
The Misuse of Ṭalāq in Muslim Societies: A Critical Analysis in Light of Islamic Teachings

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Abstract

This paper critically examines the increasing trend of divorce (ṭalāq) in contemporary Muslim societies, focusing on the deviation from the Prophetic methodology and Islamic legal guidelines. While Islam permits divorce as a last resort, it emphasizes a step-by-step process that prioritizes reconciliation and justice. The study identifies several socio-cultural and psychological factors contributing to the misuse of this sacred right: lack of Islamic knowledge, absence of patience (ṣabr), unrealistic expectations in marriage, infertility or gender bias against female children, misuse of technology, mismatched unions, rebellion against the joint family system, and the influence of Western NGOs. Drawing upon the Qur'an, ḥadīth, and classical Islamic jurisprudence (fiqh), this paper aims to highlight the proper procedure of ṭalāq, the wisdom behind it, and the disastrous consequences of bypassing Shariah principles. The research concludes by advocating for religious education, stronger family systems, and emphasis on duties over rights to mitigate the rising divorce rate in Muslim communities.

Keywords: fiqh, ṭalāq, Pakistan, Islamic legal system, divorce

The Rising Trend of Divorce in Pakistan: An Islamic Perspective

In recent years, the frequency of ṭalāq (divorce) in Pakistani society has witnessed a concerning surge. According to a report, the divorce rate in Pakistan in 1970 was 13%, meaning that 13 out of every 100 marriages ended in divorce. However, recent statistics indicate that this rate has escalated to approximately 35%, suggesting that 35 out of every 100 marriages now end in divorce an alarming situation indeed.

Marriage (nikāḥ) is not intended to be concluded through ṭalāq; rather, from the perspective of Sharī‘ah, it is a matter of great significance, wherein permanence (dawām) and continuity (istimrār) are sought. Therefore, nikāḥ is not treated merely as a contract or transaction. It is elevated to the status of an act of worship by being declared a sunnah of the Prophets.

On the other hand, ṭalāq is permitted only in unavoidable circumstances. It is considered abghaḍ al-mubāḥāt the most disliked of the permissible acts thus clarifying that Allah (Exalted is He) does not favor divorce. However, if circumstances arise in which no alternative remains, only then may the right of ṭalāq be exercised. Recklessly issuing ṭalāq over trivial matters invites divine wrath.

A ḥadīth states:

"تَزَوَّجُوا، وَلَا تُطَلِّقُوا، فَإِنَّ الطَّلَاقَ يُرْجِفُ الْعَرْشَ"

“Marry, but do not divorce, for divorce causes the Throne (‘Arsh) to tremble.”¹

Before delving into the issue of divorce, it is prudent to first reflect upon the Islamic system of nikāḥ and ṭalāq, along with their wisdom (maṣlaḥah) and objectives (maqāṣid). Islam is a religion of balance and harmony. Among its many remarkable features, the most outstanding is its comprehensive equilibrium in all teachings. Every command of Islam aligns perfectly with human nature (fiṭrah).

Take, for instance, the natural instinct for sexual pleasure. Islam neither designates it as the ultimate goal of life, nor leaves its followers unrestricted in seeking it through any path they desire. At the same time, it does not suppress this natural urge. Instead, Islam grants humanity a holistic system *nikāḥ* through which this desire can be fulfilled in a morally sound manner, while simultaneously playing a constructive role in the advancement of society and establishing peace within one's own domestic life.

This objective of *nikāḥ* is beautifully reflected in the Qur'ānic verse:

"وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً"

"And among His signs is that He created for you spouses from among yourselves so that you may find tranquility in them; and He placed between you love and mercy."²

Clearly, there may be other means to fulfill sexual desires. However, Islam prohibits all such means and promotes only the path of *nikāḥ*. The relationship established through *nikāḥ* is blessed with the colors of *mawaddah* (love) and *raḥmah* (compassion). *Mawaddah* pertains to the youthful phase of life, while *raḥmah* relates to old age. No other relationship outside *nikāḥ* can transform from spiritual and emotional tranquility into enduring compassion and mutual care. A ḥadīth further states:

"مَا رَأَيْتُ لِلْمُتَحَايَيْنِ مِثْلَ النِّكَاحِ"

"There is nothing better for two people who love each other than marriage."³

An overview of Islamic teachings on marriage reveals that the primary objective of *nikāḥ* is not merely the gratification of sexual desire. Rather, Allah (Exalted is He) aims to instill purity of character in both men and women through it. The preservation and continuation of human lineage (*baqā' al-nasl*) is among the foremost purposes of *nikāḥ*, along with nurturing mutual love and emotional harmony so that human beings can better fulfill their divinely assigned responsibilities in the universe.

Imām al-Shāmī (d. 1250 AH) discusses the objectives of nikāḥ and writes:

"إن الله تعالى خلق النكاح لما فيه من المصالح والمنافع والحكم، ومن هذه الحكم أن يبقى نوع الإنسان في هذه الدنيا خليفة لله لإصلاح الأرض وإقامة الشرائع، ولا يتحقق ذلك إلا إذا قام على ركن متين. وهذا الركن هو النكاح."

"Verily, Allah created marriage because of the numerous benefits, interests, and wisdoms it entails. One of those wisdoms is that mankind may continue to exist on this earth as vicegerents of Allah to reform the world and establish divine laws. These aims cannot be fulfilled unless they rest on a firm pillar and that pillar is marriage.⁴

The Significance of Nikāḥ in Islam and the Regulation of Ṭalāq

Islam places exceptional emphasis on the institution of nikāḥ (marriage)—a level of encouragement that is hardly paralleled in any other religion. As Allah Almighty declares in the Qur'an:

"فَانكِحُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ"⁵

"Marry those women who please you."

Commenting on this verse, Hāfiẓ Ibn Ḥajar al-ʿAsqalānī explains that the imperative verb in the verse denotes obligation (wujūb) (Ibn Ḥajar 1959). Hence, many jurists (fuqahāʾ) have ruled nikāḥ as obligatory (farḍ) or mandatory (wājib) under certain circumstances. As for its recommended (mustaḥabb) and Prophetic (sunnah) nature, there is no room for doubt. Numerous aḥādīth encourage believers to marry.

In one ḥadīth, the Prophet Muḥammad ﷺ addressed a group of young men, saying:

"يَا مَعْشَرَ الشَّبَابِ، مَنْ اسْتَطَاعَ مِنْكُمُ الْبَاءَةَ فَلْيَتَزَوَّجْ، فَإِنَّهُ أَغْضُ لِلْبَصَرِ وَأَخْصَنُ لِلْفَرْجِ"⁶

"O young men! Whoever among you has the means to marry, let him do so. It helps him lower his gaze and guard his modesty."

In another narration, the Prophet ﷺ said:

"النِّكَاحُ مِنْ سُنَّتِي، فَمَنْ رَغِبَ عَنْ سُنَّتِي فَلَيْسَ مِنِّي"⁷

"Marriage is part of my Sunnah. Whoever turns away from my Sunnah is not from me."

These ḥadīths illustrate the gravity and virtue of nikāḥ, which is why Islam provides a complete framework governing it. It is not merely a permission or command left to individual discretion—like marrying whom you like, how you like, and when you like. Instead, Islam outlines detailed etiquettes, conditions, and responsibilities related to nikāḥ, reflecting the significance of this institution.

Because of its elevated status, nikāḥ is not meant to be dissolved easily. Islam emphasizes the preservation of the marriage bond until the end of life. Therefore, Sharī'ah provides numerous guidelines for both spouses, including mutual rights, responsibilities toward children, and the importance of family cohesion. This ideal is achievable only when both husband and wife are committed to maintaining the sanctity and stability of their marital relationship.

Nevertheless, Islam recognizes the possibility that at times, despite sincere efforts, the continuation of the marital bond becomes unbearable. Even in such difficult situations, Islam, being a religion of nature (dīn al-fiṭrah) and moderation (i'tidāl), offers a balanced path. Unlike religions where marriage is treated as an unbreakable contract under all circumstances—often pushing individuals toward rebellion, infidelity, or even crime Islam provides an exit route through ṭalāq (divorce), thus averting greater social evils.

Before delving into the specifics of ṭalāq, it must be understood that it is a last resort. Islam never promotes its misuse. Unjustified or impulsive use of ṭalāq invites divine wrath and results in both worldly and spiritual consequences. Therefore, Islam instructs that such decisions be made with calm deliberation and not under emotional duress.

Due to the gravity of the matter, Islam entrusts the authority of ṭalāq primarily to the husband. Even in the case of

khul‘ (divorce initiated by the wife), it is the husband who formally executes the divorce. Al-‘Allāmah al-Shāmī writes:

"Among the wisdoms behind assigning this authority to men is that their intellect generally surpasses that of women. Men are more capable of evaluating the consequences of their actions. Women, due to emotional inclinations and lesser intellectual stamina, are more prone to impulsive decisions."⁸

Yet even for men, the exercise of ṭalāq is governed by clear Sharī‘ah guidelines. A divorce issued in accordance with these regulations is termed ṭalāq ḥasan or ṭalāq aḥsan, whereas a violation of this procedure results in ṭalāq bid‘ī a strongly discouraged form. As Mufti Muḥammad Shafi‘ Usmānī explains:

"Sharī‘ah does not treat the annulment of nikāḥ like the cancellation of commercial contracts, where once revoked, the parties are instantly free. Instead, nikāḥ can only be dissolved after a structured three-step ṭalāq process and the completion of the ‘iddah (waiting period)⁹."

The Misuse of Ṭalāq and Its Causes: An Islamic Perspective

Unfortunately, many Muslims today have reduced the sacred institution of ṭalāq (divorce) to a mere plaything. Some husbands go so far as to threaten divorce over trivial matters—and not only do they make threats, but they follow through without hesitation. If one must consider divorce, they should first consult scholars, understand the rulings and method, and only then proceed cautiously.

Disagreements can naturally occur between spouses. At times, such disputes may escalate. In such cases, the first step should always be reconciliation between the couple. If the wife is at fault, gentle admonition or even temporary separation of beds is permitted. If this fails, respected elders or wise individuals from both families should intervene. Only if all efforts at reconciliation prove fruitless may ṭalāq be considered.

Even in this case, Islam instructs the husband to exercise this right with care: he should issue a single ṭalāq during a ṭuhr

(purity) period in which no sexual relations have occurred, and then wait. He must not issue a second or third ṭalāq in the same period. Once the ‘iddah (waiting period) is completed, the marriage contract is automatically dissolved. This method is known as ṭalāq al-aḥsan, the preferred form of divorce. It is raj‘ī (revocable), meaning the husband may reconcile with his wife during the ‘iddah without a new nikāḥ (marriage contract) or the wife's consent.

If the ‘iddah ends and the couple wishes to reunite, a new nikāḥ suffices—ḥalālāh is not required. If the husband deems it necessary to proceed with a second and third ṭalāq, they must be issued in separate ṭuhr periods. Until the third ṭalāq, reconciliation within the ‘iddah or remarriage afterward without ḥalālāh remains possible. However, after the third ṭalāq, these options no longer exist.

Causes of Rising Divorce Rates

When examining the growing trend of divorce, several leading causes emerge:

1. Distance from Religion

Today, many Muslims are Muslim in name only. They lack basic knowledge of the sharī‘ah and its core commandments. They are unaware of the legal consequences of the words they utter. Many confess to scholars, saying, “We didn’t know our words would result in permanent separation,” or, “I said it in anger.” One might ask: is ṭalāq ever issued in affection?

2. Lack of Patience and Tolerance

Both men and women today struggle with patience. Disputes often escalate rather than resolve. Harsh words are common, and quarrels that begin over minor issues soon turn into major conflicts. If both spouses practiced patience and controlled their tongues, they could transform their homes into gardens rather than battlegrounds.

3. Infertility or Absence of Male Offspring

Some men consider divorce if their wives bear no children, or only daughters. Yet the Qur’ān declares:

﴿لِلَّهِ مُلْكُ السَّمَاوَاتِ وَالْأَرْضِ ۖ يَخْلُقُ مَا يَشَاءُ ۚ يَهَبُ لِمَن يَشَاءُ إِنَاثًا وَيَهَبُ لِمَن يَشَاءُ الذَّكَوْرَ ﴿٤٩﴾ أَوْ يُزَوِّجُهُمْ ذُكْرَانًا وَإِنَاثًا وَيَجْعَلُ لِمَن يَشَاءُ عَاقِبَةً إِنَّهُ عَلِيمٌ قَدِيرٌ﴾

“Allah is the Sovereign of the heavens and the earth. He creates whatever He wills. He grants daughters to whom He wills, and sons to whom He wills. Or He grants both sons and daughters, and He makes barren whom He wills. Surely, He is All-Knowing, All-Powerful.¹⁰”

4. Misuse of Mobile Phones and Social Media

Many women have destroyed their homes by falling into romantic entanglements online. Platforms like Facebook provide a gateway for supposed "well-wishers" who win over a woman's emotions, prompting her to demand ṭalāq.

Once granted, these "admirers" vanish, leaving the woman in ruin. Therefore, unchecked freedom must be tempered with responsibility to prevent irreversible damage.

5. Incompatible Marriages

Parents often dream of marrying their daughters into affluent households—seeking wealth, government jobs, status, or small families. In doing so, they burden themselves with excessive dowries and debt. When the bride enters a household above her social or cultural level, she may fail to adjust, leading to ṭalāq. The reverse can also occur.

6. Rebellion Against the Joint Family System

Previously, strong family structures deterred rash decisions. Even if a man contemplated divorce, the family's presence and pressure often prevented it. But now, independence often leads to isolation and impulsivity.

7. Refusal to Admit One's Fault

Human beings are naturally prone to error, but the honor lies in acknowledging one's mistakes.

When one becomes an advocate for their own wrongdoings and a judge for others', the result is emotional distance which in marriage becomes destructive.

8. Influence of NGOs

A significant number of divorced women are influenced by Western NGOs. These organizations promote the idea that society is male-dominated and exploitative, encouraging women to “stand up” for their so-called rights. When such rhetoric enters the home, it becomes a wedge between husband and wife, often leading to ṭalāq.

9. Love Marriages

“Love marriages,” or self-arranged marriages, often fail due to inflated promises made before marriage. Once reality sets in, those promises turn into points of contention, leading to resentment and eventual separation.

The Way Forward

To curb this rise in ṭalāq, society must:

1. Familiarize itself and the younger generation with Islamic teachings.
2. Strengthen the joint family system.
3. Focus more on fulfilling obligations than demanding rights.

Conclusion

Divorce (ṭalāq) is not merely a legal mechanism in Islam; it is a serious social act with far-reaching consequences for individuals, families, and the broader ummah. Unfortunately, many Muslims today treat it lightly, using it impulsively without understanding its Shariah-prescribed process or the spiritual and emotional damage it causes. The Prophet Muhammad ﷺ never encouraged divorce except as a final solution after all efforts of reconciliation had failed. Islamic teachings demand a measured, patient, and just approach, including the observance of waiting periods (‘iddah), consultation with scholars, and involvement of family elders.

The root causes of the rising trend of divorce ignorance of religious guidance, lack of emotional discipline, excessive individualism, materialistic expectations, and external ideological influences require urgent attention. Strengthening

Islamic education, especially concerning marriage rights and responsibilities, and reinforcing the structure of family life are essential. Moreover, the Muslim community must shift from a culture of entitlement to one of responsibility and moral accountability. Only then can the sacred bond of marriage be preserved, and the misuse of ṭalāq curtailed in accordance with the values of the Qur'an and Sunnah

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