

The Little Green Book

Volume II Chapter 20

On Divorce

A man who repudiates his wife must be of sound mind and past the age of puberty. He must do so of his own free will and without any constraint; thereof, if the formula for divorce is spoken in jest, the marriage is not annulled.

The woman must not be having her period at the time of the divorce, and the husband must not have had sexual relations with her since her last period.

In three cases, a man may repudiate his wife while she is having her period: if he has had no sexual relations with her since their marriage; if she is pregnant while the husband believes she is having her period, and it is learned only later that she was pregnant at the time of the repudiation; if he is not certain, because of the distance that separated them, whether his wife is then having her period.

A man who has had sexual relations with his wife after her last menstrual period must wait for her to have her next one before he may divorce her. But he may divorce his wife if she has not yet reached her ninth birthday, or is pregnant, or is menopausal.

If a husband who has had sexual relations with his wife between menstrual periods, divorces her during this time and learns later that she was pregnant when the divorce took place, the latter remains valid.

A woman temporarily married, say, for a month or a year, has her marriage automatically annulled at the end of that time, or at any other time when the husband releases her from the balance of her engagement. It is not necessary for this that there be any witnesses, or that the woman have had her period.

A woman who has not yet reached the age of nine or a menopausal woman may remarry immediately after divorce, without waiting the hundred days that are otherwise required.

A woman who has had her ninth birthday or who has not yet entered menopause, must wait for three menstrual periods after her divorce before being allowed to remarry.

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If a woman who has not reached her ninth birthday or who has not entered menopause gets temporarily married, she must, at the end of the contract or when the husband has released her from part of it, wait two menstrual periods or forty-five days before marrying again.

If a man commits adultery with a woman he knows is not his wife, while the woman is unaware that the man is not her husband, she must wait one hundred days before remarrying.

If a man encourages a married woman to leave her husband so as to marry him, they are both committing a great sin, but the divorce and their marriage remain in force.

If the father or paternal grandfather of a boy has him marry a woman for a temporary marriage, he may prematurely cancel it in the boy's interest, even if the marriage was contracted before the boy reached the age of puberty. If, for example, a fourteen-year-old boy has been married off to a woman for a period of two years, they may return her freedom to the woman before this time has run its course; but a continuing marriage cannot be broken in this way.

If a man repudiates his wife without informing her of it, and continues to meet her expenses for a period of, say, a year, and at the end of that time informs her that he got a divorce a year earlier and shows her proof of it, he may require that she return to him anything he has bought or given her during that time, provided that she has not used it up or consumed it, in which case he cannot demand its return.