

but it also modified certain practices (polygamy, **divorce**, rules of inheritance) & endorsed still others (respect to elders).

Islamic Marriage: The rationale is to consider at the very outset the difficulties that may arise later and to agree before the marriage is finalized on a future divorce settlement if this unwanted action were to become unavoidable. **Taken into consideration during these negotiations is seen clearly in the two Islamic institutions of the dower or marriage gift (mahr) and the marriage contract.**

“And if you divorce them before consummation, but after fixing of a dower for them, then the half of the dower is due to them unless they remit it.” (2:237)

“It is **not** permissible for you to take back anything of what you have given to your wives, except if both parties fear that they will be unable to keep the limits ordained by God. There is no blame on either of them concerning what she gives him back of his gifts to secure her release. (2:229)

“But if you decide to take one wife in place of another, even if you have given one of them a treasure for dower, do **not** take back the least bit of it. Would you take it back by slander and a manifest wrong?” (4:20)

In these Quranic verses concerning the marriage gift that a man gives to his future wife, **the possibility of divorce is clearly anticipated.**

For a Muslim, divorce, especially if children are involved, should be avoided at all costs. It brings a litany of tragic consequences. Not even under the best of conditions is divorce truly fair to those it touches. The Prophet (p) said that in the eyes of God it is the most hated of all permissible things. The Prophet (p) in his attempt to fight the pre-Islamic prejudice attached to marrying former slaves, persistently urged his cousin Zainab & his freedman Zaid to avoid divorce despite their mutual dissatisfaction with their marriage. They eventually divorced.

Islam’s attitude toward divorce is similar to its attitude toward war: **at times it may be necessary, but only as a last resort.** This is why family mediators are to be called in (4:35) and why divorce should be pronounced on three separate occasions, following a three-month waiting period before the divorce becomes irrevocable: “Divorce is only permissible twice, after which the parties should either stay together in a goodly manner or separate with kindness. And it is not permissible for you [men] to take back anything of what you have

given to them [your wives], except if both parties fear that they will be unable to keep the limits ordained by God. And if you fear that they will be unable to keep the limits ordained by God, there is no blame on either of them concerning what she gives [him back of his gifts] to secure her release. These are the limits ordained by God, so do not transgress them. If anyone transgresses the limits ordained by God, then those are wrong-doers. Then if he divorces her [irrevocably for the third time], she is not lawful for him thereafter until after she has married someone other than him. Then if the second husband divorces her, there is no blame on either of them that they come together again if they think they can keep the limits ordained by God; He makes them clear for people to know.” (2:229-30) This is a warning not to follow the world’s trend in adopting a cheapened view of the sacred institution of marriage.

After three unsuccessful attempts, the wife is told to put her marriage behind her & sincerely seek another marriage. This may result in a more harmonious union. At the same time it forces each partner to consider soberly their decision to end the first marriage. As the dissolution of any marriage is usually charged with mixed passions & emotions, there is always the danger that individuals will attempt to violate the spirit of these commands while obeying the letter. This explains why a woman’s new husband must initiate divorce before she may return to her former spouse for this will insure genuineness on her part in seeking a second marriage.

Some Muslim jurists have allowed a husband to divorce his wife irrevocably by issuing three divorce pronouncements on a single occasion, which is **clearly opposed** to the intent of the Quran. In many Muslim countries, in an effort to forestall such abuses, governments now require all marriages and dissolutions to be officially registered. This may be seen as a positive action, in conformity with the Quran’s admonition not to “make a mockery of God’s revelations” (2:131) which occurs in the midst of a lengthy discussion of divorce.

The Quran’s regulations concerning divorce – and this is true of men’s and women’s rights in general – are not the same for both sexes. For example, women must observe a waiting period of three months before remarrying in order to determine if conception has occurred and to establish paternity if it has, while men can remarry immediately. It does assure, however, that equivalence and equity prevail. Once again, this is one of the fascinating aspects of the Quran: it is alert to challenges that were unlikely to be raised at the time of the Revelation and, indeed, for centuries thereafter. In the seventh century, it was simply unnecessary to justify any disparity between the sexes as regards religious regulations, beyond the argument that men are innately superior to women. Yet the Quran offers this **defense** at the end of a passage on divorce: **And for women is the LIKE** of what men have over them with

kindness, but men have a degree over them (2:228)

“No mother shall be **treated unfairly** on account of her child, **nor father treated unfairly on account of his child.**” Surah al-Baqarah 2:233

Spouses who were unwilling parties to a unilateral divorce tend to do less well. And the ill effects of divorce for adults tend to fall **disproportionately** on the shoulders of fathers. Since approximately two-thirds of divorces are legally initiated by women, men are more likely than women to be divorced against their will. In many cases, these men have **not** engaged in egregious marital misconduct such as abuse, adultery, or substance abuse. They feel mistreated by their ex-wives and by courts that no longer take into account marital “fault” when making determinations about child custody/support, & the division of marital property. Yet in the wake of a divorce, these men will nevertheless often lose their homes, a substantial share of their monthly incomes, and contact with their children. For these men the sting of an unjust divorce can lead to downward emotional spirals, difficulties at work, and serious deteriorations in the quality of their relationships with their children.

Guard marriage: New ideas – like marketing campaigns on behalf of marriage – should be explored. Reforms of law & policy alone is **not** likely to exercise a transformative influence on the quality & stability of marriage. Such fixes must be accompanied by changes in the wider culture. Religious institutions, schools & the entertainment industry will have to do a better job of stressing the merits of a more **institutional model of marriage**. Of stressing that marriage is a recognition of a spiritual identity. More “experts” are frantically backpedaling from the cavalier & dangerous attitudes toward marriage that they once espoused in the last several decades. Backpedaling, of course, is fairly easy for the “experts.” All they have to do is say, “Oops! Sorry!” & start singing a different tune. Forget the millions of lives destroyed by wild, ungodly, philosophies.

Turn to God when you need the light to be switched on in your darkest hour. God is with the broken-hearted. The divine light penetrates into broken hearts, so do not be afraid of occasions of sorrow & shocks. Do not allow a divorce to induce paralysis of both thought and action. Do not let your faith be ripped to pieces. This broken heart, these rising sighs & the shedding of copious tears will take you to greater heights of spiritual achievement. **Sincerity** comes to reside in a grief-stricken heart. The harder the (earthly) conflict, the more glorious the (divine) triumph. What we obtain too cheap, we esteem too lightly; it is struggle only that gives everything its value. God loves the person that can smile in trouble, that can gather strength from distress and grow brave by reflection.

Blessed be those who keep the Marital Promise!!!
Blessed be those who separate in Kindness!!!



Lawful. But Hated. By God.

If marriage is a holy act,
What does that make divorce?

The existential question:

“Why is this happening to me?”

The hardest question:

“To leave or not to leave;
how do I decide?”

The guilt question:

“Is divorce halal?”

The psychological question:

“What do I do with all this anger?”

The most painful question:

“How do we tell the kids?”

The ritual question:

“How can I get closure?”

The awkward question:

“What do I say to others?”

The legal question:

“Should I mediate or litigate?”

The most important question:

“How do we continue to raise
children together?”

Prepared by: Zamals Software Company

6 Dowding St. Kitty, Georgetown 225-9031; zsc@networksgy.com

Get all brochures on zamals.com

The marriage. Lots of smiling family, friends, workers. Digital cameras taking snapshots of genuine smiles of the “happy couple.” To keep for a lifetime. Or just maybe to keep for the life of the marriage.

In the last forty years, we’ve done something unprecedented. We have managed to transform marriage, the most basic and universal of human institutions, into something controversial. For perhaps the first time in human history, marriage as an ideal is under a sustained & surprisingly successful attack. Sometimes the attack is direct and ideological, made by “experts” who believe a lifelong vow of fidelity is unrealistic or oppressive.

Of course, there are many other divorce-promoting influences besides misguided “experts.” The media – TV, movies, magazines, romance novels – often add up to an ongoing storm of propaganda against marriage. At times the media purvey the message that endless excitement, titillation, and fulfillment lie outside the *boring humdrum* of married life and that at the end of this glittering rainbow of singleness and freedom waits another mate, vastly superior to the one at home.

Divorce has increased as persons are more exposed to Holly/Bollywood’s warped vision of relationships, sex & family life. Given the **distorted nature** of the popular culture’s family-related messages & the unorthodox family relationships of celebrity role models (one Tiger pursuing many cougars), young people do **not** develop a healthy understanding of marriage & family life.

In 1969, Ronald Reagan (CA) made what he later admitted was one of the **biggest mistakes** of his political life. Seeking to eliminate the strife & deception often associated with the legal regime of fault-based divorce, Reagan signed the nation’s first **no-fault divorce bill**. The new law eliminated the need for couples to **fabricate** spousal wrongdoing in pursuit of a divorce. One likely reason for Reagan’s decision to sign the bill was that his first wife, Jane Wyman, had unfairly accused him of “mental cruelty” to obtain a divorce in 1948. But no-fault divorce also **gutted** marriage of its legal power to bind husband & wife, allowing one spouse to dissolve a marriage for any reason – or for no reason at all.

The universal introduction of no-fault divorce helped to open the floodgates, especially because these laws facilitated **unilateral** divorce & lent moral legitimacy to the dissolution of marriages.

The sexual revolution, too, fueled the marital tumult of the times: Spouses found it easier to find extramarital partners, & came to have higher & often unrealistic, expectations of their marital relationships. Increases in women’s employment as well as feminist consciousness-raising also did their part to drive up the divorce rate, as wives felt **freer** to leave marriages that they found unsatisfying.

And stooges of the Americans (stooges) are also following the no-fault divorce lunacy.

The Way of God: If the relation between spouses become tense to the point of *talaq* (divorce) then the concerned authority should appoint mediators. These mediators should sort out the differences sincerely. It is just possible that God may create circumstances for reconciliation between them. However, if these mediators reach the conclusion that the circumstances are so tense that reconciliation is **not** possible then the case will be sent to the court. The court will proceed to hear it and decide for their separation. This is called *talaq* – The Divorce. “If you fear a breach between them, appoint arbiters, one from his family, and the other from hers; if they wish for peace, God will cause their reconciliation.[4-35]

The emergence of the divorce & marriage divide exacerbates a host of social problems. The government has to spend astronomical sums of money on police, prisons, welfare and court costs, trying to pick up the pieces of broken families. There are no magic cures for the growing divorce divide. Plausible common-sense reforms could nonetheless inject a measure of sanity into our nation’s divorce laws. Before jumping and saying that the Quran has the answer (which it does) let’s take a look at what some intellectual Americans are proposing.

“States should combine a one-year waiting period for married parents seeking a divorce with programs that educate those parents about the likely social & emotional consequences of their actions for their children. State divorce laws should also allow courts to factor in **spousal conduct** when making decisions about alimony, child support, custody, and property division. In particular, spouses who are being divorced against their will, & who have not engaged in egregious misbehavior such as abuse, adultery, or abandonment, should be given **preferential treatment** by family courts. Such consideration would add a measure of justice to the divorce process; it would discourage some divorces, as spouses who would otherwise seek an easy exit might avoid a divorce that would harm them financially/limit their access to their children.” **Has an Islamic ring to those proposals.**

Injustice in the courts: Most males have been the victim of discrimination in divorce; losing custody of the

kids and all their money to unethical professionals, under the pretext that all males are bad (the stereotypical, bigoted, idiotic ideas). **The victims are always women** who have been cheated by their husbands who leave them for a younger wife (what an original stereotype). Loving wives who are not appreciated by their husbands. Men are bashed: they are ungrateful, cheating husbands. The courts allow them to talk only within severely circumscribed limits.

Have you ever read in the Quran of **ungrateful WIVES?** These wicked wives would have been “winners” in today’s “modern justice” system. **The Quran speaks of the wives of Noah & Lot in contempt:** “**God sets forth an example of those who disbelieve: the wife of Noah & the wife of Lot. They were both married to two of Our righteous servants, but they acted treacherously towards them. They could not help them against God. It was said: Enter both, the Fire of Hell, with those who deserve it.**” [66:10] OMG, how can God be so politically incorrect to these “sweet sisters?” We of the modern intellect should put this old, senile God on trial & lock Him away for such “cruelty” against women. God, You will be terrified if You had to meet those who pretend to administer “justice” at the social services (Ministry & Shelters). How dare You, God, **threaten** women with damnation? *How dare YOU?* You are a devil, God, for daring to cast Abu Lahab’s wife into the Blazing Fire for her slanderous tongue. *How dare You? Why are You so harsh against a little girlie slander.* Slander permeates our face-to-face, Facebook, Twitter & email chatter. Lighten up, eh God! **Give us this day our daily Hi5. Forgive us our digital trespasses. Let us enjoy our temptations. Deliver us into evil. For ours is to be dumb, every hour, surely, forever and ever. A(women)!**

Some level of animosity is typical in divorce, but when parents let those feelings degenerate into bad-mouthing, bashing, or brainwashing, they run the enormous risk of emotionally damaging their children. Parental Alienation Syndrome is emotional child abuse & a form of domestic violence. Poisonous relationships develop when parents carry criticism of their ex-spouses too far: parents and children estranged from one another, protracted bitter custody & visitation battles, and ruined relationships with the extended families.

Some ex-spouses portray the other parent to their children in a negative light, whether it’s mild, off-the-cuff badmouthing or **systematic character assassination**. Common wisdom, besides recommending that parents avoid fighting fire with fire, suggests doing nothing. This results in feelings of powerlessness and the increasing difficulties that come from doing nothing.

One of the hardest things about the outcome of a

divorce/custody battle is to realize how **ignorant** the court, psychologist, therapist, **school system** are about the power and damaging effects divorce poison has on a child. Anyone who has seen parental alienation inflicted on a child up close knows what a horrible form of child abuse it is. Children afflicted with this abuse often carry the psychological wounds for the rest of their lives. Unfortunately, our divorce system encourages this abuse by needlessly designating one person as the “real” parent and the other parent as a scapegoat and not a real parent. This creates a situation ideal to propagate this sort of abusive behavior.

There are mothers that are evil. They know the damage – they thrive on it, live for it, delight in seeing their children miserable, anxious, hurt – tells them that they are unloved & worthless & will amount to nothing, then sit back to smile at the effects of their **sick handiwork**...just as they find joy in frustrating their ex-husband at every turn by using the children to punish him. One of their modes of punishment is to restrict the husband’s access, then tell the children, “I wonder why your dad don’t want to see you? Maybe he doesn’t love you anymore.” Such mothers (**and those that support them**) belong to mental institutions. This is a maddening, unfair & sad ordeal of dealing with a parent who has absolutely no interest in her children, other than their usefulness as pawns in her vindictive obsessions; her devious manipulations.

There are few sanity saving strategies from The System for dealing with an ex-spouse who is hell bent on using children to exact revenge in the context of a contentious divorce. For those of you exhausted by ineffective legal interventions, who have been wracked by guilt, subjected to verbal vitriol, God’s systematic & well-thought out strategies will help you to heal.

It’s shocking that the court gets you to swear upon the Holy Book to tell the truth; but does NOT use the wisdom contained therein to correct the parties involved. We should swear on Harry Potter. What’s the difference, Judge Dumblefoot?

The Quran puts great stock in wise and correct traditions, as it traces the essence of its message back through history to all of the Prophets. Islam ended many degenerate cultural practices such as infanticide, usury, and drinking,

And if they decide upon **divorce**, then God is the All-Hearer, All-Knower

Separate with kindness... Quran: 2:226-227