instinct and the preservation of the human kind, and indicated the legitimate way to satisfy them, so it recognized marriage to be a sacred relationship between the spouses. A strong bond that unites them, Almighty said: ﴿وَكَيْفَ تَأْخُذُونَهُ وَقَدْ أَفْضَى بَعْضُكُمْ إِلَى بَعْضٍ وَأَخَذْنُ مِنْكُمْ مِيثَاقًا غَلِيظًا﴾ **“And how could you take it while you have gone in unto each other and they have taken from you a solemn covenant?”**. [An-Nisa:21]

This is the bond which everyone who believes in Allah should follow alone and not to follow other solutions that satisfy this instinct. This is why Islam enjoined us to make a good choice and stressed the concern that the good men should be for the good women: ﴿وَالطَّيِّبُونَ لِلطَّيِّبَاتِ﴾ **“And men of purity are for women of purity”** [An-Noor:26] so that this partnership is strong, durable and lasting throughout their lives.

But, mistakes in choosing can be made, either in choosing a husband or a wife, which spoil the relationship between them and pursuance of the marital life becomes impossible because they are different in their characters, or because of conflict in their interests, or a lack of harmony and love between them. Consequently, this life turns into an intolerable hell, and the inevitable solution imposes itself: divorce! Yes, Islam has legislated divorce and considered it - the most hated halal - but it is a necessary solution in some cases of marriage, in which the agreement is difficult between the two parties, rather, their living together is impossible.

To preserve this cell from other destructive dangers to it and to the whole society, Islam legislated divorce. And in order not to contaminate this relationship, and not to tarnish this deep bond upon the absence of harmony and agreement between the spouses, Islam legislated divorce. Because Allah knows who He created, and He knows what He innately disposed in His creation, He made for the spouses a Halal outlet to untie this bond so that they would not walk in paths that would take them down to desecrate that relationship and anger their Lord.

When Christianity dealt with this issue, it considered it unacceptable and did not allow for spouses to divorce, for it considers it a sacred bond. A man must be associated with one woman for life, and both spouses must be faithful to the sacred marriage vows. So, it principally prohibited divorce as a rule. But it found itself in front of situations where spouses could no longer together, which can push them to find other ways to live by, each meeting their own desires and needs as they want. So, illegitimate relations spread, family ties shaken, and society becomes corrupt. The Church relies on its first reference, the “Holy book”, which states in many places that “any man who divorces his wife, except for sexual immorality, causes her to commit adultery, and whoever marries a divorced woman commits adultery”. However, in view of the difficulties it faced in deciding on troubled marital relations, it was forced to enact legislation and jurisprudence to make divorce acceptable. These included committing adultery by one of the parties, desecration of the sanctity of marriage, the insanity of one of the spouses and emotional trauma that cannot be cured and which pose a danger to the marriage life and later to the children, or if a spouse left the marital home without the permission or knowledge of the other and for a long period of time perhaps three years or more, and also when the marriage of one of the parties to the other was under duress and without his or her consent and satisfaction.

This is the position of the Church, which recognizes marriage as a sacred bond that must endure and not be dismantled. Nevertheless, in the face of the challenges encountered by many families, in which the cohabitation of the spouses was difficult, it has approved many cases of divorce.

Another position is promoted by the advocates of liberties and feminism, calling to live without this bond, so each party is to live as he/she pleases!! A position in which its holders seek to undermine the family and destroy its entity.

The existential writer, Simon de Beauvoir, considers marriage “the eternal imprisonment of a woman that cuts off her hopes and dreams.” She considered the institution of marriage an institution

for the oppression of women that should be demolished and abolished. Feminist philosophy also called for "freedom of bonding and freedom of separating at any time between two individuals; be they homo or heterosexuals." It establishes a life of confusion, futility, lineage mixing, and demolition of families and the entire community.

Islam is Allah's legislation, which is the best thing to organize human life. Who knows about the creation except their Creator, and who is better able to run their lives and regulate their actions but Him? He legitimized for them getting married to satisfy their instincts and to procreate and reproduce so their kind continues, and their life continues. And He encouraged them to make good choice to continue this marriage and to live a life of understanding and harmony. But the intimacy of this relationship may be disturbed and the devil (Satan) works to differentiate between the spouses, bragging and happy for achieving it. The Messenger of Allah (saw) said: «إِنَّ إبليس يضع عرشه على الماء ثم يبعث سراياه فأدناهم منه منزلة أعظمهم فتنة يجيء أحدهم فيقول كذا وكذا فيقول ما صنعت شيئا قال ثم يجيء أحدهم فيقول: ما تركته حتى فرقت بينه وبين امرأته قال فيدنيه منه ويقول: نعم أنت...» "Iblis 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." "

It is the work of the Satan. And although it is the most hated permissible thing to Allah, it remains halal and remains a solution after all attempts fail to resolve disputes and differences and when life between the spouses becomes impossible. So, dissolving the marriage becomes imperative, and it becomes the best solution because the continuity of life between the spouses has become worse and more serious than this dissolution.

Islam came and cleared societies of all impurities, corrupt ideas and erroneous relationships, and concentrated purity and serenity in its ideas and relations, so they became pure and clear. Those are its concepts, treatments and its solution to the spouse's relationship when it becomes impossible to continue, and divorce was only to settle this issue because the relationship had been devoid of tranquility, compassion and affection and had been replaced by hatred, hate and lack of harmony. Allah (swt) has singled out this issue in a whole Surah, At-Talaq (The Divorce), and also has elaborated it in Surat al-Baqarah. Thus, His rulings regarding it are explained and defined to the people, so that they can lead their lives in accordance with them--as their Lord wants--to preserve the society, which if one of its cells have been infected, it stands firm to the tremors that target it and want to undermine it. Indeed, this great Deen contains solutions by which the society repels harm from its entity and stabilizes its foundations. In Islam, all the goodness, no matter what seems to us of disadvantages and evil in things, for our judgements on them and their consequences are incomplete, for we do not see their secrets and only Allah knows them: ﴿وَعَسَى أَنْ تَكْرَهُوا شَيْئًا وَهُوَ خَيْرٌ لَكُمْ وَعَسَى أَنْ تُحِبُّوا شَيْئًا وَهُوَ شَرٌّ لَكُمْ وَاللَّهُ يَعْلَمُ وَأَنْتُمْ لَا تَعْلَمُونَ﴾ **"But perhaps you hate a thing and it is good for you; and perhaps you love a thing and it is bad for you. And Allah Knows, while you know not."** [Al-Baqara: 216]

Divorce, even if there are disadvantages in it, is good, by Allah's permission, for the spouses, for the children and for the family in general. It is better than their being together - after it has been impossible - for life will turn into hell and it will bring about evil and abuses. The marriage is an intimate and strong bond which Islam has urged to be built on solid firm pillars that make it withstand the difficulties and differences that could be encountered by the spouses, which they treat with the provisions they have adopted and by what the relationship between them is built on, of love in Allah and the work to satisfy Him. This is what Allah has decreed for His servants so that the family can be harmonious and have ties of compassion, love and mercy. The society thus becomes a cohesive society that bonds its members with competition for attaining goodness and seeking the satisfaction of the Lord of the Earth and the Heavens. And if these relations are marred by some disturbance and deficiency, then the solutions are available which are explained by the law of Ar-Rahman.

**Written for the Central Media Office of Hizb ut Tahrir by
Zaina Al-Saamit**