111881 - Why Is Divorce in the Husband's Hands?

the question

What is the reason why divorce is in the husband’s hands? What is the ruling on one who divorces his wife for no reason?

Summary of answer

The reasons why divorce is in the man’s hand are:
• The husband is the one in whose hand is the marriage contract, so he is the one in whose hand is the dissolution of this contract.
• The husband is in charge of the woman.
• The man is more perfect in reason than the woman, and more far-sighted, so you do not see him choosing to divorce unless there is no alternative.

Detailed answer

Praise be to Allah.

Why Is Divorce in the Husband's Hands?

Shaykh Muhammad ibn `Uthaymin (may Allah have mercy on him) said:

“The reason why divorce is in the man’s hand is justice because the husband is the one in whose hand is the marriage contract, so he is the one in whose hand is the dissolution of this contract.

And because the husband is in charge of the woman, as Allah says (interpretation of the meaning):

“Men are the protectors and maintainers of women, because Allah has made one of them to excel the other” [al-Nisa’ 4:34].

As he is in charge, then the matter is in his hands. This is what is implied by common sense.

And because the man is more perfect in reason than the woman, and more far-sighted, so you do not see him choosing to divorce unless he sees that there is no alternative. But if it were in the wife's hand, the wife is lacking in reason and is less far-sighted, and she is quick to become emotional. She may be impressed by some man and hasten to divorce her husband, because she has seen someone who is more attractive to her, so she prefers him to her husband. There are other reasons, but these three reasons that I have mentioned are among the most important reasons why divorce is in the husband's hands."

Can a man divorce his wife for any reason?

Shaykh Muhammad ibn `Uthaymin (may Allah have mercy on him) also said:

"With regard to the ruling on one who divorces his wife for no reason , the scholars say that the five rulings apply to divorce, i.e., it may be obligatory, or it may be prohibited, or it may be recommended, or it may be disliked, or it may be permissible.

The basic principle is that divorce is not desirable, because it is dissolving the bonds of marriage which Islam encourages and promotes, and because a great deal of harm may result from it, such as if the woman has children from the husband – this divorce will result in splitting up of the family and the problems that result from that.

If there is a need for divorce because it is not possible for the spouses to live together happily, then in that case it is permissible, and it is a blessing from Allah, I mean it being permissible in that case, because if the couple were to remain in a life of misery and suffering, this world would be unbearable for them. But by the blessing of Allah, if there is a need for it, then it is permissible."

And Allah knows best.