101423 - If she does not love her husband and does not find comfort and happiness with him, what should she do?

the question

What should a woman do when she does not find any comfort with her husband, and does not love him, and does not feel happy to live with him? Must she ask for divorce or what must she do?

Detailed answer

Praise be to Allah.

Allah, may He be glorified, has made marriage a means of tranquility, love and happiness. He reminds His slaves of that in the verse in which He says (interpretation of the meaning):

“And of His signs is that He created for you from yourselves mates that you may find tranquillity in them; and He placed between you affection and mercy. Indeed in that are signs for a people who give thought”

[ar-Room 30:21].

If there is no harmony between the spouses, and the wife does not feel comfortable or happy with her husband, then she should look for the causes of that and remedy them. Perhaps the shortcoming is on her part, and perhaps there is something that can be remedied.

If the spouses discuss the matter and examine the problem together, this is more likely to lead to a solution.

The woman does not have the right to ask for divorce simply because of a problem between her and her husband, or because she wants to marry somebody who she thinks is better than him. The basic principle is that it is forbidden to ask for divorce, because of the report narrated by Abu

Dawood (2226), at-Tirmidhi (1187) and Ibn Maajah (2055) from Thawbaan (may Allah be pleased with him), who said: The Messenger of Allah (blessings and peace of Allah be upon him) said: “Any woman who asks her husband for a divorce without a compelling reason, the fragrance of Paradise will be forbidden to her.” Classed as saheeh by al-Albaani in *Saheeh Abi Dawood*.

But if the wife dislikes the husband because of his appearance, or because of his bad treatment, and she cannot stand to live with him, then it is permissible for her to request divorce, because there is no interest to be served by her staying with him in that case, and – moreover – her hatred of her husband may prompt her to fall short in her duties towards him, in which case she would be sinning.

Al-Bukhaari narrated in his *Saheeh* (4867) from Ibn ‘Abbaas (may Allah be pleased with him) that the wife of Thaabit ibn Qays came to the Prophet (peace and blessings of Allaah be upon him) and said: “O Messenger of Allah, I do not find any fault with Thaabit ibn Qays in his character or his religious commitment, but I do not want to commit any act of kufr after becoming a Muslim.” The Prophet (peace and blessings of Allah be upon him) said to her, “Will you give back his garden?” She said, “Yes.” The Prophet (peace and blessings of Allah be upon him) said to Thaabit: “Take back your garden, and divorce her.”.

Her words, “but I do not want to commit any act of kufr after becoming a Muslim”, mean: I do not want to do any deeds that would be contrary to the teachings of Islam, such as resenting my husband, disobeying him, not fulfilling his rights, and so on.

See *Fath al-Baari* (9/400).

This woman was afraid of staying with her husband when she resented him, or falling short in her duties towards him, and was afraid that she would disobey him and thus be sinning. So she wanted to get out of the marital relationship, and the Prophet (blessings and peace of Allah be upon him) agreed to grant her that.

Getting out of the marital relationship may be done by means of divorce (talaaq), if the husband agrees to that, or by means of khul‘, in which the wife gives up her mahr or part of what she is

entitled to, according to what the spouses agree upon, then he divorces her.

We ask Allah to rectify the affairs of the Muslims.

And Allah knows best