

Maintenance or alimony for divorcee and Quran

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A. General understanding is that:

1. If marriage was not consummated and *talaq* took place then husband has to give alimony or maintenance. Quran 2:236

'There is no sin for you if you divorce women before consummation or the fixation of their dower; but bestow on them (A suitable gift). the wealthy according to his means. and the poor according to his means; A gift of a reasonable amount is due from those who wish to do the right thing.'

لَا جُنَاحَ عَلَيْكُمْ إِنْ طَلَقْتُمُ النِّسَاءَ مَا لَمْ تَمْسُوهُنَّ أَوْ تَفْرِضُوا لَهُنَّ فَرِيضَةً وَمَتَّعُوهُنَّ عَلَى الْمَوْسِعِ قَدَرُهُ وَعَلَى الْمُقْتِرِ قَدَرُهُ مَتَاعًا بِالْمَعْرُوفِ حَقًّا عَلَى الْمُحْسِنِينَ

2. If marriage was consummated and *talaq* took place then alimony [*mataa*] will be only for the duration of *Iddah* period. Quran 2:241.

"For divorced women Maintenance (should be provided) on a reasonable (scale). This is a duty on the righteous" [*haqqan alaa al muttaqeen*]

وَلِلْمُطَلَّقاتِ مَتَاعٌ بِالْمَعْرُوفِ حَقًّا عَلَى الْمُتَّقِينَ

Now, focus of this article is on the following points:

General understanding of MUSLIMS is that alimony is only for the period of *iddah*. After *Iddah*, alimony is optional.

What does Quran actually say about this topic?

B. Giving alimony is obligatory

Quran commands that for both scenarios - alimony or maintenance is to be given. Majority of scholars take this command as optional because of the words, "*haqqan ala al muttaqeen*". They say that it is better to give alimony but not mandatory because Quran is saying that giving alimony is obligatory on those who are *muttaqi* - "*haqqan alal muttaqeen*".

1. Issue of *muttaqeen*:

Quran says in 2:2 that "there is guidance in Quran for *muttaqeen*" [هُدًى لِّلْمُتَّقِينَ]. Does this mean that Quran is guidance "only" for *muttaqeen* and not for other people? Answer is: No.

Quran itself says that it is a book of guidance for the whole mankind. Quran 2:185

Reading both ayah we understand that Quran is guidance for the whole mankind, those who love God [those who are *muttaqi* or pious] will be guided more and better through the Quran. This is a way of conveying more meaning in lesser words.

Similarly, when Quran says that giving alimony is obligatory on *muttaqeen* then it means that alimony obligation is for every *momin* and this act leads to more *taqwa*, this act makes a *momin* more *muttaqi*.

On Similar pattern, there are many *Ayah* in Quran where a command is given to those who "believe in Allah and the last day". Obviously, all such commands are for every *momin*.

2. Is giving alimony optional?

Quran uses word "*haqq*" as obligation in context with a command. So, *haqq* makes things mandatory and not optional. You can look at all such *Ayah* of Quran where Allah associates any action with "*haqq*".

For example, ponder over this ayah:

It is prescribed, when death approaches any of you, if he leaves any goods that he makes a bequest to parents and next of kin, according to reasonable usage; this is due from the Allah-fearing [*haqqan aaala almuttaqeena*]. 2:180

كُتِبَ عَلَيْكُمْ إِذَا حَضَرَ أَحَدَكُمُ الْمَوْتُ إِنْ تَرَكَ خَيْرًا الْوَصِيَّةَ لِلْوَالِدَيْنِ وَالْأَقْرَبِينَ بِالْمَعْرُوفِ حَقًّا
عَلَى الْمُتَّقِينَ

The *Ayah* starts by saying that it is "mandatory" to make a bequest. So, Quran is clearly making it '*fard*' that one has to make a bequest. At the end of the *Ayah*, Quran uses exactly same phrase that is used in 2:241 i.e. '*haqqan aaala almuttaqeena*'. So, how we will understand the last part? Is it addressed to every believer or only those who are pious?

First part: It is obligatory to bequest.

Last part: - "*haqqan aaala almuttaqeena*". What does it mean?

If you say that '*haqqan aaala almuttaqeena*' means that only *muttaqi* people should make a bequest, then there are serious problems with this understanding:

a. It contradicts with the first part of *Ayah*:- "*Kuteba Alaikum*" - It is obligatory on you.

b. How will any person know that he is *muttaqi* and hence he should bequest? To which MUSLIM you will say that he is *muttaqi* and hence he should bequest?

So, clearly the better understanding of "*haqqan aala almuttaqeena*" will be that it is '*haqq*' / '*fard*' / obligatory for a believer and it leads to increased *taqwa*.

C. How much should be the maintenance?

Quran makes it obligatory to provide maintenance to divorced women in the prevalent manner of the time. It can be as one-time settlement, in installments, share in business or through any other means. Unfortunately, many Muslim women are unaware of their right to maintenance. In context with divorce and subsequent expenses, Quran instructs in 65:7

'Let the rich man spend according to his means; and the man whose resources are restricted, let him spend according to what Allah has given him. Allah puts no burden on any person beyond what He has given him. Allah will grant after hardship, ease.'

Similarly, 2:236 and 2:241 that talk about maintenance money / alimony clearly say:

- “The wealthy according to his means. and the poor according to his means; A gift of a reasonable amount”.
- “Maintenance (should be provided) on a reasonable (scale)”.

THE Arabic word "*bil maroof*" used in 2:241 conveys the meaning of - 'the manner / way that is just, good and appealing'. So, Quran has not fixed any particular amount or any particular methodology for giving alimony. It should be through any means that is just and well appreciated. It can be as per the prevalent means.

Moreover, Quran has stopped the exploitation of men by women in context with alimony using the word - '*bil maroof*'.

If a lady is exploiting, which is very common today, the man for alimony by demanding unreasonable amount, then that should be stopped. The alimony amount should be such that it serves justice to both man and woman. Rights of no one should be violated.
