202694 - Her husband has forsaken her and does not talk to her, but he refuses to give her talaq and she is unable to get divorced from him by means of khul‘

the question

I am a revert women married 8 years back with a born Muslim. After a few years of marriage everything changed. I have no children. He stopped talking to me and even taking care. My health, and especially mental health, is suffering as I have no one besides Allah to handle all this. I prayed patiently for years that he would good to me. But things got worse; he hardly sees me for days and days but we are living in the same house. Our understanding about Islam and how to live life differed gradually. But I accept this and continue on my way because I learned the truth after a great struggle and pain. Then he forced me to go away from him but I resisted as I have no where to go. Slowly I understand after so many years of anxiety, pain, loneliness that it is not going to work. I realize he has no pain, care and love for me. Then when he insisted to leave him, I then told him to divorce me otherwise I will not go. He then made my life terrible and I had a total breakdown of health and mental health. Then I left him in order to save myself. And in that health I lived alone for months and then I decided to give one more chance with him. So I went to him to live for 6 months but he didn't utter a single word to me and I was alone there with nobody to talk to. So I decided to come back to my non-Muslim parents' house (they didnt interfere in following my religion). I don't know many Muslims in the community but the few that I know I tried to approach them by phone so that my husband would divorce me. But they hardly understood and at last nothing happened. I even tried to counsel my husband to leave me with dignity but it was of no use. So I left it all to Allah and patiently bear all this thinking maybe Allah has something good in it. I am married but with no husband. Is it a sin on me to live like this? I am so deeply hurt by all this that I lost trust in any people. My health deteriorates, it is difficult to live in such a society and I have very bad memories. I thank Allah that He took me out of the previous hell conditions. But now he is saying to come back because of societal pressure or Allah knows why. I don't want to go back to him and even don't want to live like this. I am not in such power to take

khul' from him. Nor can I trust anyone further. I ask you what should I do? Is it a sin on me to live like this. My english is not so good. I pray to Allah that you understand what I tried to convey to you.

Detailed answer

Praise be to Allah.

Allah has commanded husbands to treat their wives kindly, as He, may He be exalted, says (interpretation of the meaning): “And live with them honourably” [an-Nisa 4:19].

Ibn Katheer (may Allah have mercy on him) said: i.e., speak nicely to them, treat them kindly and make yourself look good for them, to the best of your ability. As you would like her to treat you, do the same for her. Allah, may He be exalted, says (interpretation of the meaning): “And they (women) have rights (over their husbands as regards living expenses, etc.) similar (to those of their husbands) over them (as regards obedience and respect, etc.) according to what is reasonable” [al-Baqarah 2:228]. And the Messenger of Allah (blessings and peace of Allah be upon him) said: “The best of you are the best of you towards his wife, and I am the best of you towards my wives.” Part of the Prophet’s character was that he treated people kindly and was always cheerful; he used to joke with his wives, spent generously on them and treated his wives kindly, to such an extent that he raced with ‘Aishah, the Mother of the Believers, out of kindness. He would meet with his wives every night in the house of the one with whom the Messenger of Allah (blessings and peace of Allah be upon him) was staying, and he would eat supper with them sometimes, then each of them would go back to her own home.

End quote from Tafseer Ibn Katheer, 2/242

Allah, may He be exalted, says (interpretation of the meaning): “And they (women) have rights (over their husbands as regards living expenses, etc.) similar (to those of their husbands) over them (as regards obedience and respect, etc.) according to what is reasonable” [al-Baqarah 2:228], i.e., they have rights over men just as men have rights over them, so let each one of them

fulfil the rights of the other, according to what is reasonable.

End quote from Tafseer Ibn Katheer, 1/609

Undoubtedly, forsaking the wife and not talking to her for no good reason does not come under the heading of kind and honourable treatment; rather it causes her a great deal of harm, as was stated by the scholars.

It says in at-Taj wa'l-Ikleel li Mukhtasar Khaleel (5/265): If the man stops speaking to his wife, or he turns his face away from her in bed, that comes under the heading of causing her harm. End quote.

In Mawahib al-Jaleel fi Sharh Mukhtasar Khaleel (4/17) it says: Part of causing harm is to stop speaking to her, turning his face away from her in bed, preferring another wife over her, and striking her in a manner that causes pain. End quote.

Although we acknowledge all the suffering that you have gone through, it is our opinion and our advice to you that you should give your husband another chance, especially after he calls you to go back to his house. The complicated situation you are in leads us to advise you to be more patient and think about the matter logically and from all angles. If he mends his ways and treats you better, then this is what you want, and praise be to Allah. But if he continues as he is, shunning you and mistreating you, then in that case you have the right to ask him for divorce (talaq), and you are not to blame.

If he insists on not giving you a talaq, then in that case you have no option but to refer to the Islamic court, if there is one; if not, then you should get divorced from him by means of khul', and his reckoning will be with his Lord. The Lord of the worlds, may He be glorified and exalted, says (interpretation of the meaning):

"the Day when they will be brought back to Him, then He will inform them of what they did. And Allah is All-Knower of everything"

[an-Noor 24:64].

During this suffering, there is nothing more beneficial for you than constantly remembering Allah, may He be exalted, and reading His Book, whilst being keen to do that which Allah has enjoined upon you of prayers and all acts of obedience. Allah, may He be exalted, said (interpretation of the meaning):

“O you who believe! Seek help in patience and As-Salat (the prayer). Truly! Allah is with As-Sabirin (the patient ones)”

[al-Baqarah 2:153].

And Allah knows best.