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Spousal Support and Post-Divorce Household Economic Transition: A Comparative Analysis of California and the United Arab Emirates

ABSTRACT. This paper conducts a comparative analysis of California and the United Arab Emirates (UAE), focusing on the economic consequences of divorce for individual spouses. Both countries impose financial obligations in cases of significant financial imbalance between spouses. However, these obligations are based on different legal philosophies and beliefs surrounding marriage. California's secular statutory law views marriage as an economic partnership, focusing on rehabilitative spousal support. The Sharia-based system governing Muslim families in the UAE prioritizes financial protection during marriage through structures such as Nafaqah and Mahr. However, the Sharia systems are not designed to address long-term post-divorce economic reintegration in contemporary labor markets, producing economic dependencies for wives specializing in unpaid domestic work. As a result, post-divorce financial assistance in the UAE terminates after a fixed period, producing a "cliff effect" as financial support ends abruptly. While California's spousal support leads to broad judicial discretion in determining the amount and duration of maintenance under Family Code Sections 4320 and 4330, the UAE's current system does not address long-term economic rehabilitation for women. Drawing inspiration from California's rehabilitative model, this paper argues that the UAE should adopt a time-bound, criteria-based system of post-divorce support to address economic vulnerability.

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INTRODUCTION

Spousal support, also known as alimony, is the financial assistance one spouse provides to the other after separation or divorce. In the United States (U.S.), the purpose of spousal support is to enable the supported spouse to maintain the life they enjoyed during marriage. In *Dickert v. Dickert* 2010, the South Carolina Supreme Court described spousal support as a “substitute for the support that is normally incidental to the marital relationship.”¹ Alimony should place the supported spouse “in the same position they enjoyed during the marriage.”² In *McReath v. McReath* 2010, the Wisconsin Supreme Court stated that spousal support sets out two objectives. The first objective is to ensure that maintenance supports the payee spouse at the pre-divorce standard, which the court measures as the lifestyle enjoyed in the years before the divorce.³ The second objective is fairness, which aims to compensate the recipient spouse for contributions made to the marriage, give effect to the parties’ financial arrangements during marriage, and prevent unjust enrichment of either party.⁴

Part I of this article outlines the legal foundations of spousal support in the United States and the United Arab Emirates (UAE), explaining how each system conceptualizes marriage, gendered roles, and post-divorce obligations. Part II provides an analysis of California’s rehabilitative spousal support framework under Family Code Section 4320, and the UAE’s Sharia-based spousal support, including Nafaqah, Mahr, Mu’tah, and Idda. These forms of support are grounded in Islamic (Sharia) law, which sets out legal rules from religious sources such as the Qur’an, the Sunnah, and classical Islamic jurisprudence. Part III examines the economic consequences for women under the UAE’s spousal support structure. Finally, this article argues that the UAE should adopt a limited, criteria-based rehabilitative structure similar to California’s to allow for a gradual transition to post-divorce economic stability. Although the UAE provides a civil personal status system for non-Muslims, this article focuses on the Sharia-based framework governing Muslim marriages.

Comparing California’s spousal support system with the UAE’s reveals that fundamentally different outcomes for similar situations may be produced by differing economic circumstances, legal philosophies, cultural expectations, and conceptions of

¹ *Dickert v. Dickert*, 387 S.C. 1, 691 S.E.2d 448, 450 (2010).

² *Id.* at 450.

³ *McReath v. McReath*, 2011 Wis. 66, 335 Wis. 2d 643, 670, 800 N.W.2d 399, 412 (2011).

⁴ John E.B. Myers, *Family Law in a Nutshell* (9th ed. 2025).

marriage. A comparison of the two systems illustrates how spousal support systems function as a means of providing economic remedies for divorce and a tool for regulating bargaining power within marriages, facilitating access to exit from dysfunctional marriages, and supporting the long-term financial well-being of divorced spouses. While California’s spousal support system is criticized for broad judicial discretion, the rehabilitative structure differs from the UAE’s fixed, short-term maintenance, which provides no process for economic independence. Although California’s rehabilitative model offers protections, it gives trial courts the authority to determine how statutory factors should be applied, creating divergent results depending on interpretation. Therefore, the UAE should adopt the rehabilitative principles of California’s system through clear statutory criteria rather than discretionary judicial standards.

I. LEGAL FRAMEWORKS OF SPOUSAL SUPPORT

A. *Spousal Support in the U.S.*

In the U.S., the goal of spousal support is to ensure that the quality of life for both parties during marriage remains similar after divorce. Marriage is seen as more than just a contract – it is a joint enterprise, entered into voluntarily with exchange.⁵ Therefore, it is crucial to preserve economic stability even when the marriage has ended. Significant evidence highlights how the economic effects of divorce differ between men and women. A study conducted by Richard Peterson using data from Los Angeles in the late 1970s found a 27% decrease in the standard of living for divorced women, compared to a 10% increase in the standard of living for divorced men.⁶ Although limited to a specific region and time period, the study significantly shaped discussions about the gendered economic impact of divorce in the U.S.

The purpose of spousal support is to recognize economic imbalance resulting from the marriage and relieve economic hardship arising from divorce. This is detailed in California Family Code Section 4320, which requires courts to consider “the goal that the supported party shall be self-supporting within a reasonable point of time.”⁷ This approach differs from legal systems that do not provide a structured mechanism for

⁵ Judy T. Rush, *The Supporting Spouse’s Rights in the Others Professional Degree Upon Divorce*, 35 Fla. L. Rev. 130, 130-152 (1983).

⁶ Timothy Roeper & Neil G. Bennett, *The Evolving Economic Consequences of Divorce* (2013).

⁷ Cal. Fam. Code § 4320 (LexisNexis 2025).

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adjustment after divorce.

The function of spousal support indicates that spouses are liable for each other even after the marriage has ended. Spousal support arose from English Common law under the doctrine of coverture, where “by marriage, the husband and wife are one person in law... the very being or legal existence of the woman is suspended during the marriage.”⁸ Under the doctrine of coverture, a married woman’s legal identity was subsumed into that of her husband, and her personal property was vested in him.⁹ The law obligated the husband to support the wife during the marriage and afterward, if it ended in divorce.¹⁰ Spousal support was primarily the husband’s responsibility to pay. However, in *Orr v. Orr* (year), the Supreme Court ruled that Alabama’s alimony statutes violated the Equal Protection Clause of the Fourteenth Amendment, which provided that no state shall “deny to any person within its jurisdiction the equal protection of the laws.”¹¹ The court held that the statute imposed alimony obligations on husbands, but not wives, and therefore discriminated on the basis of gender in violation of the Equal Protection Clause.¹² Alimony is no longer granted based solely on gender in the U.S. This reflects a gender-neutral cultural understanding of spousal support. In the UAE, husbands are the financial providers, and wives hold domestic and caregiving roles. This differs from California, where the court excludes marital misconduct from dissolution and spousal support. California’s Family Code §2335 makes evidence of specific acts of misconduct inadmissible, although conduct such as adultery, desertion, bigamy, or incest may function as formal grounds for divorce.¹³

In the U.S., marriage and divorce law is structured through constitutional and statutory principles. Kansas family law emphasizes that citizens possess individual rights independently of all social and political authority, including rights to individual liberty and religious freedom.¹⁴ While religious freedom is protected, family law operates through a secular system where financial obligations following divorce are determined by statutory factors rather than religious doctrine. Religious beliefs can inform personal values, but they do not define the legal standards that govern post-divorce support. This distinction is important, as it illustrates that California’s

⁸ Sir William Blackstone, *Commentaries on the Laws of England in Four Books* 430 (1893) (ebook ed.).

⁹ *Id.*

¹⁰ *Orr v. Orr*, 440 U.S. 268, 279–280 (1979).

¹¹ U.S. Const. amend. XIV, § 1.

¹² *Orr*, 440 U.S. at 279-280.

¹³ Cal. Fam. Code § 2335 (LexisNexis 2025).

¹⁴ Ann L. Estin, *Foreign and Religious Family Law: Comity, Contract, and the Constitution*, 41 Pepp. L. Rev. 1029, 1032 (2014).

rehabilitative model emerges from a legal tradition that separates religious values from economic regulation.

B. Spousal Support in the UAE

The applicable family law structure in the UAE is determined primarily by the religious status of the parties. Muslim spouses are governed by the Sharia-based Personal Status Law.¹⁵ For Muslims, Article 2 of Federal Decree-Law No. (41) of 2024 states that in interpreting the law, “the principles and rules of the Muslim law shall be consulted.”¹⁶ Non-Muslims follow a civil law structure under Federal Decree-Law No. (41) on Civil Personal Status.¹⁷ Marriage to an Emirati national does not automatically confer citizenship or require the non-citizen spouse to be subjected to Sharia-based family law, unless that spouse is a Muslim.¹⁸ In the cases of mixed-religion marriages, Sharia-based Personal Status Law applies by default.¹⁹ However, the non-Muslim spouse may elect to have the dispute governed by the Civil Personal Status Law under Federal Decree-Law No. (41) of 2022.²⁰ If no election is made, courts will exercise jurisdiction under Sharia principles.²¹ The significance of electing the Civil Personal Status Law lies in the structure of maintenance evaluation. The Sharia-based Personal Status System structures financial rights through religiously defined categories and marital obligations.²² Contrarily, the Civil Personal Status Law regulates alimony within a secular statutory framework designed for non-Muslim family relationships.²³ For some parties, this distinction may be relevant in alimony disputes because of the criteria for determining financial obligations. Under the Civil Personal Status Law, courts may assess financial support based on:

¹⁵ *Federal Decree-Law No. 41 on the Issuance of the Personal Status Law*, § 1, No. 41 of 2021, by the Ruler of the United Arab Emirates (UAE Legislation, 2021).

¹⁶ *Federal Law No. 28 Regarding Personal Status*, No. 28 of 2005, by the Ruler of the United Arab Emirates (UAE Legislation, 2005).

¹⁷ *Federal Decree-Law No. 41 on the Civil Personal Status*, § 1, No. 41 of 2022, by the Ruler of the United Arab Emirates (UAE Legislation, 2022).

¹⁸ Emirati Nationality - the Official Portal of the UAE Government, *U.ae* (Feb. 13, 2026), u.ae/en/information-and-services/passports-and-traveling/emirati-nationality.

¹⁹ *Decree No. 41 on the Civil Personal Status* § 1.

²⁰ *Id.*

²¹ *Id.*

²² *Decree No. 41 on the Issuance of the Personal Status Law* § 1.

²³ *Decree No. 41 on the Civil Personal Status* § 1.

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(1) the number of years of marriage, so that the greater number of years gives rise to a larger amount of alimony, (2) the age of the wife, (3) the extent of the husband's contribution to the divorce through negligence, error, or if he committed any act leading to the divorce, (4) compensation of either of the married couple to the other for any physical or moral harm caused thereto as a result of the divorce, and (5) financial harm suffered by either spouse as a result of the other spouse's unilateral decision to seek divorce.²⁴

Under the Sharia-based Status Law, post-divorce maintenance is organized in defined categories such as Idda maintenance and Mut'ah compensation.²⁵ Some spouses prefer the Civil Personal Status Law, as it allows for a more individualized financial assessment. This is often the case if both parties participate in the labor market or have untraditional financial arrangements. Unlike California's judicial system, which produces binding, published decisions to guide future spousal support cases, the UAE does not operate under a doctrine of judicial precedent.²⁶ Although judgments may consult prior decisions for guidance, they are persuasive rather than binding and do not create enforceable legal standards for future cases. Moreover, family law decisions are not systematically published.²⁷ The legal foundations governing family law cases in the UAE and the U.S. produce diverging post-divorce outcomes due to established marital roles.

In Sharia law, rather than focusing on post-divorce maintenance, the UAE requires spousal support as maintenance during the marriage. In Islamic jurisprudence, husbands are required to provide for the wife's essential needs during marriage, such as

²⁴ *Decree No. 41 on the Civil Personal Status* § 1.

²⁵ *Federal Decree-Law No. 41 on Personal Status*, §§ 101–102, No. 41 of 2024, by the Ruler of the United Arab Emirates (UAE Legislation, 2024).

²⁶ Ahmed Ramadan & Hazem Balbaa, *Litigation: United Arab Emirates*, *Global Arbitration Rev.* (May 2, 2025),

[globalarbitrationreview.com/insight/know-how/litigation/report/united-arab-emirates?utm_source=.](https://globalarbitrationreview.com/insight/know-how/litigation/report/united-arab-emirates?utm_source=)

²⁷ See Nick Oury, *Abu Dhabi Court of Cassation Establishes Jurisdiction Over a Dispute Despite Arbitration Agreement*, Herbert Smith Freehills Kramer Global Law Firm (Mar. 19, 2021), [www.hsfkramer.com/notes/arbitration/2021-03/abu-dhabi-court-of-cassation-establishes-jurisdiction-over-a-dispute-despite-arbitration-agreement?utm_source=.](https://www.hsfkramer.com/notes/arbitration/2021-03/abu-dhabi-court-of-cassation-establishes-jurisdiction-over-a-dispute-despite-arbitration-agreement?utm_source=)

food, drinks, clothing, and medical care.²⁸ This maintenance is intended to follow the Qur’anic commands that men should provide for their wives and children in a manner that reflects their dignity and needs.²⁹ The Qur’an dictates that “men are the protectors and maintainers of women.”³⁰ Moreover, the UAE’s post-divorce support differs in objectives from the U.S. Rather than focusing on fairness and protecting the supported spouses’ lifestyle, the UAE limits maintenance to fulfill religious duties during the dissolution process. Additionally, the UAE’s spousal support is gender-based.³¹ Husbands are required to provide maintenance during and after the marriage, but if a wife commits a forfeiture, an act of disobedience dictated by Islamic marital duties, they are not entitled to any sort of financial support.³² This differs starkly from the U.S., as men and women can be required to pay spousal support regardless of acts committed during the marriage. The UAE does not provide a statutory mechanism for long-term post-divorce economic adjustment comparable to California’s rehabilitative spousal support systems.

Spousal support is interpreted differently across cultures and legal systems. California and the UAE have similar structures to enforce financial obligations during and after a marriage if there is a financial imbalance between the spouses.³³ Moreover, these financial obligations are in accordance with the needs and earning capacities of the parties to ensure fair and equitable financial arrangements.³⁴ These arrangements are not left to private discretion but are imposed by law. The legal basis of these systems differs dramatically, with one based on secular statutory law,³⁵ and the other based on

²⁸ Muhammad A. Sameem, Khalil R. Rahmani & Abdul R. Hilal, *Nafaqah of a Wife in Islam: The Concept of Maintenance in Islamic Jurisprudence*, 5 Cognizance J. Multidisciplinary Stud. 912, 918 (2025).

²⁹ *Id.* at 913.

³⁰ Feminist Sexual Ethics Project, *Understanding a Difficult Verse, Qur’an 4:34: Additional Translations*, Brandeis University (2003), www.brandeis.edu/projects/fse/muslim/translation.html.

³¹ Hassan Elthais, *Spousal Maintenance under UAE Law*, Chambers and Partners (Oct. 9, 2025), chambers.com/articles/spousal-maintenance-under-uae-law.

³² *Federal Decree-Law No. 41 on the Issuance of the Personal Status Law*.

³³ Zeyd Anwar, *Financial Obligations: Overview, Definition, and Example*, Cobrief (Apr. 7, 2025), www.cobrief.app/resources/legal-glossary/financial-obligations-overview-definition-and-example/.

³⁴ Judith G. McMullen, *Spousal Support in the 21st Century*, 29 Wisconsin J. L., Gender & Soc’y 1, 1-20 (2014).

³⁵ Gerald Nissenbaum & Wendy Hickey, *Religious Law Cannot Be Enforced by Any Civil Court in the United States*, 30 J. American Acad. Matrim. Laws. 83, 83-126 (2017).

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Islamic law.³⁶ Although the UAE provides a separate civil family law system for non-Muslim expats under Federal Decree-Law No. (41) of 2022 on Civil Personal Status law,³⁷ the scope of this article is limited to the UAE's Sharia-based law, which governs Muslims marriages and divorce.

II. CALIFORNIA'S SPOUSAL SUPPORT STRUCTURE

A. Temporary Spousal Support (Pendente Lite)

In California, there are two distinct types of spousal support: permanent and temporary.³⁸ Temporary Support (Pendente Lite) aims to closely maintain the status quo of each party's living conditions as they await trial.³⁹ It is only awarded during divorce proceedings and starts when a spouse requests support and ends when the divorce is finalized or the court issues permanent support.⁴⁰ The main goal of temporary spousal support is to ensure that the lower-income spouse has immediate financial support to cover legal fees and other expenses. Temporary support is governed by California Family Code Section 3600 (former Civil Code Section 4357),⁴¹ which allows the court to authorize the necessary payment amounts from one spouse to the other. In this context, "necessary" refers to the amount required to maintain the supported spouse's living conditions.⁴² California courts emphasize that temporary support exists to prevent the supported spouse from having to "deplete his or her separate estate" during litigation,⁴³ interpreting Section 3600 narrowly.⁴⁴ In *Dick v. Dick (In Re Marriage of Dick)* (2018), Elisabeth Dick sought temporary spousal support from her husband John Dick while they were engaged in dissolution

³⁶ A.H. Asari Taufiqurrohman et al., *The Role of Islamic Law, Constitution, and Culture in Democracy in the UAE and Indonesia*, 24 Akham Jurnal Ilmu Syariah 83, 83-100 (2024).

³⁷ *Decree No. 41 on the Civil Personal Status* § 1.

³⁸ Sarah J. Hoover, *Dissolution of Marriage: California Spousal Support*, 12 Pepp. L. Rev. 535, 535-566 (1985).

³⁹ *Id.*

⁴⁰ *Temporary vs. Permanent Spousal Support in California: Key Differences Explained*, Claery & Hammond LLP (Jan. 4, 2026), www.claerygreen.com/family-law-blog/2026/january/temporary-vs-permanent-spousal-support-in-california/.

⁴¹ Cal. Fam. Code § 3600 (LexisNexis 2025).

⁴² *Id.*

⁴³ Hoover, *supra* note 38, at 539.

⁴⁴ *Id.*

proceedings.⁴⁵ The trial court awarded Mrs. Dick \$35,000 per month in temporary support and over \$900,000 in litigation costs based on Mr. Dick's assets and ability to pay.⁴⁶ Mr. Dick appealed, arguing that the award was "improper," as it "was based on his ability to borrow rather than his actual financial capacity."⁴⁷ The court of appeals upheld the district court's ruling that support is provided "to enable [the spouse] to live in [his or] her accustomed manner pending the disposition."⁴⁸ The court emphasized that the amount of temporary support rests with the broad discretion of the trial court and will not be reversed on appeal absent a clear showing of abuse of discretion.⁴⁹ This standard is met when the trial court fails to consider the applicable statutory factor or acts in a manner that contravenes the purpose of the spousal support law. This standard requires that trial courts exercise discretion "along legal lines, taking into consideration the applicable circumstances of the parties."⁵⁰ Since the purpose of temporary spousal support is narrow, the only two conditions necessary for temporary support are (1) the need of the supported spouse or moving party, and (2) the ability of the other spouse to pay.⁵¹ Temporary support in California is short-term, stabilizing the parties' financial circumstances until the court makes a final judgment.⁵² *Dick* illustrates that although both California and the UAE provide short-term spousal support, the support functions differently. In California, temporary support is individualized, as the courts assess the parties' circumstances and determine an appropriate level of interim financial assistance during the pendency of the divorce proceedings.⁵³ The structure and duration of short-term maintenance in the UAE are examined in Part III.

B. Permanent Spousal Support

Permanent spousal support (post-judgment)⁵⁴ is awarded after the court reaches its

⁴⁵ *In re Marriage of Dick*, 18 Cal. Rptr.2d 743, 15 Cal. App. 4th 144 (Cal. App. 1993).

⁴⁶ *Id.* at 165, 159.

⁴⁷ *Id.* at 159.

⁴⁸ *Id.* at 166.

⁴⁹ *Id.* at 167.

⁵⁰ *In re Marriage of Cheriton*, 111 Cal. Rptr.2d 755, 92 Cal. App. 4th 269, 304 (Cal. App. 2001).

⁵¹ Hoover, *supra* note 38, at 553.

⁵² *Id.* at 538.

⁵³ *Id.* at 548.

⁵⁴ *Id.* at 535-566.

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final judgment and is governed by California Family Code Sections 4320⁵⁵ and 4330 (formerly Civil Code Section 4801(a)).⁵⁶ To determine the duration and amount of support, the court must apply every factor of Section 4320, including:

(1) marketable skills of the supported party; (2) the extent to which the supported party's present or future earning capacity is impaired by periods of unemployment incurred during the marriage to permit the supported party to devote time to domestic duties; (3) the extent to which the supported party contributed to the supporting party's attainment of an education, training, a career position, or a license by the supporting party, (4) the ability of the supporting party to pay spousal support, taking into account his or her earning capacity, earned and unearned income, assets, and standard of living, (5) the needs of each party, based on the standard of living established during the marriage; (6) the obligation and assets, including the separate property, of each party; (7) the duration of the marriage; (8) the ability of the supported party to engage in gainful employment without unduly interfering with the interests of dependent children in the custody of the party; and (9) the age and health of each party.⁵⁷

In *Morrison v. Morrison (In re Marriage of Morrison)* 1978, David Edward Morrison sought a divorce from Patricia Rosario Morrison, his wife of twenty-eight years.⁵⁸ Mrs. Morrison had left the workplace to raise the children and maintain the home.⁵⁹ The Santa Clara County Superior Court entered an interlocutory judgment awarding her \$400 per month in spousal support, but ordered that jurisdiction over spousal support would terminate after 11 years.⁶⁰

Mrs. Morrison appealed the interlocutory judgment, and the California Supreme Court held that it was an abuse of discretion to provide for termination of jurisdiction

⁵⁵ Cal. Fam. Code § 4320 (LexisNexis 2025).

⁵⁶ Cal. Fam. Code § 4330 (LexisNexis 2025).

⁵⁷ Vanessa S. Nellis, *Spousal Support 101: A Guide to Payments in a California Divorce*, Lewitt Hackman (May 20, 2025),

<https://www.lewittackman.com/spousal-support-101-a-guide-to-payments-in-a-california-divorce/>.

⁵⁸ *In re Marriage of Morrison*, 20 Cal. 3d 437, 573 P.2d 41, 1978 Cal. LEXIS 177, 143 Cal. Rptr. 139, 440 (1978).

⁵⁹ *Id.* at 440.

⁶⁰ *Id.* at 441.

after 11 years when the wife is not self-sufficient under Family Code Section 4320.⁶¹ The Court defined self-sufficiency as the supported spouse's ability to "adequately meet her financial needs."⁶² The ruling rejected the idea that economic independence occurs at a fixed point in time.⁶³ Instead, Section 4320 requires that the courts evaluate whether the spouse spent time out of the workforce, lost earning capacity, and the marital standard of living.⁶⁴

In *Morrison*, the court established that California's spousal support cannot be terminated based on a fixed timeline without determining whether the supported spouse has achieved financial self-sufficiency.⁶⁵ The courts cannot impose rigid temporal limitations that assume financial independence will be met with time. This principle is crucial because it reflects an understanding that economic dependency is created during long-term marriages and often persists after divorce, requiring flexible economic relief and rehabilitation.

C. *Just and Reasonable Principle*

California courts must also determine the amount of support granted to a spouse, which is governed by the "just and reasonable" statutory requirement.⁶⁶ In this context, "just and reasonable" requires balancing the supported spouse's financial needs, the marital standard of living, and the supported spouse's ability to achieve economic independence.

Cheriton v. Fraser (*In Re* Marriage of Cheriton) (2001) involved Iris Fraser, who was the primary caregiver for four children, and her husband, David Cheriton, who was a Stanford computer science professor with amassed Cisco stock options worth over \$45 million.⁶⁷ The trial court awarded Mrs. Fraser \$2000 per month, subject to an automatic reduction of \$1 in support for every \$2 in "gross income" she received above \$50,000 per year, including proceeds from the sale of assets awarded to her in the property division.⁶⁸ This meant that any additional income Mrs. Fraser generated, including from the liquidation of property stock she received in the divorce, would

⁶¹ *Id.* at 452-4.

⁶² *In re Marriage of Morrison*, 20 Cal. at 453.

⁶³ *Id.* at 444.

⁶⁴ Cal. Fam. Code § 4320 (LexisNexis 2025).

⁶⁵ *In re Marriage of Morrison*, 20 Cal. 3d at 437.

⁶⁶ Cal. Fam. Code § 4320 (LexisNexis 2025).

⁶⁷ *In re Marriage of Cheriton*, 111 Cal. Rptr.2d at 280.

⁶⁸ *Id.* at 309-10.

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trigger a reduction in her support.

The Court of Appeals reversed the spousal support award, finding that the trial court abused its discretion by failing to consider the husband's assets and overall ability to pay as required by California Family Code Section 4320, and by penalizing Mrs. Fraser for liquidating her separate property.⁶⁹ The court stressed that spousal support should aid the supported spouse's transition towards economic independence post-divorce and reflect the marital standard of living.⁷⁰

This contrasts with the UAE's spousal support system, which does not have a post-divorce economic adjustment structure. California courts also have broad discretion regarding the duration of spousal support. While "just and reasonable" governs the amount of support, the duration of support is regulated by the same rehabilitative logic. By contrast, the Legislature has narrowed trial courts' discretion with respect to certain attorneys' fee awards, for example, under Family Code Section 2030, where courts must make explicit findings and, upon a demonstrated disparity in access and ability to pay, "shall" award fees.⁷¹ California Family Code Section 4336 determines that "a marriage of 10 years or more is a marriage of long duration," while any marriage under 10 years is of short duration.⁷² Under California Family Code Section 4320(l), the duration of spousal support in shorter marriages is limited to one-half of the length of the marriage, whereas in long-term marriages, the court retains jurisdiction indefinitely.⁷³ This structure reinforces the principle that spousal support should be authorized only for as long as is necessary to address the economic inequities created by the marriage. The UAE lacks a comparable mechanism that accounts for the length of the marriage when calculating spousal support.

III. THE UAE SPOUSAL SUPPORT STRUCTURES

A. Nafaqah (Marital Maintenance During Marriage) and Mahr

In contrast to the secular, statutory system in California, the UAE governs spousal support following Sharia-based marital obligations.⁷⁴ These duties are outlined by

⁶⁹ *In re Marriage of Cheriton*, 111 Cal. Rptr.2d at 319-320.

⁷⁰ *Id.* at 312.

⁷¹ *In re Marriage of Morton*, 238 Cal Rptr. 3d 407, 27 Cal. App. 5th 1025, 1030 (2018).

⁷² Cal. Fam. Code § 4320 (LexisNexis 2025).

⁷³ *Id.*

⁷⁴ Sam Zahy, *United Arab Emirates Legal System: Tradition, Modernization, and Cultural Sensitivity*, 5 J. Afro-Asian Stud. 330, 333 (2023).

Federal Law No. (41) of 2024 (Personal Status Law), which dictates financial obligations, marital duties, and post-divorce rights.⁷⁵ The UAE’s primary form of spousal support takes place during the marriage. Nafaqah is the Islamic legal term for the financial support that a husband is required to provide for his wife while they are married.⁷⁶ Nafaqah (wife’s maintenance) is established under Article 95 and Article 99 in the Federal Law No. (41) of 2024, which requires the husband to cover the cost of food, clothing, housing, medical treatment, and a servant for the wife if she is served in her family’s house. This spousal support continues until either spouse dies, the marriage ends, or the wife commits a forfeiture, and is found legally “non-compliant” (*nashiz*) under Article 103.⁷⁷ Non-compliance includes (1) if she denies herself to her husband, (2) refrains from moving to the marital home or declines to reside in it, and (3) refuses to travel with her husband, without a legitimate excuse.⁷⁸ These forfeiture provisions are the legal basis of the wife’s marital obligations; as long as she does not commit a forfeiture, she has fulfilled her marital responsibilities and is therefore entitled to her Nafaqah. A Nafaqah case is only heard by the Personal Status Courts,⁷⁹ which apply the UAE’s Sharia-based Personal Status Law to matters involving Muslim spouses.⁸⁰ Cases are brought to the Personal Status Courts when the wife claims the husband has not provided sufficient maintenance,⁸¹ or the husband claims the wife has forfeited her right to support under Article 103.⁸² In the U.S., spousal support is designed to facilitate economic stability after divorce, whereas Sharia family law places economic responsibility on the man automatically. In the UAE, economic dependency is a legally recognized marital role.

In addition to ongoing maintenance through Nafaqah, Sharia-based family law in the UAE also provides women with a separate form of financial protection through a

⁷⁵ *Federal Decree-Law No. 41 on the Issuance of the Personal Status Law.*

⁷⁶ Sameem, Rahmani & Hilal, *supra* note 28, at 912-33.

⁷⁷ Ali Al Malih Al Fazari, Arieff S. Rosman & Mohammad N. Hamdan, *Governing Regulations of Spousal Rights Dowry (Mahr)-Financial Support (Nafaqah)-Custody (Al-Hadanah) in Islamic Jurisprudence and UAE Law-Comparative Study*, 14 Int’l J. Acad. Rsch. Bus. & Soc. Scis. 3496, 3496-3506 (2024).

⁷⁸ Awatif M. Shoqi, *The New Personal Status Law in the UAE: Parental Rights, Divorce and Its Implications*, Chambers and Partners (July 16, 2025), <https://chambers.com/articles/the-new-personal-status-law-in-the-uae-parental-rights-divorce-and-its-implications>.

⁷⁹ *Id.*

⁸⁰ *Id.*

⁸¹ *Federal Law No. 28 Regarding Personal Status.*

⁸² *Federal Decree-Law No. 41 on the Issuance of the Personal Status Law* § 103.

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dowry. Mahr, also known as a mandatory marital gift under the Federal Personal Status Law, is the sum of money or property that the husband must pay to the wife, as agreed upon in the marriage contract.⁸³ Once paid, it becomes her exclusive property, free for her to use as she wishes.⁸⁴ The mahr can be structured as a prompt portion payable at the time of the marriage and a deferred portion payable later, often at a specified event such as divorce or the husband's death.⁸⁵ Mahr is enforceable in Sharia courts as a debt owed to the wife, and the courts will uphold the agreed terms of the contract.⁸⁶ Unlike other structures, the mahr is not a joint marital asset, but belongs solely to the wife and cannot be reclaimed by the husband.⁸⁷ This legal status is reflected in the Federal Personal Status Law provisions, allowing a wife to refuse to move into the marital home until mahr is paid, and ensuring that, regardless of maintenance outcomes after divorce, the wife retains a separate asset to support her financially.⁸⁸ While mahr does not substitute for ongoing rehabilitation support post-divorce, its statutory protections do provide an important financial foundation for a wife's economic independence.

B. Idda and Mut'ah

The UAE also grants temporary maintenance spousal support, governed under Article 100 of the Federal Decree-Law No. (41) of 2024.⁸⁹ Similar to California's temporary spousal support, the UAE's temporary maintenance allows the court to order temporary spousal support whilst awaiting pending litigation, so the wife is not

⁸³ Awatif Mohammad Shoqi Advocates & Hassan Elhais, *Gifts and Dowry under the UAE law*, JD Supra (Sept. 4, 2025),

<https://advance.lexis.com/api/document?collection=news&id=urn%3acontentItem%3a6GNC-8FY3-R RH8-N4JP-00000-00&context=1519360&identityprofileid=GRCCJV51394>.

⁸⁴ *Id.*

⁸⁵ Dee Papat, *Understanding Mahr in UAE & English Divorce Cases*, James Berry & Associates (Dec. 2021),

jamesberrylaw.com/news-details/mahr-potential-capital-liability-on-divorce-uae-and-english-divorce-proceedings.

⁸⁶ Al Kabban & Associates, *Dowry (Mahr) Rights and Obligations* (Nov. 12, 2025), [alkabban.com/family-law/dowry-rights-mahr/?utm_source=.](http://alkabban.com/family-law/dowry-rights-mahr/?utm_source=)

⁸⁷ *Id.*

⁸⁸ Shoqi & Elhais, *supra* note 83.

⁸⁹ *Federal Decree-Law No. 41 on the Issuance of the Personal Status Law* § 100.

left without basic means while the divorce case is heard.⁹⁰ Moreover, Article 96 leaves the total amount of support entirely to judicial discretion, considering (1) the spender's extent of well-being, (2) "the condition of the person being spent on, and (3) the economic situation at the time and place."⁹¹ Temporary maintenance is meant to cover necessities, such as food, housing, clothing, and medical expenses. Once the divorce is finalized, the maintenance terminates regardless of the wife's economic standing.

Under Sharia law, the UAE provides a fixed timeframe for post-divorce support. Idda maintenance, established under Article 101 of Federal Decree-Law No. (41) of 2024, establishes a religiously mandated waiting period prior to a party initiating divorce.⁹² The law requires the husband to support the wife for three menstrual cycles, or 90 days, if she is not pregnant.⁹³ If the woman is pregnant, this period extends until childbirth.⁹⁴ The law does not prescribe a fixed amount for Idda. Instead, Article 96 explains that when estimating alimony, the courts must consider the spender's ability to provide financial support, the condition of the person being supported, and the economic situation at the time and place.⁹⁵ In this sense, Idda maintenance mirrors California's emphasis on the supporting spouse's ability to pay and the supported spouse's financial needs. Once Idda has elapsed, women are no longer entitled to maintenance. In contrast to California, where spousal support is ongoing after divorce, the UAE's post-divorce support terminates at a fixed point.

Additionally, spouses are eligible for Mut'ah compensation following the divorce. Mut'ah, outlined in Article 102 of Federal Decree-Law No. (41) of 2024, is mandated when a husband files for divorce without a proper cause or justification.⁹⁶ The husband must pay a lump-sum payment to compensate the wife for emotional or

⁹⁰ *Wife's Right to Alimony in Dubai 2025 - What the Law Says*, Azza Ebrahim Hasan Al Mulla Advocates & Legal Consultants LLC (2025), en.advocator.ae/blog/wife-right-alimony-dubai/?.

⁹¹ *Federal Decree-Law No. 41 on the Issuance of the Personal Status Law* § 96.

⁹² Zeeshan Ashraf, *Spotting the Knots of Post-Iddah Maintenance in Shari'ah & Law*, 3 *Al-Kashaf: Rsch. J. for Soc. Scis.* 1, 1-2 (2023); *Federal Decree-Law No. 41 on the Issuance of the Personal Status Law* § 101.

⁹³ Awatif Al Khouri & Hassan Elhais, *Law and Practice in the UAE, Family Law Law and Practice 2026*, Chambers Global Practice Guides (Feb. 26, 2026), practiceguides.chambers.com/practice-guides/comparison/1032/15546/24172-24175-24185.

⁹⁴ *Id.*

⁹⁵ *Federal Decree-Law No. 41 on the Issuance of the Personal Status Law* § 102.

⁹⁶ *Id.*

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financial harm due to the unjust termination of the marriage.⁹⁷ A wife may be entitled to compensation for up to one year of maintenance expenses if the husband initiates divorce based on his sole decision without the wife's consent.⁹⁸ Mut'ah, or "happiness" in Arabic, is also a term synonymous with post-divorce maintenance, and is intended to help boost a wife's confidence and help her overcome feelings of social disgrace.⁹⁹ Studies conducted on divorced Emirati women found that divorce carries a social stigma that places women under scrutiny from the larger community.¹⁰⁰ Mut'ah is not only a form of financial relief, but it also operates as a way of affirming the divorced woman's dignity and protecting her from social disgrace.¹⁰¹ This differs from California, where the court excludes marital misconduct from dissolution and spousal support. California's Family Code Section 2335 makes evidence of specific acts of misconduct inadmissible, although conduct such as adultery, desertion, bigamy, or incest may function as formal grounds for divorce.¹⁰² While Mut'ah provides a form of compensation, it does not serve as a structure for long-term economic stability.

IV. POST-DIVORCE ECONOMIC VULNERABILITY IN THE UAE

A. Implementing California's Rehabilitative Spousal Support in the UAE

Sharia law assigns financial responsibility to the husband during marriage for a specific religious and moral purpose, grounded in family stability and marital roles. Importantly, Islamic legal tradition does not prohibit women's economic

⁹⁷ Mohamad A. El Sheikh, *Post-Divorce Financial Support from the Islamic Perspective (Mut'at al-Ṭalāq)*, FaithUS (Mar. 2024),

<https://faithus.org/wp-content/uploads/2024/03/Post-Divorce-Financial-support-from-the-Islamic-Perspective-authored-by-Mohamad-Adam-El-Sheikh.pdf>.

⁹⁸ *Federal Decree-Law No. 41 on the Issuance of the Personal Status Law* § 102.

⁹⁹ Titin Triana et al., *Providing Nafkah Mut'ah for Wives in Lawsuits of Divorce According to Islamic Law and Indonesian Legislation*, 2 J. Comprehensive Islamic Stud. 149, 149–66 (Nov. 2023).

¹⁰⁰ Nicole Bromfield, *Interviews with Divorced Women from the United Arab Emirates: A Rare Glimpse into Lived Experiences*, 3(3) Relationships & Soc'ys 339, 349-52 (2014).

¹⁰¹ *Marriage, Wealth and Rights: Nafaqat al-Mut'ah – The Superiority of Fiqh over Secular Approaches*, Spring College (Apr. 21, 2025),

<https://www.springcollege.org.uk/blog/marriage-wealth-and-rights-nafaqatul-mutah-the-superiority-of-fiqh-over-secular-approaches.springcollege>.

¹⁰² Cal. Fam. Code § 2335 (LexisNexis 2025).

participation.¹⁰³ Historical accounts in the Qur'an indicate that women engaged in trade and independent accountability.¹⁰⁴ Most notably, Khadijah bint Khuwaylid, wife of the Prophet Muhammad, was a successful merchant and the primary financial provider in the household.¹⁰⁵ Assigning financial responsibility to the husband reflects a normative marital model centered on family stability and role differentiation, rather than a legal incapacity of women. Over time, social and economic developments in many Muslim societies reinforced a caregiving model where men assumed the role of primary providers while women undertook domestic child-rearing responsibilities. Contemporary economic conditions create a secondary regulatory problem this framework was not intended to resolve: the long-term post-divorce reintegration of financially dependent spouses into the labor market. California's rehabilitative model helps reveal this gap in the UAE's structure, specifically the lack of post-Idda maintenance for financially vulnerable spouses. Article 99 of the 2024 Personal Status Law assigns the husband responsibility over his wife's financial maintenance,¹⁰⁶ while Article 49 establishes that the wife is expected to reside in the marital home, obey her husband in accordance with customs, and perform child-related caregiving functions such as breastfeeding.¹⁰⁷ In practice, "custom" includes the wife staying in the marital home and being physically available, while the husband's customary role is to secure income and represent the family in dealings with the outside world.¹⁰⁸ These provisions condition the wife's access to Nafaqah on her home and family-centered duties, assuming that she will structure her life around the marital household rather than independent earning capacity.¹⁰⁹ These defined marital roles create economic dependency within marriage, yet the law does not consider the economic consequences to the wife once the marriage ends. California's permanent support is

¹⁰³ Yaseen Kippie, *Women's Economic Roles in Islamic Law: The Economic Participation of Muslim Women - Shaykha Rukayya Samsodien*, SeekersGuidance (Oct. 27, 2024), seekersguidance.org/articles/women/womens-economic-roles-in-islamic-law-the-economic-participation-of-muslim-women-shaykha-rukayya-samsodien/.

¹⁰⁴ S.M. Shariq Abbas, *Women of Islamic Faith in Trade and Commerce: An Economic Sociological Study*, 2 VSRD Int'l J. Bus. & Mgmt. Res. 102 (2012).

¹⁰⁵ Ahmed Z. Yamani, *The Mother of the Faithful Khadijah Bint Khuwaylid (رضي الله عنها)*, in *The Earth and Its Sciences in Islamic Manuscripts* 21 (Al-Furqan Islamic Heritage Fdn. 2011).

¹⁰⁶ *Federal Decree-Law No. 41 on the Issuance of the Personal Status Law* § 99.

¹⁰⁷ *Id.* § 49.

¹⁰⁸ Pebriani, *Maintenance Rights for Career Women According to Fiqh Four Mazhabs in Terms of Maqasid al-Shariah Theory Ibn Ashur*, 13 Moefity: Jurnal Perbandingan Mazhab dan Hukum 74, 74 (2024).

¹⁰⁹ *Id.* at 78.

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intended to help the dependent spouse achieve financial stability by addressing economic inequities created during the marriage.¹¹⁰ The UAE should implement a similar, time-bound rehabilitative support mechanism to address the economic vulnerability after divorce.

Post-divorce financial vulnerability is more likely to arise for women in the UAE due to the structure of economic roles in a marriage. Economic dependency is not viewed as a deficiency, but as a recognized marital arrangement. As a result, the legal structure of marriage in the UAE tends to prioritize financial security within the marriage over economic independence if the marriage were to end. While Sharia law provides important financial protections for women through structures such as mahr, they are designed as lump-sum or short-term compensations rather than support for long-term reintegration. Moreover, unlike California's rehabilitative model, which seeks to ensure that both parties maintain their standard of living, mahr is not recalibrated to reflect the economic changes that occur over the course of the marital relationship. Mahr is determined at the time of marriage and does not automatically adjust based on increases in wealth, shifts in earning capacity, or long-term withdrawal from the labor market due to caregiving responsibilities. As a result, while a woman may exit the marriage with formal financial entitlements under Sharia-based law, those entitlements are not structured to preserve the marital standard of living or to facilitate sustainable economic reintegration.

This structure further shapes women's labor market participation. Although women are not prohibited from working, the wife's right to maintenance is tied to compliance with marital obligations. Article 49 expects the wife to reside in the marital home, obey her husband in accordance with custom, and perform caregiving functions.¹¹¹ While this legal design does not explicitly prevent employment, it reduces incentives for labor market participation during marriage. Over time, has contributed to a pattern in which men maintain stable employment while women are more likely to specialize in domestic and caregiving roles. This is reflected in the labor force participation data for 2024, which shows that 54.1% of women aged 15 and older are in the labor force versus 89.6% of men.¹¹²

The economic arrangements formed during marriage persist beyond dissolution.

¹¹⁰ Nicole M. Catanzarite, *A Commendable Goal: Public Policy and the Fate of Spousal Support After 1996*, 31 Loy. L.A. L. Rev. 1387 (1998).

¹¹¹ *Federal Decree-Law No. 41 on the Issuance of the Personal Status Law* § 49.

¹¹² World Bank, *United Arab Emirates*, Gender Data Portal (2026), genderdata.worldbank.org/en/economies/united-arab-emirates.

However, the UAE does not provide a structure for long-term economic transition. Once the Idda period concludes under Article 101 of the Federal Decree-Law No. (41) of 2024, maintenance obligations terminate regardless of the spouse's earning capacity or employment status. This creates a "cliff effect" for women post-divorce. Once Idda concludes, maintenance obligations terminate, and there is no gradual transition toward economic independence.

California's spousal support structure ensures economic rehabilitation for spouses and should be emulated by the UAE to mitigate financial hardship. California treats economic independence as gradual rather than instantaneous.

B. What the UAE Can Adopt From California – And What It Cannot

While California's rehabilitative model allows for a smoother economic transition after divorce, trial courts are afforded considerable flexibility in ruling on spousal support, leading to inconsistencies. Therefore, the UAE should not replicate California's discretionary framework. Instead, a post-divorce rehabilitative support should be governed by fixed statutory criteria, taking into account the length of the marriage, the supported spouse's ability to pay, and time spent out of the workforce due to marital roles. Unlike Mu'tah or Idda, the support would not have a fixed time period, but would be contingent on whatever the wife needed assistance reaching self-sufficiency, similar to Permanent Support in California. In the UAE, self-sufficiency should be defined as the supported spouse's ability to reasonably meet her essential needs without continued reliance on spousal maintenance. This reflects a broader Qur'anic commitment to ensuring that women are not cast off without care: divorced women are entitled to "a provision according to what is acceptable" as a duty on the God-fearing,¹¹³ and husbands are instructed, when divorce occurs, to "retain them in kindness or release them in kindness and provide a religious basis for time-limited, need-based post-divorce support."¹¹⁴ The UAE courts could determine support payments by evaluating objective indicators such as the spouse's independent income, employable skills, caregiving responsibilities, and ability to cover basic living expenses.

The UAE should also introduce a post-Idda rehabilitative maintenance plan, with

¹¹³ *The Qur'an* 2:241 (Sahih International trans.), My Islam, myislam.org/surah-baqarah/ayat-241/ (last visited Apr. 19, 2026).

¹¹⁴ *The Qur'an* 2:231 (Mustafa Khattab trans.), Quran.com, quran.com/al-baqarah/231 (last visited Apr. 19, 2026).

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the duration of financial support contingent on the length of the marriage. This structure would be tied to the length of the marriage and to the wife's employability at divorce, acknowledging the economic dependence produced and reinforced by the current legal framework, encouraging wives to specialize in home-based caregiving. Building on the existing framework, the Personal Status Law would entitle wives to a time-limited rehabilitative maintenance, where duration increases with the length of the marriage, and the amount is determined by the same factors that govern alimony under Article 96. This article directs courts to determine maintenance in light of (1) the spender's extent of well-being, (2) the condition of the person being spent on, and (3) the economic situation at the time and place.¹¹⁵

A rehabilitative model would not introduce foreign criteria; rather, it would apply existing statutory principles to the post-Idda period. Requiring written reasoning tied to these principles would ensure that decisions remain objective and predictable. The "condition of the person being spent on"¹¹⁶ naturally includes employability, time spent outside the workforce, and the degree of economic reliance created during marriage. Similarly, the "economic situation at the time and place"¹¹⁷ allows courts to consider contemporary labor market realities, cost of living, and the feasibility of securing employment within a defined period. This approach would still give courts some flexibility, but not unlimited discretion.

The framework should further adopt three time periods. For marriages lasting less than five years, the court would be authorized to award up to one year of post-Idda rehabilitative maintenance. A wife in this position may still be early in her career, and would only need a limited period of support to secure full-time employment. For marriages between five and ten years, courts would award up to two years of rehabilitative maintenance, recognizing that this time frame often captures the period in which wives have left the labor market to carry pregnancies, care for young children, and run the marital household. This leaves a more pronounced gap between their current earning capacity and the standard of living created by the marriage. For marriages of ten years or more, a maximum of three years of rehabilitative maintenance would acknowledge the long-term dependence produced when a woman has spent a decade or longer in a domestic role.

These time limits align with the UAE's existing legal and cultural principles in two important ways. First, they remain time-bound and finite, preserving the Sharia-based

¹¹⁵ *The Qur'an*, *supra* note 113.

¹¹⁶ *Federal Decree-Law No. 41 on the Issuance of the Personal Status Law* § 96.

¹¹⁷ *Id.*

understanding that post-divorce obligations are not indefinite. Second, they reflect proportionality – longer marriages that create deeper reliance justify longer transitional support. This structure aligns with Islamic family law that balances responsibility and fairness rather than imposing perpetual obligations.¹¹⁸ Moreover, this approach is consistent with Qur’anic guidance regarding the treatment of divorced women. Qur’an 2:241 states that “for divorce women [are] a provision according to what is acceptable – a duty upon the righteous.” Classical and contemporary interpretations of the Qur’an (*tasfir*) understand this verse as grounding a post-divorce entitlement to material support or a parting gift (*mata*) so that a woman is not left without resources when the marriage ends.¹¹⁹ Similarly, Qur’an 65:7 instructs, “let a man of wealth spend from his wealth, and whose provision is restricted – let him spend from what Allah has given him,” grounding support obligations in the financial capacity of the husband.¹²⁰ A rehabilitative framework that extends support based on the length of the marriage implements this principle: it ensures that divorced women receive a reasonable, time-limited form of support.

While California allows for a smooth economic transition, the judicial discretion given to its spousal support system does not prescribe how much weight any single factor should receive. In *Cheriton*, the court held that trial courts have the discretion to determine how to weigh each statutory factor, provided that such discretion is exercised along legal lines and grounded in the circumstances of the parties.¹²¹ Although this structure promotes individualized outcomes rather than consistency, parties in similar situations receive different results depending on how a judge weighs the statutory factors. California courts accommodate this structure by operating within an appellate system that regularly reviews spousal support awards, clarifies the application of the different factors, and provides guidance to create consistency. In *Morrison*, the California Supreme Court held that the trial court abused its discretion in terminating spousal support jurisdiction after a fixed period when the supported spouse had not reached self-sufficiency.¹²² The court stressed that economic independence should be evaluated through factors such as earning capacity, duration

¹¹⁸ Datuk N.M. bin Nik Hassan, *Balancing Rights and Obligations*, Institute of Islamic Understanding Malaysia (Feb. 11, 1999), www.ikim.gov.my/en/balancing-rights-and-obligations/.

¹¹⁹ *The Qur’an* 2:241 (Sahih International trans.), My Islam, myislam.org/surah-baqarah/ayat-241/ (last visited Apr. 19, 2026).

¹²⁰ *The Qur’an* 65:7 (Sahih International trans.), Quran.com, legacy.quran.com/65/7 (last visited Apr. 20, 2026).

¹²¹ *In re Marriage of Cheriton*, 111 Cal. Rptr.2d.

¹²² *In re Marriage of Morrison*, 20 Cal. at 454.

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of marriage, and time spent out of the workforce.¹²³ Correcting the trial court's application of these factors illustrates how appellate oversight can constrain discretion and promote consistency. In contrast, the UAE does not rely on a system of family law precedent as judicial decisions are not systematically published and there is no doctrine of binding precedent.¹²⁴ If the UAE were to adopt a rehabilitative post-divorce support system, it should be structured through clear statutory rules and a defined duration that allows enough time for self-sufficiency. Any proposal to recalibrate post-divorce maintenance in the UAE should be sensitive to concerns about adopting Western family-law models into a Sharia-based system. The rehabilitative framework outlined here does not seek to replace Islamic norms with foreign values; rather, it builds on Qur'anic principles of fair treatment and provision for divorced women. By grounding the reform in existing statutory concepts and scriptural obligations, to "retain them in kindness or release them in kindness,"¹²⁵ the argument aligns with, rather than displaces, the normative foundations of UAE family law.

CONCLUSION

Spousal support structures do more than allocate financial resources; they reflect deeper legal philosophies about marriage, gender roles, and the meaning of economic responsibility after divorce. This paper demonstrated that the divergence between California and the UAE's spousal support is structural: California's framework is designed to address economic dependency that persists over divorce, whereas the UAE's structure is designed to regulate financial responsibility during marriage and for limited periods post-divorce.

Part I demonstrated that California's system is rooted in secular statutory principles that structure financial support around post-divorce economic adjustment, requiring courts to evaluate how the marriage affected each spouse's earning capacity. In contrast, the UAE's system is rooted in Islamic Sharia law that prioritizes maintenance during the marriage and short-term post-divorce support. Part II

¹²³ *Id.* at 454-55.

¹²⁴ Mehdi Seadon & Jason Francis, *Why 'Without Prejudice' Matters - Developments in the UAE*, *Kennedys Law* (Apr. 3, 2025), www.kennedyslaw.com/en/thought-leadership/article/2025/why-without-prejudice-matters-developments-in-the-uae/?

¹²⁵ Kais Dukes, *The Quranic Arabic Corpus - Translation*, Language Research Group University of Leeds (2017), corpus.quran.com/translation.jsp?chapter=2&verse=231.

illustrated how this structure is operationalized through California Family Code Section 4320, requiring courts to consider earning capacity, duration of the marriage, time spent out of the workforce, the marital standard of living,¹²⁶ and what constituted “just and reasonable” support. Part III examined post-divorce spousal structures in the UAE; Nafaqah covers financial maintenance during the marriage, and post-divorce support comes through Idda and Mut’ah. Finally, Part IV evaluated the marriage, responsibility, and economic partnership to determine how post-divorce support should be allocated. Through identifying where the post-divorce systems in the UAE and California diverge, this article argues that structured rehabilitative support can promote economic stability for women while remaining consistent with the UAE’s legal and cultural foundations.

¹²⁶ Cal. Fam. Code § 4320 (LexisNexis 2025).