

Ibn 'Umar narrated:

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that he divorced his wife once when she was in her menstruation period, during the Prophet's lifetime.

2

'Umar ibn al-Khaṭṭāb asked God's Messenger (peace be upon him) about this.

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God's Messenger was displeased.

4

God's Messenger then said to him: 'Order him to take her back, then to leave her until she is cleansed [from menses], then goes through another menstruation period, and is then cleansed,

5

then he may keep her after that or divorce her before touching her.

6

This is the start of the waiting period at which God, Mighty and Exalted, ordered that women may be divorced'.

7

In another version related by Muslim, the Prophet said: 'Order him to take her back, then he can divorce her when she is clean or pregnant'.⁽¹⁾

1 Related by al-Bukhari, 5251; Muslim, 1471.

From the Qur'an

- ﴿Prophet! When you divorce women, divorce them with a view to their prescribed waiting period.﴾ (65: 1)
- ﴿As for women who are with child, their waiting term shall end when they deliver their burden.﴾ (65: 4)

The Narrator

Abu 'Abd al-Raḥmān 'Abdullāh ibn 'Umar ibn al-Khaṭṭāb ibn Nufayl belonged to the 'Adiy branch of the Quraysh. He embraced Islam when he was young. He migrated to Madinah with his father when he was young, before attaining puberty. At the time of the Battle of Uḥud, he was too young to fight. His first military effort was the Encounter of the Moat, i.e. al-Khandaq. He also participated in the pledge under the tree. He narrated much useful information and numerous hadiths from the Prophet, and issued many fatwas. He died in Year 74 AH 694 CE.

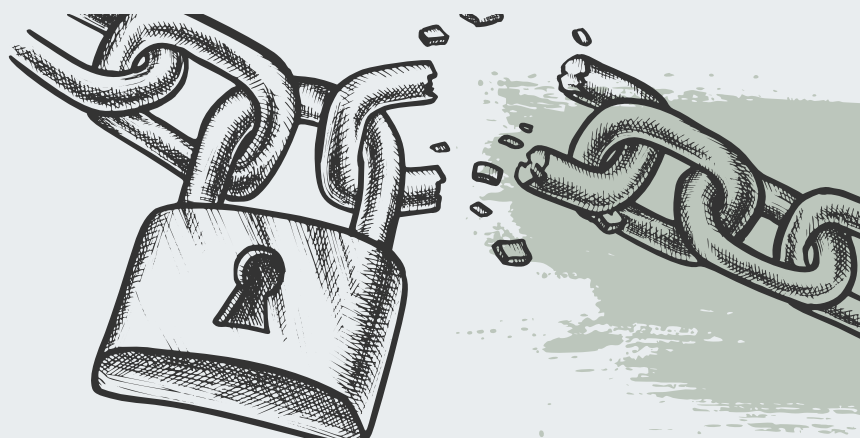
Summary

Ibn 'Umar divorced his wife when she was having her period. The Prophet ordered him to divorce her during a period of cleanliness from menses, provided that no sexual intercourse had taken place between them then. Such is the proper divorce.



Message and Meaning

- 1 'Abdullāh ibn 'Umar was a young man during the Prophet's lifetime. He got married, then he divorced his wife once during her menstruation period.
- 2 'Umar ibn al-Khaṭṭāb went to see the Prophet and told him that his son, 'Abdullāh, divorced his wife when she was menstruating. He wanted to know the Islamic ruling in this case.
- 3 The Prophet was angry because Ibn 'Umar's action was contrary to the proper Islamic way.



- 4 He told 'Umar to say to his son that God's Messenger (peace be upon him) ordered him to take back his wife. When she had finished her period, he was to keep her through one more cycle of cleanliness and menstruation.
- 5 When she had finished this cycle, she would be in a period of cleanliness during which no sexual intercourse had taken place. As such, he may either divorce her before having sexual intercourse with her, or he may retain her.
- 6 This is what God has legislated for people who need to go through a divorce.
- 7 Another version of the hadith makes it absolutely clear that the permissible way of divorce requires that it takes place during a period of cleanliness from menses which is free of sexual intercourse between the couple, or during pregnancy. That it may take place during pregnancy, even with an intervening intercourse, is evidenced by other hadiths. The waiting period for a pregnant divorcee lasts until the wife has given birth.

The purpose of delaying a divorce until a time of cleanliness and before intercourse is to ascertain that the woman is not pregnant. Once her husband learns of her pregnancy, he may reconsider whether he really wants to divorce. Moreover, this delay gives the husband time to think and reflect.

Implementation

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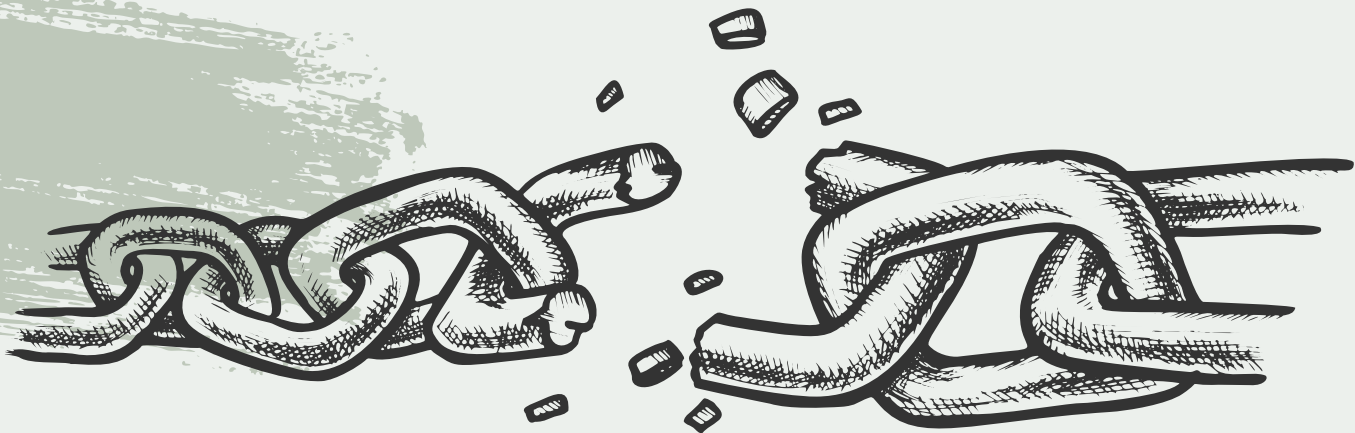
If a person entertains some doubt, mild as the doubt may be, about something he has done, that person should consult scholars about it. Such consultation is required whether the matter in question concerns an act of worship or some transaction involving other people.

2

It is permissible that a person sends someone else to ask for a fatwa, or a ruling, provided that this emissary is able to put the case clearly and understand the ruling when given. 'Abdullāh ibn 'Umar sent his father to ask the Prophet.

3

It is right that a scholar, educator or advocate of Islam feels angry because of something done by a person asking about its acceptability, if the deed is serious and its ruling should have been ascertained before it was done.



4

Since divorce during the wife's menstruation or after sexual intercourse during cleanliness is improper, and the reason behind this verdict is the need to reflect and think twice before taking the decision to divorce, it is unwise for anyone to resort to divorce without proper reflection and consideration.

5

The very fact that a woman is pregnant, or the couple have children, may be a reason that stops people from resorting to divorce. This is one reason for forbidding divorce after a sexual intercourse has taken place between man and wife and before she goes through her next menstrual cycle.

6

It is important to refer to scholars of good standing for rulings applicable to divorce. A scholar who is also a judge, or one who has experience in arbitration, is even more preferable. It is often the case that people differ in their presentations of the scenario of a particular divorce case. Moreover, scholars may differ in their rulings concerning certain details. Therefore, reference to expert scholars is more reassuring.

