

Divorce — the basics done properly

The Qur'an treats divorce as a process with timing, witnesses and maintenance, not a word said in temper. Several of its details the schools read differently.



★ Reconcile first

وَإِنْ خِفْتُمْ شِقَاقَ بَيْنِهِمَا فَابْعَثُوا حَكَمًا مِّنْ أَهْلِهِ وَحَكَمًا مِّنْ أَهْلِهَا

"If you fear a breach between the two, appoint an arbiter from his family and an arbiter from hers." Arbitration before anything is pronounced.

Qur'an 4:35

★ Twice — then either way, kindly

الطَّلُقُ مَرَّتَانٍ فَإِمْسَاكِكُمْ بِمَعْرُوفٍ أَوْ تَسْرِيحٍ بِإِحْسَانٍ

"Divorce is twice; then either retain in kindness or release with good treatment." Both exits are to be done well.

Qur'an 2:229

★ The timing

إِذَا طَلَقْتُمُ النِّسَاءَ فَطَلِقُوهُنَّ لِعَدَّتِهِنَّ وَأَحْصُوا الْعِدَّةَ

"When you divorce women, divorce them at the start of their waiting period, and count the period." The same verse forbids expelling her from the home.

Qur'an 65:1

★ Not in her period

مَرْءٌ فَلْيَرْجِعْهَا، ثُمَّ لِيَمْسِكْهَا حَتَّى تَطْهُرَ

Ibn 'Umar divorced his wife while she was menstruating. "Order him to take her back, and keep her until she becomes pure."

Sahih al-Bukhari 5251 • Sunan Abi Dawud 2179 • sahih

★ The waiting period

وَالْمُطَلَّقَاتُ يَتَرَبَّصْنَ بِأَنْفُسِهِنَّ ثَلَاثَةَ قُرُوءٍ

"Divorced women shall wait three qurū'." Whether qur' means a menstrual period or the interval of purity between two is a point the schools read differently.

Qur'an 2:228 • fiqh: the schools differ

★ Witnesses

وَأَشْهِدُوا ذَوْيَ عَدْلٍ مِّنْكُمْ وَأَقِيمُوا الشَّهَادَةَ لِلَّهِ

"And take as witnesses two just men among you, and establish the testimony for Allah." A divorce is a recorded act, not a private one.

Qur'an 65:2

★ House her, do not squeeze her

أَسْكِنُوهُنَّ مِمَّنْ حَيْثُ سَكَنْتُمْ مِّنْ وُجْدِكُمْ وَلَا تَضَارُّوهُنَّ لَتَضْيَقُوا عَلَيْهِنَّ

"Lodge them where you dwell, according to your means, and do not harass them to make things hard." If she is pregnant, spend until she delivers.

Qur'an 65:6

★ Three at once

Ibn 'Umar: "Would that you had divorced once or twice — the Prophet ﷺ commanded me that." Whether three words in one sitting count as three or as one is unsettled.

Sahih al-Bukhari 5264 • Sahih Muslim, Kitab at-Talaaq • schools differ

★ Khul' — when she asks

اقْبَلِ الْحَدِيقَةَ وَطَلِّقْهَا تَطْلِيقَةً

Thabit's wife had no complaint about his character or religion, but could not stay. "Accept the garden, and divorce her once."

Sahih al-Bukhari 5273 • al-Bukhari: the chain is uncorroborated