

**UNDERSTANDING THE QURAN**  
**THEMES AND STYLE**  
**BY MUHAMMAD ABDEL HALEEM**  
**CHAPTER : 4**  
**MARRIAGE AND DIVORCE**

Islam is the religion of marriage and only allows divorce in order to create better marriages. The Qur'an encourages marriage in many ways and makes it the only avenue for satisfying the sexual instinct. It urges society to bring about the marriages of unmarried men or women, and instructs unmarried people to remain chaste until God provides for them out of His bounty. They become married and share in this blessing which figures prominently in Qur'anic discussions of God's blessings to mankind:

وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً  
وَرَحْمَةً ۚ إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَتَفَكَّرُونَ

And among His wonders is this: He creates for you mates out of your own kind. so that you might incline towards them, and He engenders love and tenderness between you: in this, behold, there are messages indeed for people who think! 30:21

It reminds men, 'Your wives are a garment to you and you are a garment to them' 2:188 which says

وَلَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ وَتُدْخِلُوا بِهَا إِلَى الْحُكَّامِ لِتَأْكُلُوا فَرِيقًا مِنْ أَمْوَالِ النَّاسِ  
بِالْإِثْمِ وَأَنْتُمْ تَعْلَمُونَ

AND DEVOUR NOT one another's possessions wrongfully, and neither employ legal artifices with a view to devouring sinfully, and knowingly, anything that by right belongs to others., suggesting that

marriage provides warmth, comfort and protection. It also strengthens human relationships by acquiring relatives through marriage 25:54 which says

وَهُوَ الَّذِي خَلَقَ مِنَ الْمَاءِ بَشَرًا فَجَعَلَهُ نَسَبًا وَصِهْرًا ۚ وَكَانَ رَبُّكَ قَدِيرًا

And He it is who out of this very water has created man, and has endowed him with the consciousness of descent and marriage-tie: for your Sustainer is ever infinite in His power. and provides a means of acquiring offspring.

وَاللَّهُ جَعَلَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا وَجَعَلَ لَكُمْ مِنْ أَزْوَاجِكُمْ بَنِينَ وَحَفَدَةً وَرَزَقَكُمْ مِنَ الطَّيِّبَاتِ ۚ أَفَبِالْبَاطِلِ يُؤْمِنُونَ وَبِنِعْمَتِ اللَّهِ هُمْ يَكْفُرُونَ

And God has given you mates of your own kinds and has given you, through your mates, children and children's children, and has provided for you sustenance out of the good things of life. Will men, then, continue to believe in things false and vain, and thus blaspheme against God's blessings?

16:72.

Such is the importance of marriage that it is part of the ultimate reward believers hope for: going to Paradise where both spouses will be joined together, along with the righteous ones among their parents and offspring 13:23-24 which says

جَنَّاتُ عَدْنٍ يَدْخُلُونَهَا وَمَنْ صَلَحَ مِنْ آبَائِهِمْ وَأَزْوَاجِهِمْ وَذُرِّيَّاتِهِمْ ۚ وَالْمَلَائِكَةُ يَدْخُلُونَ عَلَيْهِمْ مِنْ كُلِّ بَابٍ  
سَلَامٌ عَلَيْكُمْ بِمَا صَبَرْتُمْ ۚ فَنِعْمَ عُقْبَى الدَّارِ

Gardens of perpetual bliss, which they shall enter together with the righteous from among their parents, their spouses, and their offspring; and the angels will come unto them from every gate and will say: Peace be upon you, because you have persevered!" How excellent, then, this fulfillment in the hereafter!; 52:20–21 which says

مُتَّكِنِينَ عَلَى سُرُرٍ مَصْفُوفَةٍ ۚ وَزَوَّجْنَاهُمْ بِحُورٍ عِينٍ  
وَالَّذِينَ آمَنُوا وَاتَّبَعَتْهُمْ ذُرِّيَّتُهُمْ بِإِيمَانٍ أَلْحَقْنَا بِهِمْ ذُرِّيَّتَهُمْ وَمَا أَلَتْنَاهُمْ مِنْ عَمَلِهِمْ مِنْ شَيْءٍ ۚ كُلُّ امْرِئٍ بِمَا كَسَبَ رَهِينٌ

Reclining on couches of happiness ranged in rows!" And in that paradise We shall mate them with companions pure, most beautiful of eye. And as for those who have attained to faith and whose offspring will have followed them in faith, We shall unite them with their offspring; and We shall not let aught of their deeds go to waste: but every human being will be held in pledge for whatever he has earned.; 25:74 which says

وَالَّذِينَ يَقُولُونَ رَبَّنَا هَبْ لَنَا مِنْ أَزْوَاجِنَا وَذُرِّيَّاتِنَا قُرَّةَ أَعْيُنٍ وَاجْعَلْنَا لِلْمُتَّقِينَ إِمَامًا

And who pray "O our Sustainer! Grant that our spouses and our offspring be a joy to our eyes, and cause us to be foremost among those who are conscious of Thee!".

In line with Qur'anic teachings the Prophet Muhammad, who is the model for all Muslims to follow, had a rich, successful married life and said marriage was part of the way of life he brought, and whoever shunned that way of life did not belong with him. Christ does not provide such a model of marriage for Christians, nor did he urge his followers to marry in a similar way. Whereas celibacy is meritorious for those who devote themselves to religious life in Christianity, the Qur'an denounces it as a human invention.

Because Islam attaches such importance to marriage it makes it easy to enter into. There is no bureaucracy involved in getting married and the wedding ceremony is short and simple, requiring no more than a proposal and acceptance spoken in front of two witnesses, and payment of the dowry to the woman. There is no requirement for an official place or person or any specified time.

In common with the treatment of other themes, the Qur'an mainly talks about marriage in general terms, giving some recommendations as stated above. It is not a detailed text guiding people in the conduct of daily lives, and goes into detail only in the following areas: 1 when it talks about what is forbidden, or situations that lead to forbidden things; 2 when it talks about people's rights; 3 when it replies to specific questions that have been asked.

Thus the Qur'an lists all classes of people that one is not allowed to marry, then declares:

وَالْمُحْصَنَاتُ مِنَ النِّسَاءِ إِلَّا مَا مَلَكَتْ أَيْمَانُكُمْ ۖ كِتَابَ اللَّهِ عَلَيْكُمْ ۚ وَأُحِلَّ لَكُمْ مَا وَرَاءَ ذَلِكَ أَنْ تَبْتَغُوا بِأَمْوَالِكُمْ مُحْصِنِينَ غَيْرَ مُسَافِحِينَ ۚ فَمَا اسْتَمْتَعْتُمْ بِهِ مِنْهُنَّ فَآتُوهُنَّ أُجُورَهُنَّ فَرِيضَةً ۚ وَلَا جُنَاحَ عَلَيْكُمْ فِيمَا تَرَاضَيْتُمْ بِهِ مِنْ بَعْدِ الْفَرِيضَةِ ۚ إِنَّ اللَّهَ كَانَ عَلِيمًا حَكِيمًا

And forbidden to you are all married women other than those whom you rightfully possess through wedlock: this is God's ordinance, binding upon you. But lawful to you are all women beyond these, for you to seek out, offering them of your possessions, taking them in honest wedlock, and not in fornication. And unto those with whom you desire to enjoy marriage, you shall give the dowers due to them; but you will incur no sin if, after having agreed upon this lawful due, you freely agree with one another upon anything else: behold, God is indeed all-knowing, wise. 4:24.

It lists individuals' inheritance rights in great detail 4:11-13 which says

يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثَيَيْنِ ۚ فَإِنْ كُنَّ نِسَاءً فَوْقَ اثْنَتَيْنِ فَلَهُنَّ ثُلُثَا مَا تَرَكَ ۚ وَإِنْ كَانَتْ وَاحِدَةً فَلَهَا النِّصْفُ ۚ وَلِأَبَوَيْهِ لِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُ مِمَّا تَرَكَ إِنْ كَانَ لَهُ وَلَدٌ ۚ فَإِنْ لَمْ يَكُنْ لَهُ وَلَدٌ وَوَرِثَهُ أَبَوَاهُ فَلِأُمِّهِ الثُّلُثُ ۚ فَإِنْ كَانَ لَهُ إِخْوَةٌ فَلِأُمِّهِ السُّدُسُ ۚ مِنْ بَعْدِ وَصِيَّةٍ يُوصِي بِهَا أَوْ دَيْنٍ ۚ آبَاؤُكُمْ وَأَبْنَاؤُكُمْ لَا تَدْرُونَ أَيُّهُمْ أَقْرَبُ لَكُمْ نَفَعًا ۚ فَرِيضَةٌ مِنَ اللَّهِ ۚ إِنْ اللَّهُ كَانَ عَلِيمًا حَكِيمًا

وَلَكُمْ نِصْفُ مَا تَرَكَ أَزْوَاجُكُمْ إِنْ لَمْ يَكُنْ لَهُنَّ وَلَدٌ ۚ فَإِنْ كَانَ لَهُنَّ وَلَدٌ فَلِكُمُ الرُّبْعُ مِمَّا تَرَكَنَ ۚ مِنْ بَعْدِ وَصِيَّةٍ يُوصِي بِهَا أَوْ دَيْنٍ ۚ وَلَهُنَّ الرُّبْعُ مِمَّا تَرَكَتُمْ إِنْ لَمْ يَكُنْ لَكُمْ وَلَدٌ ۚ فَإِنْ كَانَ لَكُمْ وَلَدٌ فَلَهُنَّ الثُّمُنُ مِمَّا تَرَكَتُمْ ۚ مِنْ بَعْدِ وَصِيَّةٍ تُوصُونَ بِهَا أَوْ دَيْنٍ ۚ وَإِنْ كَانَ رَجُلٌ يُورِثُ كَلَالَةً أَوْ امْرَأَةٌ وَلَهُ أَخٌ أَوْ أُخْتُ فَلِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُ ۚ فَإِنْ كَانُوا أَكْثَرَ مِنْ ذَلِكَ فَهُمْ شُرَكَاءُ فِي الثُّلُثِ ۚ مِنْ بَعْدِ وَصِيَّةٍ يُوصَى بِهَا أَوْ دَيْنٍ غَيْرِ مُضَارٍ ۚ وَصِيَّةٌ مِنَ اللَّهِ ۚ وَاللَّهُ عَلِيمٌ حَلِيمٌ

تِلْكَ حُدُودُ اللَّهِ ۚ وَمَنْ يُطِعِ اللَّهَ وَرَسُولَهُ يُدْخِلْهُ جَنَّاتٍ تَجْرِي مِنْ تَحْتِهَا الْأَنْهَارُ خَالِدِينَ فِيهَا ۚ وَذَلِكَ الْفَوْزُ الْعَظِيمُ

CONCERNING the inheritance of your children, God enjoins this upon you: The male shall have the equal of two females' share; but if there are more than two females, they shall have two-thirds of what their parents leave behind; and if there is only one daughter, she shall have one-half thereof. And as for the parents of the deceased, each of them shall have one-sixth of what he leaves behind, in the event of his having left a child; but if he has left no child and his parents are his only heirs, then his mother shall have one-third; and if he has brothers and sisters, then his mother shall have one-sixth after the deduction of any bequest he may have made, or any debt he may have incurred. As for your parents and your children - you know not which of them is more deserving of benefit from you: therefore this ordinance from God. Verily, God is all-knowing, wise. And you shall inherit one-half of what your wives leave behind, provided they have left no child; but if they have left a child, then you shall have one-quarter of what they leave behind, after the deduction of any bequest they may have made, or any debt they may have incurred. And your widows shall have one-quarter of what you leave behind, provided you have left no child; but if you have left a child, then they shall have one-eighth of what you leave behind, after the deduction of any bequest you may have made, or any debt you may have incurred. And if a man or a woman has no heir in the direct line, but has a brother or a sister, then each of these two shall inherit one-sixth; but if there are more than two, then they shall share in one-third of the inheritance, after the deduction of any bequest that may have been made, or any debt that may have been incurred, neither of which having been intended to harm the heirs. This is an injunction from God: and God is all-knowing, forbearing. These are the bounds set by God. And whoever pays heed unto God and His Apostle, him will He bring into gardens through which running waters flow, therein to abide: and this is a triumph supreme.; 4:176 which says

يَسْتَفْتُونَكَ قُلِ اللَّهُ يُفْتِيكُمْ فِي الْكَلَالَةِ ۚ إِنْ امْرُؤٌ هَلَكَ لَيْسَ لَهُ وَلَدٌ وَلَهُ أُخْتُ فَلَهَا نِصْفُ مَا تَرَكَ ۚ وَهُوَ يَرِثُهَا إِنْ لَمْ يَكُنْ لَهَا وَلَدٌ ۚ فَإِنْ كَانَتَا اثْنَتَيْنِ فَلَهُمَا الثُّلُثَانِ مِمَّا تَرَكَ ۚ وَإِنْ كَانُوا

إِخْوَةً رِجَالًا وَنِسَاءً فَلِلَّذَكَرِ مِثْلُ حَظِّ الْأُنثَيَيْنِ ۚ يُبَيِّنُ اللَّهُ لَكُمْ أَنْ تَضِلُّوا ۗ وَاللَّهُ بِكُلِّ شَيْءٍ عَلِيمٌ

THEY WILL ASK you to enlighten them. Say: "God enlightens you thus about the laws concerning inheritance from those who leave no heir in the direct line: If a man dies childless and has a sister, she shall inherit one-half of what he has left, just as he shall inherit from her if she dies childless. But if there are two sisters, both together shall have two-thirds of what he has left; and if there are brothers and sisters, then the male shall have the equal of two females' share." God makes all this clear unto you, lest you go astray; and God knows everything. and the rights of women are protected – the right to the dowry, lodging and maintenance, and the legitimacy of offspring. The Qur'an sets out rights for the wife and then allows her to willingly waive some, such as the dowry if she chooses 4:4 which says

وَأَتُوا النِّسَاءَ صَدُقَاتِهِنَّ نِحْلَةً ۚ فَإِنْ طِبْنَ لَكُمْ عَنْ شَيْءٍ مِنْهُ نَفْسًا فَكُلُوهُ هَنِيئًا مَرِيئًا

And give unto women their marriage portions in the spirit of a gift; but if they, of their own accord, give up unto you aught thereof, then enjoy it with pleasure and good cheer., 4:24 which says

وَالْمُحْصَنَاتُ مِنَ النِّسَاءِ إِلَّا مَا مَلَكَتْ أَيْمَانُكُمْ ۚ كِتَابَ اللَّهِ عَلَيْكُمْ ۚ وَأُحِلَّ لَكُمْ مَا وَرَاءَ ذَلِكَ أَنْ تَبْتَغُوا بِأَمْوَالِكُمْ مُحْصِنِينَ غَيْرَ مُسَافِحِينَ ۚ فَمَا اسْتَمْتَعْتُمْ بِهِ مِنْهُنَّ فَآتُوهُنَّ أُجُورَهُنَّ فَرِيضَةً ۚ وَلَا جُنَاحَ عَلَيْكُمْ فِيمَا تَرَاضَيْتُمْ بِهِ مِنْ بَعْدِ الْفَرِيضَةِ ۚ إِنَّ اللَّهَ كَانَ عَلِيمًا حَكِيمًا

And forbidden to you are all married women other than those whom you rightfully possess through wedlock: this is God's ordinance, binding upon you. But lawful to you are all women beyond these, for you to seek out, offering them of your possessions, taking them in honest wedlock, and not in fornication. And unto those with whom you desire to enjoy marriage, you shall give the dowers due to them; but you will incur no sin if, after having agreed upon this lawful due, you freely agree with one another upon anything else: behold, God is indeed all-knowing, wise..

The general statements in the Qur'an are normally elaborated in the 'adith of the Prophet. For instance, the Qur'an recommends that men should consider the importance of piety when choosing a wife 2:221 which says

وَلَا تَنْكِحُوا الْمُشْرِكَاتِ حَتَّى يُؤْمِنَ ۚ وَلَأَمَةٌ مُؤْمِنَةٌ خَيْرٌ مِنْ مُشْرِكَةٍ وَلَوْ أَعْجَبَتْكُمْ ۚ وَلَا تُنْكِحُوا الْمُشْرِكِينَ حَتَّى يُؤْمِنُوا ۚ وَلَعَبْدٌ مُؤْمِنٌ خَيْرٌ مِنْ مُشْرِكٍ وَلَوْ أَعْجَبَكُمْ ۚ أُولَٰئِكَ يَدْعُونَ إِلَى النَّارِ ۚ وَاللَّهُ يَدْعُو إِلَى الْجَنَّةِ وَالْمَغْفِرَةِ بِإِذْنِهِ ۚ وَيُبَيِّنُ آيَاتِهِ لِلنَّاسِ لَعَلَّهُمْ يَتَذَكَّرُونَ

AND DO NOT marry women who ascribe divinity to aught beside God ere they attain to true belief: for any believing bondwoman of God is certainly better than a woman who ascribes divinity to aught beside God, even though she please you greatly. And do not give your women in marriage to men who ascribe divinity to aught beside God ere they attain to true belief: for- any believing bondman of God is certainly better than a man who ascribes divinity to aught beside God, even though he please you greatly. Such as these invite unto the fire, whereas God invites unto paradise, and unto

the achievement of forgiveness by His leave; and He makes clear His messages unto mankind, so that they might bear them in mind. and the Prophet elaborates on this in the 'adith. He explains that a woman may be sought for marriage for four reasons: her wealth, her beauty, her family or her piety, but the Prophet recommends that a man choose a woman of piety otherwise he will end up empty-handed. This stresses the importance of starting families on solid foundations, so that the marriage can last. According to the teachings of the Prophet, no one should be forced to marry anyone that they do not desire. It is the husband's responsibility to pay the dowry and to provide for his wife and family. The way that both husband and wife should conduct themselves in marriage is set out in the Qur'an. Marital relationships should involve the qualities of affection, repose and mercy, and the example of the Prophet is the recommended norm. He says 'the best of you are those who are best to your families'. Consultations which are enjoined on all Muslims in conducting their common affairs become important in marriage, and we find mutual acceptance and consultations occurring frequently, always in the reciprocal form: tarad, tashawur 2:234 which says

وَالَّذِينَ يُتَوَفَّوْنَ مِنْكُمْ وَيَذَرُونَ أَزْوَاجًا يَتَرَبَّصْنَ بِأَنْفُسِهِنَّ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا ۖ فَإِذَا بَلَغْنَ أَجَلَهُنَّ فَلَا جُنَاحَ عَلَيْكُمْ فِيمَا فَعَلْنَ فِي أَنْفُسِهِنَّ بِالْمَعْرُوفِ ۗ وَاللَّهُ بِمَا تَعْمَلُونَ خَبِيرٌ

And if any of you die and leave wives behind, they shall undergo, without remarrying, a waiting-period of four months and ten days; whereupon, when they have reached the end of their waiting-term, there shall be no sin in whatever they may do with their persons in a lawful manner. And God is aware of all that you do.; 65:6 which says

أَسْكِنُوهُنَّ مِنْ حَيْثُ سَكَنْتُمْ مِنْ وُجْدِكُمْ وَلَا تُضَارُّوهُنَّ لِتُضَيِّقُوا عَلَيْهِنَّ ۚ وَإِنْ كُنَّ أُولَاتٍ حَمْلٍ فَأَنْفِقُوا عَلَيْهِنَّ حَتَّىٰ يَضَعْنَ حَمْلَهُنَّ ۚ فَإِنْ أَرْضَعْنَ لَكُمْ فَآتُوهُنَّ أُجُورَهُنَّ ۚ وَاتَّمَرُوا بَيْنَكُمْ بِمَعْرُوفٍ ۚ وَإِنْ تَعَاَسَرْتُمْ فُسْرَتُمْ فَسْرَضِعْ لَهُ أُخْرَىٰ

Hence, let the women who are undergoing a waiting-period live in the same manner as you live yourselves, In accordance with your means; and do not harass them with a view to making their lives a misery. And if they happen to be with child, spend freely on them until they deliver their burden; and if they nurse your offspring after the divorce has become final, give them their due recompense; and take counsel with one another in a fair manner about the child's future. And if both of you find it difficult that the mother should nurse the child, let another woman nurse it on behalf of him who has begotten it.; 2:232 which says

وَإِذَا طَلَّقْتُمُ النِّسَاءَ فَلَبُغْنَ أَجَلَهُنَّ فَلَا تَعْضُلُوهُنَّ أَنْ يَنْكِحْنَ أَزْوَاجَهُنَّ إِذَا تَرَاضَوْا بَيْنَهُمْ بِالْمَعْرُوفِ ۚ ذَلِكَ يُوعَظُ بِهِ مَنْ كَانَ مِنْكُمْ يُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ ۚ ذَٰلِكُمْ أَزْكَىٰ لَكُمْ وَأَطْهَرُ ۗ وَاللَّهُ يَعْلَمُ وَأَنْتُمْ لَا تَعْلَمُونَ

And when you divorce women, and they have come to the end of their waiting-term, hinder them not from marrying other men if they have agreed with each other in a fair manner. This is an admonition unto every one of you who believes in God and the Last Day; it is the most virtuous way for you, and the cleanest. And God knows, whereas you do not know.. Another frequent term or expression is ma'rif, which

means what is good and commendable. Indeed, this occurs four times in one page 2:232–236 which says

وَإِذَا طَلَقْتُمُ النِّسَاءَ فَلْيُغْنِ أَجَلُهُنَّ فَلَا تَعْضُلُوهُنَّ أَنْ يَنْكِحْنَ أَزْوَاجَهُنَّ إِذَا تَرَاضُوا بَيْنَهُنَّ بِالْمَعْرُوفِ ۚ ذَٰلِكَ يُوعَظُ بِهِ مَنْ كَانَ مِنْكُمْ يُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ ۚ ذَٰلِكُمْ أَزْكَىٰ لَكُمْ وَأَطْهَرُ ۚ وَاللَّهُ يَعْلَمُ وَأَنْتُمْ لَا تَعْلَمُونَ  
وَالْوَالِدَاتُ يُرْضِعْنَ أَوْلَادَهُنَّ حَوْلَيْنِ كَامِلَيْنِ ۚ لِمَنْ أَرَادَ أَنْ يُتِمَّ الرَّضَاعَةَ ۚ وَعَلَى الْمَوْلُودِ لَهُ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْمَعْرُوفِ ۚ لَا تُكَلَّفُ نَفْسٌ إِلَّا وُسْعَهَا ۚ لَا تُضَارَّ وَالِدَةٌ بِوَلَدِهَا وَلَا مَوْلُودٌ لَهُ بِوَلَدِهِ ۚ وَعَلَى الْوَارِثِ مِثْلُ ذَٰلِكَ ۚ فَإِنْ أَرَادَا فِصَالًا عَنْ تَرَاضٍ مِنْهُمَا وَتَشَاوُرٍ فَلَا جُنَاحَ عَلَيْهِمَا ۚ وَإِنْ أَرَدْتُمْ أَنْ تَسْتَرْضِعُوا أَوْلَادَكُمْ فَلَا جُنَاحَ عَلَيْكُمْ إِذَا سَلَّمْتُمْ مَا آتَيْتُمْ بِالْمَعْرُوفِ ۚ وَاتَّقُوا اللَّهَ وَاعْلَمُوا أَنَّ اللَّهَ بِمَا تَعْمَلُونَ بَصِيرٌ  
وَالَّذِينَ يُتَوَفَّوْنَ مِنْكُمْ وَيَذَرُونَ أَزْوَاجًا يَتَرَبَّصْنَ بِأَنْفُسِهِنَّ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا ۚ فَاذَا بَلَغَ أَجَلُهُنَّ فَلَا جُنَاحَ عَلَيْكُمْ فِيمَا فَعَلْنَ فِي أَنْفُسِهِنَّ بِالْمَعْرُوفِ ۚ وَاللَّهُ بِمَا تَعْمَلُونَ خَبِيرٌ

And when you divorce women, and they have come to the end of their waiting-term, hinder them not from marrying other men if they have agreed with each other in a fair manner. This is an admonition unto every one of you who believes in God and the Last Day; it is the most virtuous way for you, and the cleanest. And God knows, whereas you do not know. And the divorced mothers may nurse their children for two whole years, if they wish to complete the period of nursing; and it is incumbent upon him who has begotten the child to provide in a fair manner for their sustenance and clothing. No human being shall be burdened with more than he is well able to bear: neither shall a mother be made to suffer because of her child, nor, because of his child, he who has begotten it. And the same duty rests upon the father's heir. And if both parents decide, by mutual consent and counsel, upon separation of mother and child, they will incur no sin thereby; and if you decide to entrust your children to foster-mothers, you will incur no sin provided you ensure, in a fair manner, the safety of the child which you are handing over. But remain conscious of God, and know that God sees all that you do. And if any of you die and leave wives behind, they shall undergo, without remarrying, a waiting-period of four months and ten days; whereupon, when they have reached the end of their waiting-term, there shall be no sin in whatever they may do with their persons in a lawful manner. And God is aware of all that you do. But you will incur no sin if you give a hint of an intended marriage-offer to any of these women, or if you conceive such an intention without making it obvious: for God knows that you intend to ask them in marriage. Do not, however, plight your troth with them in secret, but speak only in a decent manner; and do not proceed with tying the marriage-knot ere the ordained term of waiting has come to its end. And know that God knows what is in your minds, and therefore remain conscious of Him; and know, too, that God is much-forgiving, forbearing. You will incur no sin if you divorce women while you have not yet touched them nor settled a dower upon them; but even in such a case make provision for them - the affluent according to his means, and the straitened according to his means - a provision in an equitable manner: this is a duty upon all who would do good.. Thus compulsion within marriage is prohibited 2: 231,232 which says

وَإِذَا طَلَقْتُمُ النِّسَاءَ فَبَلَغْنَ أَجَلَهُنَّ فَأَمْسِكُوهُنَّ بِمَعْرُوفٍ أَوْ سَرِّحُوهُنَّ بِمَعْرُوفٍ ۚ وَلَا تُمْسِكُوهُنَّ  
 ضِرَارًا لِّتَعْتَدُوا ۚ وَمَنْ يَفْعَلْ ذَلِكَ فَقَدْ ظَلَمَ نَفْسَهُ ۚ وَلَا تَتَّخِذُوا آيَاتِ اللَّهِ هُزُوعًا ۚ وَادْكُرُوا  
 نِعْمَتَ اللَّهِ عَلَيْكُمْ وَمَا أَنْزَلَ عَلَيْكُمْ مِنَ الْكِتَابِ وَالْحِكْمَةِ يَعِظُكُمْ بِهِ ۚ وَاتَّقُوا اللَّهَ وَاعْلَمُوا أَنَّ  
 اللَّهَ بِكُلِّ شَيْءٍ عَلِيمٌ  
 وَإِذَا طَلَقْتُمُ النِّسَاءَ فَبَلَغْنَ أَجَلَهُنَّ فَلَا تَعْصِلُوهُنَّ أَنْ يَنْكِحَنَّ أَزْوَاجَهُنَّ إِذَا تَرَاضَوْا بَيْنَهُمْ  
 بِالْمَعْرُوفِ ۚ ذَلِكَ يُوعِظُ بِهِ مَنْ كَانَ مِنْكُمْ يُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ ۚ ذَلِكَمْ أَزْكَى لَكُمْ  
 وَأَطْهَرُ ۚ وَاللَّهُ يَعْلَمُ وَأَنْتُمْ لَا تَعْلَمُونَ

And so, when you divorce women and they are about to reach the end of their waiting-term, then either retain them in a fair manner or let them go in a fair manner. But do not retain them against their will in order to hurt them: for he who does so sins indeed against himself. And do not take these messages of God in a frivolous spirit; and remember the blessings with which God has graced you, and all the revelation and the wisdom which He has bestowed on you from on high in order to admonish you thereby; and remain conscious of God, and know that God has full knowledge of everything. And when you divorce women, and they have come to the end of their waiting-term, hinder them not from marrying other men if they have agreed with each other in a fair manner. This is an admonition unto every one of you who believes in God and the Last Day; it is the most virtuous way for you, and the cleanest. And God knows, whereas you do not know..

The marriage contract is considered to be a very strong bond, which should stop injustice or ill-treatment. The physical relationship is considered very important, and God commands the believer to partake in it, saying: 'Seek what God has ordained for you'. Accordingly, the Prophet considered this a meritorious act. When one of the companions said, 'How can this be so?' the Prophet explained, 'If you did it with someone other than your wife, would you not be punished for it? Equally you will be rewarded for it when it will be with your wife.'

The Prophet recommended that men should approach the physical relationship with proper affection and the right mood for both parties, saying, 'Let none of you fall upon his wife like a donkey falls upon a she-donkey'.

When women are menstruating, husbands should not have intercourse with them as it is painful and unclean 2:222

وَيَسْأَلُونَكَ عَنِ الْمَحِيضِ ۚ قُلْ هُوَ أَذًى فَأَعْتَزِلُوا النِّسَاءَ فِي الْمَحِيضِ ۚ وَلَا تَقْرَبُوهُنَّ حَتَّى  
 يَطْهُرْنَ ۚ فَإِذَا تَطَهَّرْنَ فَأْتُوهُنَّ مِنْ حَيْثُ أَمَرَكُمُ اللَّهُ ۚ إِنَّ اللَّهَ يُحِبُّ التَّوَّابِينَ وَيُحِبُّ  
 الْمُتَطَهِّرِينَ

which says "AND THEY will ask you about woman's monthly courses. Say: "It is a vulnerable condition. Keep, therefore, aloof from women during their monthly courses, and do not draw near unto them until they are cleansed; and when they are cleansed, go in unto them as God has bidden you to do." Verily, God loves those who turn unto Him in repentance and He loves those who keep

themselves pure.”. We know from `adith that there is no ban on anything other than full intercourse.

When the Muslims migrated from Mecca to Medina the men found the women of Medina bashful and only willing to sleep with their husbands lying on their side. So the Muslim men asked the Prophet if there was anything wrong with such sexual positions. The answer came in the Qur'an,

نِسَاؤُكُمْ حَرْثٌ لَّكُمْ فَأَتُوا حَرْثَكُمْ أَنَّى شِئْتُمْ ۖ وَقَدِّمُوا لِأَنفُسِكُمْ ۚ وَاتَّقُوا اللَّهَ وَاعْلَمُوا أَنَّكُمْ مُلَاقُوهُ ۚ وَبَشِّرِ الْمُؤْمِنِينَ

Your wives are your tilth; go, then, unto your tilth as you may desire, but first provide something for your souls, and remain conscious of God, and know that you are destined to meet Him. And give glad tidings unto those who believe. 2:223.’ So even in this intimate situation, they are reminded that they should ‘forward good deeds’ for themselves. The good deed here is to make the marriage as God has intended, full of affection and mercy, and any misbehavior in this intimate situation will be recorded and they will face the consequences of their bad or good acts on Judgement Day when they will meet God. The Prophet was asked if it was lawful for men to practise the only form of contraception that was available to them, coitus interruptus, and Muslim jurists have said that this should only be done if the wife consents to it.

Both husbands and wives are reminded that they should literally ‘guard their private parts’ from approaching others or being approached by other than the lawful person 33:35

إِنَّ الْمُسْلِمِينَ وَالْمُسْلِمَاتِ وَالْمُؤْمِنِينَ وَالْمُؤْمِنَاتِ وَالْقَانِتِينَ وَالْقَانِتَاتِ وَالصَّادِقِينَ وَالصَّادِقَاتِ وَالصَّابِرِينَ وَالصَّابِرَاتِ وَالْخَاشِعِينَ وَالْخَاشِعَاتِ وَالْمُتَصَدِّقِينَ وَالْمُتَصَدِّقَاتِ وَالصَّائِمِينَ وَالصَّائِمَاتِ وَالْحَافِظِينَ فُرُوجَهُمْ وَالْحَافِظَاتِ وَالذَّاكِرِينَ اللَّهَ كَثِيرًا وَالذَّاكِرَاتِ أَعَدَّ اللَّهُ لَهُمْ مَغْفِرَةً وَأَجْرًا عَظِيمًا

which says “VERILY, for all men and women who have surrendered themselves unto God, and all believing men and believing women, and all truly devout men and truly devout women, and all men and women who are true to their word, and all men and women who are patient in adversity, and all men and women who humble themselves before God, and all men and women who give in charity, and all self-denying men and self-denying women, and all men and women who are mindful of their chastity, and all men and women who remember God unceasingly: for all of them has God readied forgiveness of sins and a mighty reward.”. Believers are described in the Qur'an as, ‘Those who pray:

وَالَّذِينَ يَقُولُونَ رَبَّنَا هَبْ لَنَا مِنْ أَزْوَاجِنَا وَذُرِّيَّاتِنَا فُرَّةَ أَعْيُنٍ وَاجْعَلْنَا لِمَنْتَقِينَ إِمَامًا

“and who pray “O our Sustainer! Grant that our spouses and our offspring be a joy to our eyes, and cause us to be foremost among those who are conscious of Thee!”” 25:74.

The Prophet advised that if a man sees a woman and feels any desire for her he should rush to his wife. The Prophet says that the best pastime for a husband is to play with his wife, or to train his horse, and the best money spent is money spent on your wife. Placing some food in the mouth of your wife is a meritorious act. The husband who is responsible for maintaining his family should not squander his money or even give it away in charity to the disadvantage of the family. When a companion of the Prophet asked him whether he should give away all his wealth to charity, the Prophet said no. The man said ‘Can I give half?’ The Prophet said no. ‘A third?’ and even that was too much. It is better for you to leave your family well provided for if you die rather than leave them to beg from people. He also said, ‘Only a good man treats women well, and only a mean man treats them badly’.

Islam protects married life in many ways. It enjoins chastity on everybody and stipulates a deterrent penalty for violation and defamation of character. No-one should go into other people’s houses without the owner’s permission; and men and women who are not married and are outside the family circle should not mix freely within houses when they are alone together

وَأَوْرَثَكُمْ أَرْضَهُمْ وَدِيَارَهُمْ وَأَمْوَالَهُمْ وَأَرْضًا لَمْ تَطْنُوهَا ۚ وَكَانَ اللَّهُ عَلَى كُلِّ شَيْءٍ قَدِيرًا  
يَا أَيُّهَا النَّبِيُّ قُلْ لِأَزْوَاجِكُمْ إِن كُنْتُمْ تُرِيدْنَ الْحَيَاةَ الدُّنْيَا وَزِينَتَهَا فَتَعَالَيْنَ أُمَتِّعْكُنَّ وَأَسَرِّحْكُنَّ  
سَرَاحًا جَمِيلًا  
وَإِنْ كُنْتُمْ تُرِيدْنَ اللَّهَ وَرَسُولَهُ وَالْآخِرَةَ فَإِنَّ اللَّهَ أَعَدَّ لِلْمُحْسِنَاتِ مِنْكُنَّ أَجْرًا عَظِيمًا  
يَا نِسَاءَ النَّبِيِّ مَنْ يَأْتِ مِنْكُنَّ بِفَاحِشَةٍ مُبَيِّنَةٍ يُضَاعَفْ لَهَا الْعَذَابُ ضِعْفَيْنِ ۚ وَكَانَ ذَلِكَ عَلَى اللَّهِ  
يَسِيرًا  
وَمَنْ يَقْنُتْ مِنْكُنَّ لِلَّهِ وَرَسُولِهِ وَتَعَمَلَ صَالِحًا نُؤْتِهَا أَجْرَهَا مَرَّتَيْنِ وَأَعْتَدْنَا لَهَا رِزْقًا كَرِيمًا

33:27 -31 which says “and He made you heirs to their lands, and their houses, and their goods - and promised you lands on which you had never yet set foot: for God has indeed the power to will anything” O PROPHET! Say unto your wives: “If you desire but the life of this world and its charms - well, then, I shall provide for you and release you in a becoming manner; but if you desire God and His Apostle, and thus the good of the life in the hereafter, then know that, verily, for the doers of good among you God has readied a mighty reward!” O wives of the Prophet! If any of you were to become guilty of manifestly immoral conduct, double that of other sinners would be her suffering in the hereafter: for that is indeed easy for God. But if any of you devoutly obeys God and His Apostle and does good deeds, on her shall We bestow her reward twice-over: for We shall have readied for her a most excellent sustenance in the life to come.,

وَالَّذِينَ يُؤْذُونَ الْمُؤْمِنِينَ وَالْمُؤْمِنَاتِ بَغَيْرِ مَا اكْتَسَبُوا فَقَدْ احْتَمَلُوا بُهْتَانًا وَإِثْمًا مُّبِينًا

33:58–61 which says And as for those who malign believing men and believing women without their having done any wrong - they surely burden themselves with the guilt of calumny, and thus with a flagrant sin! O Prophet! Tell your wives and your daughters, as well as all other believing women, that they should draw over themselves some of their outer garments when in public: this will be more conducive to their being recognized as decent women and not annoyed. But withal, God is indeed much-forgiving, a dispenser of grace! THUS IT IS: if the hypocrites, and they in whose hearts is disease, and they who, by spreading false rumours, would cause disturbances in the City of the Prophet desist not from their hostile doings. We shall indeed give you mastery over them, O Muhammad - and then they will not remain your neighbors in this city for more than a little while: bereft of God's grace, they shall be seized wherever they may be found, and slain one and all.

Polygamy is permitted in the Qur'an. Unlike marriage and divorce, it is only mentioned once, and only incidentally rather than having a separate section or verse devoted to it. It is only permitted with the proviso that if you feel you may not be equitable to co-wives then you may only marry one

وَإِنْ خِفْتُمْ أَلَّا تُقْسِطُوا فِي الْيَتَامَىٰ فَانكِحُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ مَثْنَىٰ وَثُلَاثَ وَرُبَاعَ ۚ فَإِنْ خِفْتُمْ أَلَّا تَعْدِلُوا فَوَاحِدَةً أَوْ مَا مَلَكَتْ أَيْمَانُكُمْ ۚ ذَٰلِكَ أَدْنَىٰ ۖ أَلَّا تَعُولُوا

4:3 which says And if you have reason to fear that you might not act equitably towards orphans, then marry from among other women such as are lawful to you - even two, or three, or four: but if you have reason to fear that you might not be able to treat them with equal fairness, then only one - or from among those whom you rightfully possess. This will make it more likely that you will not deviate from the right course.. So it is neither obligatory, nor highly recommended, merely allowed in certain circumstances.

Muslim scholars have written in justification of this institution. They argue that in some marriages it can be advisable if, for instance, the first wife is unwell or has lost interest in marital relations, or cannot bear children. If the husband is barred from marrying another wife he may find no alternative to divorcing the present wife. In such circumstances, if polygamy was not allowed, men could be driven towards having an illicit relationship. In situations where women outnumber men, polygamy also provides a solution in a religious morality that does not allow sexual relationships outside marriage.

Women cannot be forced into polygamy, as the second wife enters into the marriage freely and the first wife, or any wife, could stipulate in the marriage contract that the husband may not enter into another marriage without her consent. This is practiced by some women in Muslim countries today. Polygamy can actually increase the number of marriages in society, and properly entered into, can protect marriage and lessen the need for divorce.

## Difficulties in Marriage

The Qur'an instructs men to live with their wives bi'l-ma'rif, with kindness, according to the accepted norms and advises them that if they dislike their wives, they should remember that they may dislike something in which God has placed much goodness

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا يَحِلُّ لَكُمْ أَنْ تَرِثُوا النِّسَاءَ كَرِهًا ۖ وَلَا تَعْضُلُوهُنَّ لِتَذْهَبُوا بِبَعْضِ مَا  
آتَيْنَهُنَّ إِلَّا أَنْ يَأْتِيَنَّ بِفَاحِشَةٍ مُبَيِّنَةٍ ۚ وَعَاشِرُوهُنَّ بِالْمَعْرُوفِ ۚ فَإِنْ كَرِهْتُمُوهُنَّ فَعَسَى أَنْ  
تَكْرَهُوا شَيْئًا وَيَجْعَلَ اللَّهُ فِيهِ خَيْرًا كَثِيرًا

4:19 which says O YOU who have attained to faith! It is not lawful for you to try to become heirs to your wives by holding onto them against their will; and neither shall you keep them under constraint with a view to taking away anything of what you may have given them, unless it be that they have become guilty, in an obvious manner, of immoral conduct. And consort with your wives in a goodly manner; for if you dislike them, it may well be that you dislike something which God might yet make a source of abundant good.. The Prophet said, 'A good believer should not loathe his wife. If he dislikes one characteristic of her – there are other characteristics which will be pleasing.' In difficult situations society is urged to care for families, and send an arbiter from the husband's side and one from the wife's side to try to bring about reconciliation 4:35

وَإِنْ خِفْتُمْ شِقَاقَ بَيْنِهِمَا فَأَبْعَثُوا حَكَمًا مِنْ أَهْلِهِ وَحَكَمًا مِنْ أَهْلِهَا إِنْ يُرِيدَا إِصْلَاحًا يُوَفِّقِ اللَّهُ  
بَيْنَهُمَا ۚ إِنَّ اللَّهَ كَانَ عَلِيمًا خَبِيرًا

And if you have reason to fear that a breach might occur between a married couple, appoint an arbiter from among his people and an arbiter from among her people; if they both want to set things aright, God may bring about their reconciliation. Behold, God is indeed all-knowing, aware.. But serious situations may require firmness. We will discuss this now before we discuss the subject of divorce. '... and you may hit them'

In discussing the position of women in Islam, an important Qur'anic verse, 4:34

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ  
أَمْوَالِهِمْ ۚ فَالصَّالِحَاتُ قَانِتَاتٌ حَافِظَاتٌ لِّلْغَيْبِ بِمَا حَفِظَ اللَّهُ ۚ وَاللَّاتِي تَخَافُونَ نُشُوزَهُنَّ  
فَعِظُوهُنَّ وَاهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَاضْرِبُوهُنَّ ۚ فَإِنْ أَطَعْنَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا ۚ إِنَّ  
اللَّهَ كَانَ عَلِيمًا خَبِيرًا

MEN SHALL take full care of women with the bounties which God has bestowed more abundantly on the former than on the latter, and with what they may spend out of their possessions. And the righteous women are the truly devout ones, who guard the intimacy which God has ordained to be guarded. And as for those women whose ill-will you have reason to fear, admonish them first; then leave them alone in bed; then beat them; and if thereupon they pay you heed, do not seek to harm them. Behold, God is indeed most high, great!, is frequently referred to, often in a sensational way, as it is seen to give men the right to beat women.

However, a close examination of the verse in question shows that it has been subjected, both in the popular understanding and even by some exegetes, to selective and subjective interpretation, decontextualisation, exaggeration and blatant disregard for the Prophet's own interpretation of certain elements of this verse. English translations of the Qur'an have contributed to the popular picture of the treatment of women in Islam, and in some translations, most of the words of the passage have been misunderstood and mistranslated. Misinterpretation is usually based on male chauvinism, copying the views of others without close examination of the passage itself, age-old prejudice and media sensationalism. Our understanding of the verse will be based on three things:

1. Linguistic analysis of the passage itself. The Qur'an is the supreme authority in Islam, and since this is a text from the Qur'an it has to be understood on the basis of accepted linguistic criteria; an understanding reached by this method needs no apology or further justification.
2. The Prophet Muhammad's own interpretation of key elements of this verse. The 'adith is the second authority in Islam. The first role of the Prophet was to deliver the Qur'an and his second was to explain it. It would be presumptuous of anyone to claim to know the meaning of the Qur'an better than the Prophet.
3. What the Qur'an itself says in other verses about difficulties in the marital relationship and how to deal with them and what the Prophet said about how wives should be treated.

Opinions of Muslims or non-Muslims, scholars or laymen cannot be accepted as having higher authority than the Qur'an and 'adith in determining the meaning of this verse on marital relations or relations between men and women in Islam.

Let us start by examining one popular translation of the passage:

Men have authority over women because God has made the one superior to the others, and because they spend their wealth to maintain them. Good women are obedient. They guard their unseen parts because God has guarded them. As for those from whom you fear disobedience, admonish them and send them to beds apart and beat them. Then, if they obey you, take no further action against them. God is high, supreme.

If you fear a breach between a man and his wife, appoint an arbiter from his people and another from hers. If they wish to be reconciled, God will bring them together again. God is wise and all-knowing. 4:34–5 Dawood

In the first verse, I have listed about a dozen words which have been misinterpreted or give rise to misunderstanding in the existing translations. Let us consider some terms in this verse. First we have 'men' and 'women'. They mean 'husbands' and 'wives' as the passage goes on to mention intimate relations between couples and arbitration that may lead to divorce. Why does the verse not say 'husbands and wives'? Because the word *zawj* which in modern Arabic means 'husband' applies in classical Arabic to both sexes. It has no feminine; it is like the English word 'spouse', and it would not have made sense to say 'spouses are given more than spouses'. This can also be seen in other parts of the Qur'an where husbands and wives are mentioned; the same terminology of 'men' and 'women' is used. The verse is thus talking about husbands and wives, not men and women in general. This distinction is important because those who misunderstand the verse take it to mean that God has given 'men' in general 'more than women' in general, applying that very extensively and interpolating what they think men are given more of e.g. strength, intelligence, wisdom; even having a beard is listed by some! They then go on from this to say that women cannot be judges, heads of state, or in any position of leadership over men. Secondly, we come to the key word 'qawwamina 'ala'. In English translations you find such renderings as 'have authority over them', 'in charge of the affairs of', 'protectors and maintainers of'. In Arabic lexicography, the expression *qama 'ala* means merely 'maintain her and attend to her affairs'. The *ʿadith* also elucidates the meaning of *qawama* at the time of the Prophet. A companion of the Prophet explains that he chose to marry an older, experienced woman because he had young orphaned sisters and he wanted a woman *taqimu 'alayhinna* and to gather them and comb their hair'. However, judging by the rest of the verse, it appears that there is another role, one which makes the husband the chairman of the family, so to speak: Every one of you is a shepherd and will be held responsible for his charges: the man is a shepherd in his house and is responsible for his charges; the woman is a shepherd and she is responsible for her charges; the servant is a shepherd over his master's property and he will be responsible for his charges.

## **Good Group Management in Islam**

Islam attaches great importance to people being together in a group with a leader. Praying together led by an imam increases the reward for each individual twenty-seven times. The Prophet had a distinct desire for good

management, and said: 'If there are three of you on a journey, let them appoint one of them as amir the one in charge.' And when he sent a group of people away for any purpose he would see that they had an amir, though not to bully them, because he said: 'The sayyid chief of a group of people is their servant.'

Similarly, he advised that the pace of a travelling company should be set to suit the weakest among them, the imam in prayer should set his pace to suit the old and the mothers who need to attend to their babies.

So in the family, which is the fundamental unit of society, there must be a head or a chairman. In the Qur'an, this role is assigned to the husband, who has the responsibility to maintain the family, whereas the wife is not obliged to maintain the family or even herself.

The qawama or stewardship of the family that is assigned to the husband does not give him open or unlimited authority. It is limited by the Qur'anic principle of ma'rif and works according to the principle of shira – qawama is part of mu'ashara living together. Husbands are ordered:

Consort/live with them bi'l-ma'rif in a good manner in accordance with what is honorable and commendable.

4:19

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا يَحِلُّ لَكُمْ أَنْ تَرِثُوا النِّسَاءَ كَرِهًا ۖ وَلَا تَعْضُلُوهُنَّ لِتَذْهَبُوا بِبَعْضِ مَا  
آتَيْنَهُنَّ إِلَّا أَنْ يَأْتِيَنَّ بِفَاحِشَةٍ مُبَيِّنَةٍ ۚ وَعَاشِرُوهُنَّ بِالْمَعْرُوفِ ۚ فَإِنْ كَرِهْتُمُوهُنَّ فَعَسَى أَنْ  
تَكْرَهُوا شَيْئًا وَيَجْعَلَ اللَّهُ فِيهِ خَيْرًا كَثِيرًا

O YOU who have attained to faith! It is not lawful for you to try to become heirs to your wives by holding onto them against their will; and neither shall you keep them under constraint with a view to taking away anything of what you may have given them, unless it be that they have become guilty, in an obvious manner, of immoral conduct. And consort with your wives in a goodly manner; for if you dislike them, it may well be that you dislike something which God might yet make a source of abundant good.

Al-ma'rif is taken for granted in the marriage contract. In the Qur'an, by virtue of the marriage contract, husbands make a strong pledge to their wives 4:21

وَكَيْفَ تَأْخُذُونَهُ وَقَدْ أَفْضَىٰ بَعْضُكُم إِلَىٰ بَعْضٍ وَأَخَذْنَ مِنْكُم مِّيثَاقًا غَلِيظًا

And how could you take it away after you have given yourselves to one another, and she has received a most solemn pledge from you?, understood by exegetes to be 'living together according to what is honourable and commendable'.

As for the principle of shura, the Qur'an describes the believers as those whose affairs '... are conducted by consultation' 4:38

وَالَّذِينَ يُنْفِقُونَ أَمْوَالَهُمْ رِئَاءَ النَّاسِ وَلَا يُؤْمِنُونَ بِاللَّهِ وَلَا بِالْيَوْمِ الْآخِرِ ۚ وَمَنْ يَكُنِ الشَّيْطَانُ لَهُ قَرِينًا فَسَاءَ قَرِينًا

And God does not love those who spend their possessions on others only to be seen and praised by men, the while they believe neither in God nor in the Last Day; and he who has Satan for a soul-mate, how evil a soul-mate has he!. This is a general and permanent description that was revealed in Mecca before political life

was started in Medina. Naturally it applies to the most basic social unit, the family. It has been seen above that such expressions of reciprocity as mu'ashara, tashawur mutual consultation, tara{i mutual acceptance are frequent in Qur'anic discussions of family matters.

The role of qawama, which involves the husband's responsibility to maintain and look after his wife, is different from merely 'ruling over' the wife as is made explicit in the Book of Genesis. There, as a punishment for making Adam eat from the fruit, Eve was told that her pains would be multiplied in conception and 'in sorrow shalt you bring forth children, and your desire shall be to your husband and he shall rule over thee'.

A third concept that has been misinterpreted is the Arabic expression bima fadhal Allah ... which explains the basis of qawama. There is one translator Yisuf 'Ali who says: 'Because God has given the one more strength than the other ...' Others say: 'Because God has preferred in bounty one of them over another ...' Arberry; 'Because God made the one of them to excel the other...' Pickthall and 'Because God has made the one superior to the other...' Dawood.

The root of the concept of fadhl in Arabic means 'to give more'. Lexically fadhl is ziyada i.e. more. That is why some exegetes understood it to be the extra in the share of inheritance, thinking that this is corroborated by 4:32

وَلَا تَتَمَنَّوْا مَا فَضَّلَ اللَّهُ بِهِ بَعْضَكُمْ عَلَى بَعْضٍ ۚ لِلرِّجَالِ نَصِيبٌ مِمَّا اكْتَسَبُوا ۖ وَلِلنِّسَاءِ نَصِيبٌ مِمَّا اكْتَسَبْنَ ۚ وَاسْأَلُوا اللَّهَ مِنْ فَضْلِهِ ۚ إِنَّ اللَّهَ كَانَ بِكُلِّ شَيْءٍ عَلِيمًا

Hence, do not covet the bounties which God has bestowed more abundantly on some of you than on others. Men shall have a benefit from what they earn, and women shall have a benefit from what they earn. Ask, therefore, God to give you out of His bounty: behold, God has indeed full knowledge of everything., while others thought it was strength, intelligence and so on, or the beard.

However, this is all based on a hasty, incorrect reading of the text which assumes that ma in ma fadhala has the same grammatical function in 4:32

وَلَا تَتَمَنَّوْا مَا فَضَّلَ اللَّهُ بِهِ بَعْضَكُمْ عَلَى بَعْضٍ ۚ لِلرِّجَالِ نَصِيبٌ مِمَّا اكْتَسَبُوا ۖ وَلِلنِّسَاءِ نَصِيبٌ مِمَّا اكْتَسَبْنَ ۚ وَاسْأَلُوا اللَّهَ مِنْ فَضْلِهِ ۚ إِنَّ اللَّهَ كَانَ بِكُلِّ شَيْءٍ عَلِيمًا

Hence, do not covet the bounties which God has bestowed more abundantly on some of you than on others. Men shall have a benefit from what they earn, and women shall have a benefit from what they earn. Ask, therefore, God to give you out of His bounty: behold, God has indeed full knowledge of everything. and 4:34

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ  
أَمْوَالِهِمْ ۚ فَالصَّالِحَاتُ قَانِتَاتٌ حَافِظَاتٌ لِّلْغَيْبِ بِمَا حَفِظَ اللَّهُ ۚ وَاللَّاتِي تَخَافُونَ نُشُوزَهُنَّ  
فَعِظُوهُنَّ وَاهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَاضْرِبُوهُنَّ ۚ فَإِنْ أَطَعْنَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا ۚ إِنَّ  
اللَّهَ كَانَ عَلِيمًا كَبِيرًا

MEN SHALL take full care of women with the bounties which God has bestowed more abundantly on the former than on the latter, and with what they may spend out of their possessions. And the righteous women are the truly devout ones, who guard the intimacy which God has ordained to be guarded. And as for those women whose ill-will you have reason to fear, admonish them first; then leave them alone in bed; then beat them; and if thereupon they pay you heed, do not seek to harm them. Behold, God is indeed most high, great!. It does not. In the former, it is a relative pronoun meaning 'that which God has given more of to some than to others'. As such it requires an additional preposition and a pronoun bihi. In 4:34, on the other hand, mais ma'dariyya. It merely turns the verb into a verbal noun bi tafil Allah – 'by the appointment of God'. Thus in 4:32 men have something extra given to them the share of the inheritance while in 4:34 there is only the assignment of the role of qawama – assignment of the chairmanship of the family to the husband. The verse thus means: 'Men maintain and attend to their wives because God has assigned this extra role to them and because of what they spend of their money on the family.' Qur'an 2:228

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

And the divorced women shall undergo, without remarrying, a waiting-period of three monthly courses: for it is not lawful for them to conceal what God may have created in their wombs, if they believe in God and the Last Day. And during this period their husbands are fully entitled to take them back, if they desire reconciliation; but, in accordance with justice, the rights of the wives with regard to their husbands are equal to the husbands' rights with regard to them, although men have precedence over them in this respect. And God is almighty, wise. mentions the rights and obligations of wives: 'They have rights similar to the rights men have over them according to what is ma'rif, but men have a daraja degree over them'. Like the above 'more/extra', this word daraja degree has been interpreted by some as referring to the extra share of the inheritance. However, since within the marriage of two living people the question of inheritance does not arise, the 'degree' clearly refers to the role of qawama circumscribed in the way described above.

It is interesting to note that the Qur'an does not say, 'Because God has given men more than women ...' but 'God has given some more than others'. This expression occurs a number of times to refer to the nature of things, namely that in this world some have been given more wealth

وَاللَّهُ فَضَّلَ بَعْضَكُمْ عَلَى بَعْضٍ فِي الرِّزْقِ ۖ فَمَا الَّذِينَ فُضِّلُوا بِرَادِّي رِزْقِهِمْ عَلَى مَا مَلَكَتْ  
أَيْمَانُهُمْ فَهُمْ فِيهِ سَوَاءٌ ۖ أَفَبِنِعْمَةِ اللَّهِ يَجْحَدُونَ

16:71 which says” And on some of you God has bestowed more abundant means of sustenance than on others: and yet, they who are more abundantly favoured are often unwilling to share their sustenance with those whom their right hands possess, so that they all might be equal in this respect. Will they, then, God's blessings thus deny?” and some more of other things. In above verse, for husbands this ‘more than others’ is the stewardship of the family. Each will be judged according to how they conducted themselves with what they have been given 6:165

وَهُوَ الَّذِي جَعَلَكُمْ خَلَائِفَ الْأَرْضِ وَرَفَعَ بَعْضَكُمْ فَوْقَ بَعْضٍ دَرَجَاتٍ لِّيَبْلُوَكُمْ فِي مَا آتَاكُمْ ۚ إِنَّ  
رَبَّكَ سَرِيعُ الْعِقَابِ وَإِنَّهُ لَغَفُورٌ رَحِيمٌ

For, He it is who has made you inherit the earth, and has raised some of you by degrees above others, so that He might try you by means of what He has bestowed upon you. Verily, your Sustainer is swift in retribution: yet, behold, He is indeed much-forgiving, a dispenser of grace.

Having established for the husband the role of qawama, or maintenance and stewardship of the family, the Qur'an goes on to divide wives into two classes: the good ones who are described as Sali'at righteous and bad ones who are not. The Sali'at does not simply mean good as wives: Sala' is a general term to describe men or women who are righteous in observing the tenets of religion. These good wives are described in two ways, as: i qanitat, which translators render as ‘obedient’ – this is misleading because it gives the impression that they are obedient to their husbands whereas the term is used in the Qur'an solely as being ‘devotedly obedient to God’ 33:35

إِنَّ الْمُسْلِمِينَ وَالْمُسْلِمَاتِ وَالْمُؤْمِنِينَ وَالْمُؤْمِنَاتِ وَالْقَانِتِينَ وَالْقَانِتَاتِ وَالصَّادِقِينَ وَالصَّادِقَاتِ  
وَالصَّابِرِينَ وَالصَّابِرَاتِ وَالْخَاشِعِينَ وَالْخَاشِعَاتِ وَالْمُتَصَدِّقِينَ وَالْمُتَصَدِّقَاتِ وَالصَّائِمِينَ  
وَالصَّائِمَاتِ وَالْحَافِظِينَ فُرُوجَهُمْ وَالْحَافِظَاتِ وَالذَّاكِرِينَ اللَّهَ كَثِيرًا وَالذَّاكِرَاتِ أَعَدَّ اللَّهُ لَهُمْ  
مَغْفِرَةً وَأَجْرًا عَظِيمًا

VERILY, for all men and women who have surrendered themselves unto God, and all believing men and believing women, and all truly devout men and truly devout women, and all men and women who are true to their word, and all men and women who are patient in adversity, and all men and women who humble themselves before God, and all men and women who give in charity, and all

self-denying men and self-denying women, and all men and women who are mindful of their chastity, and all men and women who remember God unceasingly: for all of them has God readied forgiveness of sins and a mighty reward.; 39:9

أَمَّنْ هُوَ قَانِتٌ آنَاءَ اللَّيْلِ سَاجِدًا وَقَائِمًا يَحْذَرُ الْآخِرَةَ وَيَرْجُو رَحْمَةَ رَبِّهِ ۖ قُلْ هَلْ يَسْتَوِي الَّذِينَ يَعْلَمُونَ وَالَّذِينَ لَا يَعْلَمُونَ ۚ إِنَّمَا يَتَذَكَّرُ أُولُو الْأَلْبَابِ

Or dost you deem thyself equal to one who devoutly worships God throughout the night, prostrating himself or standing in prayer, ever- mindful of the life to come, and hoping for his Sustainer's grace?" Say: "Can they who know and they who do not know be deemed equal?" But only they who are endowed with insight keep this in mind!; ii Hafiat, a term used in the Qur'an for women

HAFIZUN for

men who guard their private parts, so equivalent to 'chaste' 23:5 and who are mindful of their chastity,; 33:34 And bear in mind all that is recited in your homes of God's messages and His wisdom: for God is unfathomable in His wisdom, all-aware..

This includes guarding their private parts from approaching or being approached by anyone other than the spouse.

Li'l-ghayb means that the wife is chaste 'in his absence' when he is away from her. She is expected to guard her chastity because 'God has ordered these things to be guarded.' In the Qur'an, God's order in this respect is for men and women alike 24:30–31 ARABIC Tell the believing men to lower their gaze and to be mindful of their chastity: this will be most conducive to their purity – and, verily, God is aware of all that they do. And tell the believing women to lower their gaze and to be mindful of their chastity, and not to display their charms in public beyond what may decently be apparent thereof; hence, let them draw their head-coverings over their bosoms. And let them not display more of their charms to any but their husbands, or their fathers, or their husbands' fathers, or their sons, or their husbands' Sons, or their brothers, or their brothers' sons, or their sisters' sons, or their womenfolk, or those whom they rightfully possess, or such male attendants as are beyond all sexual desire, or children that are as yet unaware of women's nakedness; and let them not swing their legs in walking so as to draw attention to their hidden charms And always, O you believers - all of you - turn unto God in repentance, so that you might attain to a happy state!. Thus, being obedient to God and being chaste are the only two qualities by which a good wife is described, and we can see that they are not an excessive requirement. They are required of any Muslim of either sex.

On the other side comes the other class of women, whose 'nushiz' translated mainly as 'rebellion' though Dawood gives 'disobedience' is feared by the husband. It is with these that the husbands are instructed to go through three stages. Here again, we have a misinterpretation of the concept of nushiz and misinterpretation and mistranslation of the three stages recommended in dealing with a wife in nushiz. The proper meaning should be derived on the basis of the three criteria listed above, namely: linguistic analysis of the text of the Qur'an; what the Prophet said and did; and what the Qur'an says elsewhere about dealing with wives in difficult situations.

Let us briefly consider nushiz in the light of these considerations:

1. It is clear that the contrast in this passage between the first and second type of women cannot be disregarded. If we say now, 'Good students attend regularly and submit their essays on time; as for others, they may be warned and barred from entering the exam,' the others must be understood in contrast with those who are said to attend and submit essays.

Similarly, the second class of wives here is the opposite of those who are devoutly obedient to God and guarding their private parts, which God has ordered to be guarded. So what we have here is a woman whose husband fears her unfaithfulness and disregard for the commands of God.

2. This linguistic understanding is corroborated by the interpretation of the Prophet in his Farewell Speech, heard by thousands of people: 'You have rights over your wives and they have rights over you: you have the right that they should not defile your bed, and that they should not commit flagrant lewdness. If they do, God allows you to put them in a separate room, and to beat them, but not with severity.' 'To put them in a separate room' is a mistranslation by Guillaume; as we shall see later, it should read: 'to refrain from speaking to them in the bedroom'.

The Prophet did not say here that husbands have the right of absolute obedience or to discipline for any kind of offence. He defined the exact circumstances in which the sanctions apply. We should also point out here that the different stages of treatment are given as a 'permission' not an 'order', as the Prophet made clear in his speech: adhina lakum 'God has allowed you', so husbands may choose not to apply the sanction.

3. In at least six siras the Qur'an mentions difficulties in marriage, divorce and even the aftermath of divorce. Even when husbands dislike their wives they are instructed:

Consort with them in a good manner bi'l-ma'rif, for if you dislike them it may happen that you dislike something in which God places much goodness.

4:19

Even if they have experienced hostility from their wives and children, men are warned merely to beware of it, but advised that to pardon, overlook and forgive is better because God is forgiving and merciful 64:14

يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّ مِنْ أَزْوَاجِكُمْ وَأَوْلَادِكُمْ عَدُوًّا لَكُمْ فَاحْذَرُوهُمْ ۚ وَإِنْ تَعَفَّوْا وَتَصَفَّحُوا  
وَتَغْفِرُوا فَإِنَّ اللَّهَ غَفُورٌ رَحِيمٌ

O YOU who have attained to faith! Behold, some of your spouses and your children are enemies unto you: so beware of them! But if you pardon their faults and forbear, and forgive-then, behold, God will be much-forgiving, a dispenser of grace..

Even in divorce proceedings, with all the attendant bitterness, husbands

are forbidden to harass their wives or make their lives difficult 65:1,6;

يَا أَيُّهَا النَّبِيُّ إِذَا طَلَّقْتُمُ النِّسَاءَ فَطَلِّقُوهُنَّ لِعَدَّتِهِنَّ وَأَحْصُوا الْعِدَّةَ ۚ وَاتَّقُوا اللَّهَ رَبَّكُمْ ۚ لَا تَخْرِجُوهُنَّ مِنْ بُيُوتِهِنَّ وَلَا يَخْرُجْنَ إِلَّا أَنْ يَأْتِيَنَّ بِفَاحِشَةٍ مُبَيِّنَةٍ ۚ وَتِلْكَ حُدُودُ اللَّهِ ۚ وَمَنْ يَتَعَدَّ حُدُودَ اللَّهِ فَقَدْ ظَلَمَ نَفْسَهُ ۚ لَا تَدْرِي لَعَلَّ اللَّهَ يُحْدِثُ بَعْدَ ذَلِكَ أَمْرًا فَإِذَا بَلَغَ أَجْلُهُنَّ فَأَمْسِكُوهُنَّ بِمَعْرُوفٍ أَوْ فَارِقُوهُنَّ بِمَعْرُوفٍ وَأَشْهَدُوا ذَوِي عَدْلٍ مِنْكُمْ وَأَقِيمُوا الشَّهَادَةَ لِلَّهِ ۚ ذَلِكَ يُوعَظُ بِهِ مَنْ كَانَ يُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ ۚ وَمَنْ يَتَّقِ اللَّهَ يَجْعَلْ لَهُ مَخْرَجًا وَيَرْزُقْهُ مِنْ حَيْثُ لَا يَحْتَسِبُ ۚ وَمَنْ يَتَوَكَّلْ عَلَى اللَّهِ فَهُوَ حَسْبُهُ ۚ إِنَّ اللَّهَ بَالِغُ أَمْرِهِ ۚ قَدْ جَعَلَ اللَّهُ لِكُلِّ شَيْءٍ قَدْرًا وَاللَّائِي يَنْسَنَ مِنَ الْمَحِيضِ مِنْ نِسَائِكُمْ إِنْ ارْتَبْتُمْ فَعِدَّتُهُنَّ ثَلَاثَةُ أَشْهُرٍ وَاللَّائِي لَمْ يَحِضْنَ ۚ وَأُولَاتُ الْأَحْمَالِ أَجَلُهُنَّ أَنْ يَضَعْنَ حَمْلَهُنَّ ۚ وَمَنْ يَتَّقِ اللَّهَ يَجْعَلْ لَهُ مِنْ أَمْرِهِ يُسْرًا ۚ ذَلِكَ أَمْرُ اللَّهِ أَنْزَلَهُ إِلَيْكُمْ ۚ وَمَنْ يَتَّقِ اللَّهَ يَكْفُرْ عَنْهُ سَيِّئَاتِهِ وَيُعْظِمْ لَهُ أَجْرًا أَسْكَنُوهُنَّ مِنْ حَيْثُ سَكَنْتُمْ مِنْ وُجْدِكُمْ وَلَا تُضَارُّوهُنَّ لِتُضَيِّقُوا عَلَيْهِنَّ ۚ وَإِنْ كُنَّ أُولَاتٍ حَمْلٍ فَأَنْفِقُوا عَلَيْهِنَّ حَتَّى يَضَعْنَ حَمْلَهُنَّ ۚ فَإِنْ أَرْضَعْنَ لَكُمْ فَآتُوهُنَّ أُجُورَهُنَّ ۚ وَاتَّمَرُوا بَيْنَكُمْ بِمَعْرُوفٍ ۚ وَإِنْ تَعَاَسَرْتُمْ فَمُتْرَضِعٌ لَهُ أُخْرَى

O PROPHET! When you intend to divorce women, divorce them with a view to the waiting period appointed for them, and reckon the period carefully, and be conscious of God, your Sustainer. Do not expel them from their homes; and neither shall they be made to leave unless they become openly guilty of immoral conduct. These, then, are the bounds set by God - and he who transgresses the bounds set by God does indeed sin against himself: for, O man, although you knowest it not, after that first breach God may well cause something new to come about. And so, when they are about to reach the end of their waiting-term, either retain them in a fair manner or part with them in a fair manner. And let two persons of known probity from among your own community witness what you have decided; and do yourselves bear true witness before God: thus are admonished all who believe in God and the Last Day. And unto everyone who is conscious of God, He always grants a way out of unhappiness, and provides for him in a manner beyond all expectation; and for everyone who places his trust in God He alone is enough. Verily, God always attains to His purpose: and indeed, unto everything has God appointed its term and measure. Now as for such of your women as are beyond, the age of monthly courses, as well as for such as do not have any courses, their waiting-period - if you have any doubt about it - shall be three calendar months; and as for those who are with child, the end of their waiting-term shall come when they deliver their burden. And for everyone who is conscious of God, He makes it easy to obey His commandment: for all this is God's commandment, which He has bestowed upon you from on high. And unto everyone who is conscious of God will He pardon some of his bad deeds, and will grant him a vast reward. Hence, let the women who are undergoing a waiting-period live in the same manner as you live yourselves, In accordance with your means; and do not harass them with a view to making their lives a misery. And if they happen to be with child, spend freely on them until they deliver their burden; and if they nurse your offspring after the divorce has become final, give them their due recompense; and take counsel with one another in a fair manner about the child's future. And if both of you find it difficult that the mother should nurse the child, let another woman nurse it on behalf of him who has begotten it.4:19

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا يَحِلُّ لَكُمْ أَنْ تَرِثُوا النِّسَاءَ كَرِهًا ۖ وَلَا تَعْضُلُوهُنَّ لِتَذْهَبُوا بِبَعْضِ مَا آتَيْتُمُوهُنَّ إِلَّا أَنْ يَأْتِيَنَّ بِفَاحِشَةٍ مُبَيِّنَةٍ ۚ وَاعْشِرُوهُنَّ بِالْمَعْرُوفِ ۚ فَإِنْ كَرِهْتُمُوهُنَّ فَعَسَى أَنْ تَكْرَهُوا شَيْئًا وَيَجْعَلَ اللَّهُ فِيهِ خَيْرًا كَثِيرًا

O YOU who have attained to faith! It is not lawful for you to try to become heirs to your wives by holding onto them against their will; and neither shall you keep them under constraint with a view to taking away anything of what you may have given them, unless it be that they have become guilty, in an obvious manner, of immoral conduct. And consort with your wives in a goodly manner; for if you dislike them, it may well be that you dislike something which God might yet make a source of abundant good.. It should be done 'with kindness' 2:229

الطَّلَاقُ مَرَّتَانٍ ۖ فَاِمْسَاكِ بِمَعْرُوفٍ أَوْ تَسْرِخِ بِإِحْسَانٍ ۖ وَلَا يَحِلُّ 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

A divorce may be revoked twice, whereupon the marriage must either be resumed in fairness or dissolved in a goodly manner. And it is not lawful for you to take back anything of what you have ever given to your wives unless both partners have cause to fear that they may not be able to keep within the bounds set by God: hence, if you have cause to fear that the two may not be able to keep within the bounds set by God, there shall be no sin upon either of them for what the wife may give up to her husband in order to free herself. These are the bounds set by God; do not, then, transgress them: for they who transgress the bounds set by God-it is they, they who are evildoers!, bi'l-ma'rif 67:1

تَبَارَكَ الَّذِي بِيَدِهِ الْمُلْكُ وَهُوَ عَلَى كُلِّ شَيْءٍ قَدِيرٌ

HALLOWED be He in whose hand all dominion rests, since He has the power to will anything:. However there is a significant exception from this magnanimity 4:19 above; 65:1 above also 4:15

وَاللَّاتِي يَأْتِيَنَّ الْفَاحِشَةَ مِنْ نِسَائِكُمْ فَاِستَشْهِدُوا عَلَيْهِنَّ أَرْبَعَةً مِنْكُمْ ۖ فَإِنْ شَهِدُوا فَأَمْسِكُوهُنَّ فِي الْبُيُوتِ حَتَّى يَتَوَفَّاهُنَّ الْمَوْتُ أَوْ يَجْعَلَ اللَّهُ لَهُنَّ سَبِيلًا

AND AS FOR those of your women who become guilty of immoral conduct, call upon four from among you who have witnessed their guilt; and if these bear witness thereto, confine the guilty women to their houses until death takes them away or God opens for them a way through repentance., 25 And as for those of you who, owing to circumstances, are not in a position to marry free believing women, let them marry believing maidens from among those whom you rightfully possess. And God knows all about your faith; each one of you is an issue of the other. Marry them, then, with their people's leave, and give them their dowers in an equitable manner - they being women who give themselves in honest wedlock, not in fornication, nor as secret love-companions. And when they are married, and thereafter become guilty of immoral conduct, they shall be liable to half the penalty to which free married women are liable. This permission to marry slave-girls applies to those of you who fear lest they stumble into evil. But it is for your own good to persevere in patience and to abstain from such marriages: and God is much-forgiving, a dispenser of grace.:

‘Except when they commit a flagrant lewdness’ 4:19; 65:1 above. This again corroborates our understanding that the nushiz in present verse means a serious offence of infidelity. In dealing with a wife in nushiz, the three stages that are permitted are:

1. ‘idhuhunna which translators render as ‘admonish them’ but this is not correct. Wa’dh in Arabic is ‘reminding of God and His teachings’. This meaning of the word is used in the Qur’an and this ‘reminding’ is the core of the lexical meaning in Arabic, so that the person who is reminded may take heed of the message.

2. Wahjurihunna fi’l- madhaji’, which translators render variously as: ‘Send them to beds apart ...’ Dawood; ‘Banish them to beds apart ...’ Pickthall; ‘Banish them to their couches ...’ Arberry; ‘Refuse to share their beds ...’ Yisuf ‘Ali; ‘Leave them alone in bed ...’ Asad. Those who say ‘send them’ or ‘banish them’ have a basic misunderstanding of the verb. Even if it is understood as ‘leaving’, it is men who are asked to leave, not the women. It is mysterious how translators understood the verb to mean ‘sending’ or ‘banishing’ women. Misunderstanding also arises from the term hajr which people seem to relate to hijra emigration but hajr also means a verbal boycott. As the Prophet said, ‘It is not lawful for a Muslim to have hajr with his brother for more than three days. They meet each other; one turns his face one way, the second to the other way. The best of them is the one who first greets the other.’ These are people who meet and the term hajr still applies to them because the one does not speak to the other, and this is what it implies in above verse. This sulking or boycott is suggested only in bed fi’l -madaji’ not in front of the children or others. It is remarkable that a husband who fears that his wife may have been unfaithful in his own house and in his absence, should be blamed by some for boycotting her for a while in bed. It must also be remembered that it is the duty of any Muslim, man or woman, if they see someone misbehaving, to go through the stage of wa’z verbal reminding and if this does not work, to show disapproval by boycotting them. It is an obligation on every Muslim, in accordance with the Prophet’s ‘adith: ‘Whoever sees a munkar something objected to by religion should change it with his hand, and if he cannot then with his tongue, and if he cannot, then with his heart, and this is the least degree of faith.’ So the husband here is like any Muslim.

3. The third stage is ‘beating’ – wadribihunna. This is done only if the first two stages do not work. The husband has no right to jump from one stage to another, or to put them in the wrong order, as al-Shafi’i said: ‘Start with what God started with.’ This applies to any Qur’anic injunction which lists options in this way.

It should be remembered that the Qur’an mentions ‘beating’ only once, even though it talks about serious difficulties in marriage in several chapters. It should also be remembered that the Prophet, who is the model for

all Muslims, never hit any of his wives. He also said: 'The best of you are those that are best in treating their wives.'

'It is only a good man who treats women well, and only a mean man treats them badly.'

'Is any one of you who beats his wife not ashamed to beat her and then sleep with her?'

It may well be asked, 'How could the Prophet who was the most obedient person to the instructions of the Qur'an condemn beating so much when the Qur'an said 'and beat them' unless he understood beating here to be only for the serious offence he himself mentioned in the Farewell Speech?'

All Muslim exegetes agree that the husband is not allowed to beat the wife severely, since the Prophet said 'without severity'. In fact most say that it has to be so light as to be with something like a toothpick. The basis for this appears to be in the story that the Prophet was once angered by a servant girl whom he sent on an errand, but she was inordinately late. When she returned he raised his toothpick and said, 'If I did not fear God I would hit you with this.'

The word 'beat' causes difficulty. In my efforts to find a suitable word, I looked at dictionaries and found the English language rich in expressions like 'hit', 'strike', 'slap', 'beat', 'bash', 'wallop', 'belt', 'beat up', 'thump', and now 'batter', in 'wife-battering'. Compared to English, Arabic has only a very limited range indeed, including the word *daraba*. This may be why translators opt for 'beat'; but you don't 'beat' someone with a toothpick in English. Moreover, a *'adith*, said by some to have been the cause of this verse, mentions a husband who slapped the face of his wife once. Thus 'beat' is not a suitable translation; 'hit' is nearer to the mark. The authority of the husband to hit his wife is circumscribed by a number of things: by the Prophet's own practice – he is the model for all Muslims to live their lives by – and by the ending of the Qur'anic verse, 'God is high and great'. Characteristically, this reminds men that if they misbehave God is watching over them and will deal with them. It is relevant here to mention the story of how the Prophet once saw Ibn Mas'ud with his hand raised, about to hit his slave. The Prophet cried out, 'God has more power over you than you have over him,' so he dropped his hand and set the slave free. In the theme under discussion it is important to observe that four successive verses end in the following ways: 'God knows all things ...' 4:32, 'God is ever witness over all things ...' 4:33. 'God is ever high, exalted and great ...' 4:34. 'God is ever-knowing and aware ...' 4:35.

There are still more circumscriptions round the permission to 'hit'. Many Muslim scholars are also of the opinion that hitting is only permissible if the husband is sure that it will bring the right results, otherwise it should be avoided.

The verse ends by saying, 'If they obey you, you have no way against

them’ – obey at any stage – and ‘obey’, coming in its place here, means ‘refrain’ from the act which caused this problem, as in the Qur’anic verse:

فَاتَّقُوا اللَّهَ مَا اسْتَطَعْتُمْ وَأَسْمِعُوا وَأَطِيعُوا وَأَنْفِقُوا خَيْرًا لِّأَنْفُسِكُمْ ۚ وَمَنْ يُوقِ شَحَّ نَفْسِهِ  
فَأُولَئِكَ هُمُ الْمُفْلِحُونَ

‘Remain, then, conscious of God as best you can, and listen to Him, and pay heed. And spend in charity for the good of your own selves: for, such as from their own covetousness are saved – it is they, they that shall attain to a happy state! 64:16 that is, obey what you have heard in that context.

The Prophet himself, in his Farewell Speech, explained the Qur’anic phrase fa-in aṭa’nakum if they obey you by using a different word, fa-intahayna if they desist, in its place. Thus ‘obedience’ here does not mean being submissive to the husband, but refraining from a serious offence. To refrain in this way is an obligation on every believing person. In any case, any obedience is restricted, in Islam, by the Prophet’s statements: ‘There is no obedience for any creature in disobedience to the Creator’; and ‘Obedience is only in ma’rif, which means accepted, decent and commendable norms. As already pointed out, this expression, bi’l-ma’rif, occurs more frequently in situations of difficulties between married couples and in the treatment of wives, than anywhere else in the Qur’an. The ‘obedience’ is not carte blanche and Islamic marriage does not include the vow to ‘love, cherish and obey’.

Following this verse we have 4:35

وَإِنْ خِفْتُمْ شِقَاقَ بَيْنِهِمَا فَابْعَثُوا حَكَمًا مِنْ أَهْلِهِ وَحَكَمًا مِنْ أَهْلِهَا إِنْ يُرِيدَا إِصْلَاحًا يُوَفِّقِ اللَّهُ  
بَيْنَهُمَا ۚ إِنَّ اللَّهَ كَانَ عَلِيمًا خَبِيرًا

And if you have reason to fear that a breach might occur between a married couple, appoint an arbiter from among his people and an arbiter from among her people; if they both want to set things aright, God may bring about their reconciliation. Behold, God is indeed all-knowing, aware, addressed to the relatives and all those surrounding the family, including legal authorities:

If you fear a breach between the couple, appoint an arbiter from his people and one from her people. If they desire amendment, God will make them of one mind. He is ever-knowing and aware.

In Islamic society, volunteering to bring reconciliation is a meritorious act 4:114

لَا خَيْرَ فِي كَثِيرٍ مِنْ نَجْوَاهُمْ إِلَّا مَنْ أَمَرَ بِصَدَقَةٍ أَوْ مَعْرُوفٍ أَوْ إِصْلَاحٍ بَيْنَ النَّاسِ ۚ وَمَنْ يَفْعَلْ  
ذَلِكَ ابْتِغَاءَ مَرْضَاتِ اللَّهِ فَسَوْفَ نُؤْتِيهِ أَجْرًا عَظِيمًا

NO GOOD comes, as a rule, out of secret confabulations - saving such as are devoted to enjoining charity, or equitable dealings, or setting things to rights between people: and unto him who does this out of a longing for God's goodly acceptance We shall in time grant a mighty reward. This is on an individual level, but the state is also under an

obligation to create a body responsible for implementing Qur'anic teachings.

An attitude of 'It is none of my business' runs counter to the teachings of the Qur'an and the Prophet. Even at the stage of fearing a breach, the Qur'an states: 'If they desire amendment, God will bring reconciliation ...'

4:35

If, on the other hand, the arbiters find that it is not possible to reconcile a couple, then such a family is not worth preserving. Indeed God promises couples who part amicably that he will give each something more suitable, and ends the verse with:

4:130

وَإِنْ يَتَفَرَّقَا يُغْنِ اللَّهُ كُلًّا مِنْ سَعَتِهِ ۚ وَكَانَ اللَّهُ وَاسِعًا حَكِيمًا

And if husband and wife do separate, God shall provide for each of them out of His abundance: for God is indeed infinite, wise,.

It should be observed that with the two types of wives mentioned above, the husband is not mentioned at all in relation to a righteous wife; he only comes in when the situation of a serious offence is under discussion. In this situation, Muslim authors ask, 'if the Qur'anic teaching in this matter is not fair and sensible, then what should be the alternatives?' Either the husband has to allow himself to become a cuckold or he has to take the wife to court which would affect the whole family and add to the bitterness, or divorce her and thus break up the family completely. Surely it is better to remind the wife of her duty, or sulk for a while, or even strike her lightly and then bring in arbiters who could, if all attempts at reconciliation fail, rule in favour of a divorce. According to the Qur'an it is not fair that a husband who maintains and pays for everything and is under Qur'anic instructions to live with his wife in an honourable, kind, commendable way, should also be asked to put up with acts that undermine the whole family. As mentioned earlier, verse 4:34 has been subjected to misinterpretation, decontextualisation and sensational exaggeration. For Muslims, all the Qur'an is a revelation from God and husbands should obey God in this verse and in all other instructions given in the Qur'an – not misinterpret this verse and ignore all other teachings of the Qur'an and 'adith on the subject.

As explained earlier, the Qur'an has set the proper norms for marital relationships: that the couple may repose in each other in an atmosphere of love and mercy 30:21

## مُنِيبِينَ إِلَيْهِ وَاتَّقُوهُ وَأَقِيمُوا الصَّلَاةَ وَلَا تَكُونُوا مِنَ الْمُشْرِكِينَ

And among His wonders is this: He creates for you mates out of your own kind. so that you might incline towards them, and He engenders love and tenderness between you: in this, behold, there are messages indeed for people who think!.

### Divorce by the Husband

Divorce has been said by the Prophet to be the most disliked lawful thing in the sight of God. However, it is available and easily carried out by the husband pronouncing it. There is a retarding mechanism of a menstrual cycle, but divorce can be effected after this. Then there is a further waiting period of three months, or until childbirth for pregnant women, within which the married couple could reconsider and the wife remains in the marital home. As the Qur'an says, you do not know, 'God may bring a change of situation' i.e. there could be a change of hearts. Within this waiting period the husband can revoke the divorce he pronounced by word or deed 65:1-7

يَا أَيُّهَا النَّبِيُّ إِذَا طَلَقْتُمُ النِّسَاءَ فَطَلِّقُوهُنَّ لِعَدَّتِهِنَّ وَأَحْصُوا الْعِدَّةَ ۚ وَاتَّقُوا اللَّهَ رَبَّكُمْ ۚ لَا تَخْرِجُوهُنَّ مِنْ بُيُوتِهِنَّ وَلَا يَخْرُجْنَ إِلَّا أَنْ يَأْتِيَنَّ بِفَاحِشَةٍ مُبَيَّنَةٍ ۚ وَتِلْكَ حُدُودُ اللَّهِ ۚ وَمَنْ يَتَعَدَّ حُدُودَ اللَّهِ فَقَدْ ظَلَمَ نَفْسَهُ ۚ لَا تَدْرِي لَعَلَّ اللَّهَ يُحْدِثُ بَعْدَ ذَلِكَ أَمْرًا فَإِذَا بَلَغَ أَجْلُهُنَّ فَأَمْسِكُوهُنَّ بِمَعْرُوفٍ أَوْ فَارِقُوهُنَّ بِمَعْرُوفٍ وَأَشْهَدُوا ذَوِي عَدْلٍ مِنْكُمْ وَأَقِيمُوا الشَّهَادَةَ لِلَّهِ ۚ ذَلِكَ يُوعَظُ بِهِ مَنْ كَانَ يُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ ۚ وَمَنْ يَتَّقِ اللَّهَ يَجْعَلْ لَهُ مَخْرَجًا وَيَرْزُقْهُ مِنْ حَيْثُ لَا يَحْتَسِبُ ۚ وَمَنْ يَتَوَكَّلْ عَلَى اللَّهِ فَهُوَ حَسْبُهُ ۚ إِنَّ اللَّهَ بَالِغُ أَمْرِهِ ۚ قَدْ جَعَلَ اللَّهُ لِكُلِّ شَيْءٍ قَدْرًا وَاللَّائِي يَنْسَنَ مِنَ الْمَحِيضِ مِنْ نِسَائِكُمْ إِنْ ارْتَبْتُمْ فَعِدَّتُهُنَّ ثَلَاثَةُ أَشْهُرٍ وَاللَّائِي لَمْ يَحِضْنَ ۚ وَأُولَاتِ الْأَحْمَالِ أَجَلُهُنَّ أَنْ يَضَعْنَ حَمْلَهُنَّ ۚ وَمَنْ يَتَّقِ اللَّهَ يَجْعَلْ لَهُ مِنْ أَمْرِهِ يُسْرًا ذَلِكَ أَمْرُ اللَّهِ أَنْزَلَهُ إِلَيْكُمْ ۚ وَمَنْ يَتَّقِ اللَّهَ يُكَفِّرْ عَنْهُ سَيِّئَاتِهِ وَيُعْظِمْ لَهُ أَجْرًا أَسْكَنُوهُنَّ مِنْ حَيْثُ سَكَنْتُمْ مِنْ وَجْدِكُمْ وَلَا تُضَارُّوهُنَّ لِتُضَيِّقُوا عَلَيْهِنَّ ۚ وَإِنْ كُنَّ أُولَاتٍ حَمْلٍ فَأَنْفِقُوا عَلَيْهِنَّ حَتَّى يَضَعْنَ حَمْلَهُنَّ ۚ فَإِنْ أَرْضَعْنَ لَكُمْ فَآتُوهُنَّ أَجُورَهُنَّ ۚ وَاتَّمَرُوا بَيْنَكُمْ بِمَعْرُوفٍ ۚ وَإِنْ تَعَاَسَرْتُمْ فَمُتْرَضِعُ لَهُ أُخْرَى

O PROPHET! When you intend to divorce women, divorce them with a view to the waiting period appointed for them, and reckon the period carefully, and be conscious of God, your Sustainer. Do not expel them from their homes; and neither shall they be made to leave unless they become openly guilty of immoral conduct. These, then, are the bounds set by God - and he who transgresses the bounds set by God does indeed sin against himself: for, O man, although you knowest it not, after that first breach God may well cause something new to come about. And so, when they are about to reach the end of their waiting-term, either retain them in a fair manner or part with them in a fair manner. And let two persons of known probity from among your own community witness what you have decided; and do yourselves bear true witness before God: thus are admonished all who believe in God and the Last Day. And unto everyone who is conscious of God, He always grants a way out of unhappiness, and provides for him in a manner beyond all expectation; and for everyone who places his trust in God He alone is enough. Verily, God always attains to His purpose: and indeed, unto everything has God appointed its term and measure. Now as for such of your women as are beyond, the age of monthly courses, as well as for such as do not have any courses, their waiting-period - if you have any doubt about it - shall be three calendar months; and as for those who are with child, the end of their waiting-term shall come when they deliver their burden. And for everyone who is conscious of God, He makes it easy to obey His commandment: for all this is God's commandment, which He has bestowed upon you from on high. And unto everyone who is conscious of God will He pardon some of his bad deeds, and will grant him a vast reward. Hence, let the women who are undergoing a waiting-period live in the same manner as you live yourselves, in accordance with your means; and do not harass them with a view to making their lives a misery. And if they happen to be with child, spend freely on them until they deliver their burden; and if they nurse your offspring after the divorce has become final, give them their due recompense; and take counsel with one another in a fair manner about the child's future. And if both of you find it difficult that the mother should nurse the child, let another woman nurse it on behalf of him who has begotten it. In all these respects, let him who has ample means spend in accordance with his amplitude; and let him whose means of subsistence are scanty spend in accordance with what God has given him: God does not burden any human being with more than He has given him - and it may well be that God will grant, after hardship, ease.. After the waiting period, the divorce becomes final. But if the couple reconcile and then later on divorce is resorted to again, the same procedure as described above will pertain. If divorce is pronounced for a third time, it has been proved beyond doubt that this unhappy marital situation should not continue any longer. The husband may not marry his divorced wife again unless she happens to marry someone else in between. If that second husband were to die or to divorce her, it becomes possible for the first husband to enter into marriage with her again 2:229-30

الطَّلَاقُ مَرَّتَانٍ ۖ فَاِمْسَاكِ بِمَعْرُوفٍ اَوْ تَسْرِیْحٍ بِاِحْسَانٍ ۚ وَلَا یَحِلُّ لَكُمْ اَنْ تَاْخُذُوْا مِمَّا اَتَيْتُمُوْهُنَّ شَیْئًا اِلَّا اَنْ یَّخَافَاۤ اَلَّا یُقِیْمَا حُدُوْدَ اللّٰهِ ۚ فَاِنْ خِفْتُمْ اَلَّا یُقِیْمَا حُدُوْدَ اللّٰهِ فَلَا جُنَاحَ عَلَیْهِمَا فِیْمَا افْتَدَتْ بِهٖ ۚ تِلْكَ حُدُوْدُ اللّٰهِ فَلَا تَعْتَدُوْهَا ۚ وَمَنْ یَتَعَدَّ حُدُوْدَ اللّٰهِ فَاُولٰٓئِكَ هُمُ الظَّالِمُوْنَ ۚ فَاِنْ طَلَّقَهَا فَلَا تَحِلُّ لَهٗ مِنْ بَعْدِ حَتّٰی تَنْكِحَ زَوْجًا غَیْرَهٗ ۚ فَاِنْ طَلَّقَهَا فَلَا جُنَاحَ عَلَیْهِمَا اَنْ یَّتَرَاجَعَا اِنْ ظَنَّا اَنْ یُقِیْمَا حُدُوْدَ اللّٰهِ ۚ وَتِلْكَ حُدُوْدُ اللّٰهِ یُبَیِّنُهَا لِقَوْمٍ یَعْلَمُوْنَ

A divorce may be revoked twice, whereupon the marriage must either be resumed in fairness or dissolved in a goodly manner. And it is not lawful for you to take back anything of what you have

ever given to your wives unless both partners have cause to fear that they may not be able to keep within the bounds set by God: hence, if you have cause to fear that the two may not be able to keep within the bounds set by God, there shall be no sin upon either of them for what the wife may give up to her husband in order to free herself. These are the bounds set by God; do not, then, transgress them: for they who transgress the bounds set by God-it is they, they who are evildoers! And if he divorces her finally, she shall thereafter not be lawful unto him unless she first takes another man for husband; then, if the latter divorces her, there shall be no sin upon either of the two if they return to one another-provided that both of them think that they will be able to keep within the bounds set by God: for these are the bounds of God which He makes clear unto people of innate knowledge..

So there is freedom of action within limits, and this is also the Qur'anic position during marital difficulties. Thus we find: 'There is no blame on you for doing such and such', and on the other hand, 'these are the bounds which you must not cross'. In two pages, for example, we have the statement 'There is no blame on you' repeated seven times but also there are

bounds mentioned 2:229-240, A divorce may be revoked twice, whereupon the marriage must either be resumed in fairness or dissolved in a goodly manner. And it is not lawful for you to take back anything of what you have ever given to your wives unless both partners have cause to fear that they may not be able to keep within the bounds set by God: hence, if you have cause to fear that the two may not be able to keep within the bounds set by God, there shall be no sin upon either of them for what the wife may give up to her husband in order to free herself. These are the bounds set by God; do not, then, transgress them: for they who transgress the bounds set by God-it is they, they who are evildoers! And if he divorces her finally, she shall thereafter not be lawful unto him unless she first takes another man for husband; then, if the latter divorces her, there shall be no sin upon either of the two if they return to one another-provided that both of them think that they will be able to keep within the bounds set by God: for these are the bounds of God which He makes clear unto people of innate knowledge. And so, when you divorce women and they are about to reach the end of their waiting-term, then either retain them in a fair manner or let them go in a fair manner. But do not retain them against their will in order to hurt them: for he who does so sins indeed against himself. And do not take these messages of God in a frivolous spirit; and remember the blessings with which God has graced you, and all the revelation and the wisdom which He has bestowed on you from on high in order to admonish you thereby; and remain conscious of God, and know that God has full knowledge of everything. And when you divorce women, and they have come to the end of their waiting-term, hinder them not from marrying other men if they have agreed with each other in a fair manner. This is an admonition unto every one of you who believes in God and the Last Day; it is the most virtuous way for you, and the cleanest. And God knows, whereas you do not know. And the divorced mothers may nurse their children for two whole years, if they wish to complete the period of nursing; and it is incumbent upon him who has begotten the child to provide in a fair manner for their sustenance and clothing. No human being shall be burdened with more than he is well able to bear: neither shall a mother be made to suffer because of her child, nor, because of his child, he who has begotten it. And the same duty rests upon the father's heir. And if both parents decide, by mutual consent and counsel, upon separation of mother and child, they will incur no sin thereby; and if you decide to entrust your children to foster-mothers, you will incur no sin provided you ensure, in a fair manner, the safety of the child which you are handing over. But remain conscious of God, and know that God sees all that you do. And if any of you die and leave wives behind, they shall undergo, without remarrying, a waiting-period of four months and ten days; whereupon, when they have reached the end of their waiting-term, there shall be no sin in whatever they may do with their persons in a lawful manner. And God is aware of all that you do. But you will incur no sin if you give a hint of an intended marriage-offer to any of these women, or if you conceive such an intention without making it obvious: for God knows that

you intend to ask them in marriage. Do not, however, plight your troth with them in secret, but speak only in a decent manner; and do not proceed with tying the marriage-knot ere the ordained term of waiting has come to its end. And know that God knows what is in your minds, and therefore remain conscious of Him; and know, too, that God is much-forgiving, forbearing. You will incur no sin if you divorce women while you have not yet touched them nor settled a dower upon them; but even in such a case make provision for them - the affluent according to his means, and the straitened according to his means - a provision in an equitable manner: this is a duty upon all who would do good. And if you divorce them before having touched them, but after having settled a dower upon them, then give them half of what you have settled - unless it be that they forgo their claim or he in whose hand is the marriage-tie forgoes his claim to half of the dower: and to forgo what is due to you is more in accord with God-consciousness. And forget not that you are to act with grace towards one another: verily, God sees all that you do. BE EVER mindful of prayers, and of praying in the most excellent way; and stand before God in devout obedience. But if you are in danger, pray walking or riding; and when you are again secure, bear God in mind - since it is He who taught you what you did not previously know. AND IF any of you die and leave wives behind, they bequeath thereby to their widows the right to one year's maintenance without their being obliged to leave the dead husband's home. If, however, they leave of their own accord, there shall be no sin in whatever they may do with themselves in a lawful manner. And God is almighty, wise

This gives freedom of action to deal with the numerous situations that can arise at different times and under different cultures.

The flexibility of Islamic law in this respect is remarkable. In fact, whenever divorce is mentioned in the Qur'an, revocation is recommended, and whenever revocation is recommended we find the statement 'If they can uphold the limits set by God' 2:229, 231. This is conditional upon no harm being caused 2:229, 231. A continuation of marriage must involve the original objective of affection and mercy, establishing rights and observing the limits set by God. If this is not possible, then it is better for husband and wife to leave each other, and if they separate God will give to each out of his boundless resources something that would be better for them 4:130. This is stated in the Arabic in a conditional sentence which is understood in the Qur'an to be a promise from God, and He does not break his promises. Divorce, thus, will be effected in order to start solid marriages, and to strengthen the marriage institution itself. After divorce the original state obtains, that marriage becomes highly recommended for any Muslim, and becomes an obligation for those who cannot live without exercising their sexual drives.

During marriage difficulties the Qur'an keeps repeating 'If you believe in God and the Day of Judgement' or 'Remember that God is watching over you. Remember that he knows better than you'. 'Be conscious of God and know that he has knowledge of everything' 2:230-240 above -2:241-242 And the divorced women, too, shall have a right to maintenance in a goodly manner: this is a duty for all who are conscious of God. In this way God makes clear unto you His messages, so that you might learn to use your reason.; 4:32-36 previously 4:65

فَلَا وَرَبِّكَ لَا يُؤْمِنُونَ حَتَّىٰ يُحَكِّمُوكَ فِيمَا شَجَرَ بَيْنَهُمْ ثُمَّ لَا يَجِدُوا فِي أَنفُسِهِمْ حَرَجًا مِّمَّا قَضَيْتَ  
وَيُسَلِّمُوا تَسْلِيمًا

But nay, by your Sustainer! They do not really believe unless they make you O Prophet a judge of all on which they disagree among themselves, and then find in their hearts no bar to an acceptance of your decision and give themselves up to it in utter self-surrender..

In the middle of divorce negotiations and financial settlements etc., when people can be bitter, the Qur'an interrupts the discussions to state, in one verse, 'Keep up your daily prayer, and stand before God in obedience' before it resumes the discussion again 2:238.

Divorce, then, carries no stigma whatsoever in Islam, nor does any attach to divorcees who wish to remarry and resume their married sex life.

The Qur'an considers that to prevent them remarrying would drive them to doing what is forbidden, and as Islam wishes to build a moral society it provides the institution that would help towards achieving that end. Thus the Qur'an recognises that those who have been used to married life are particularly likely to need it more and forbids women's families from interfering and preventing divorced women from remarrying their previous husband.

Do not prevent her from remarrying her husband if they have come to an honourable agreement. This is enjoined on those of you who believe in God and the Last Day; it is more honourable for you and more pure. God knows and you do not.

2:32

When a woman or a man becomes divorced, the same original instructions to get married and for society to bring about the marriage of unmarried members obtains.

In this respect there is an obvious difference between the Qur'an and the Gospel. In Mark 10, vv.11 and 12, Christ says 'Whoever divorces his wife and marries other than her, he will be committing adultery, and if a woman divorces her husband and marries someone else she will have committed adultery'. In Matthew 5:32: 'But I tell you that anyone who divorces his wife, except for marital unfaithfulness, causes her to become an adulteress, and anyone who marries the divorced woman commits adultery'.

Also in Luke 18:16. In spite of these clear statements, since 1983 the Anglican church has allowed divorcees to be remarried in church, influenced by the result of changes in English divorce laws in the late 1960s.

## **Women and Divorce**

So far we have discussed men's rights to divorce. However, women can also instigate divorce. They can obtain divorce by mutual consent 2:229–31,

or in cases of cruelty, abandonment or harm, or if a husband fails to meet his obligations of maintenance. In these latter cases the woman should apply to the court. The husband is responsible for maintenance during marriage and for a period after the marriage. He is also responsible for his children's maintenance. This in itself places some restrictions on his exercising his right to divorce lightly, without going to court. The delayed dowry payment, which can be a considerable sum, falls due on divorce, and can act as a deterrent to hasty proclamations of divorce.

In any case, a woman can stipulate in the marriage contract her right to divorce her husband at any time without his consent. This is recognised in Islamic law and practiced in certain parts of the Muslim world.

When discussing family life, marriage and divorce, the Qur'an does not simply produce regulations couched in dry legal language. Legal instructions are couched in religious, emotional language, employing a powerful use of linguistic techniques of persuasion and dissuasion such as those already mentioned: 'If you believe in God and know that you are going to meet Him' or 'Remember that God is watching over everything and He has full knowledge and full power over you. That is better and purer for you'. 'He knows and you do not know'. Marriage and divorce in Islam are protected by law, by society and by the strong appeal to the belief in God and the hereafter.