26163 - She does not get on with her husband; should she leave him and make her father angry?

the question

I have been married for four years now, but dont get on with my husband at all. I have told him and my father many times that i find it hard to get on with him. Our marriage happened in Pakistan when i was going through a very bad time. My mother had been accused of adultery and was locked up in her Father-in-laws house. Me and my brother who were in Pakistan at the time were not allowed to talk to her or even see her. It was in those days that my father suggested that i get married. I had my Nikaah done then came to England. When my husband came over i tried to get on with him but found it very hard. I dont want to stay with him because i know that i wont be able to love and respect him like a wife should. I also dont want to hurt my father by getting a divorce. If i do get a divorce will i be punished for hurting my father so much? Do you think it is right for me to get a divorce or carry on like this ''trying'' to work it out but not getting anywhere?

Detailed answer

Praise be to Allah.

What we advise our sister to do is to try to avoid hurting her father’s feelings and also give her husband his right to love and obedience.

If she is unable to give her husband his rights, and she does not feel any fondness for him, which makes her feel put off by him and makes her not want to obey him, then what she should do in this case is to free herself from him by means of khula’ and not ask him for a divorce (talaaq).

There is a great difference between talaaq and khula’. Talaaq is done by the husband because he does not like his wife – for example – and not because of any reason on her part. Then the wife must observe the ‘iddah (waiting period) according to her situation. If she is pregnant, the ‘iddah lasts until she gives birth; if she is very young or is past the age of menopause, then she should

wait for three months; if she is of child-bearing age then she should wait for three menstrual cycles. The husband has to give his wife the entire mahr and all her rights.

Khula' is initiated by the wife, and she gives him money to leave her. It is preferable for the husband not to ask for more than the mahr which he had given to her. Her 'iddah lasts for one menstrual cycle, to establish that she is not pregnant.

A similar case happened to some of the women of the Sahaabah as that which the sister is asking about.

It was narrated that Ibn 'Abbaas said: The wife of Thaabit ibn Qays came to the Messenger of Allaah (peace and blessings of Allaah be upon him) and said, "O Messenger of Allaah, I do not find any fault in Thaabit's religious commitment or character, but I cannot bear to live with him." The Messenger of Allaah (peace and blessings of Allaah be upon him) said: "Will you give him back his garden [that he had given as the mahr]?" She said, "Yes."

(Narrated by al-Bukhaari, 4972)

According to another report (4971): "I do not find any fault in Thaabit's religious commitment or character, but I would hate to fall into sin by rejecting the commands of Islam when I am a Muslim."

i.e., I am afraid that I may do something which would go against the rulings of Islam such as hating my husband, disobeying him, not giving him his rights, etc. See Fath al-Baari, 9/400

To sum up: you have to try to get along with your husband and give him his rights, and if you cannot then you have to free yourself from the marriage by means of khula'. You can ask for your father's approval and explain to him that staying with your husband will adversely affect your religious commitment and your worldly interests. If he agrees, all well and good, but you do not have to stay with your husband when you do not like him and you cannot give him his rights. We ask Allaah to relieve you of your distress and to help you and give you a good life.