

Divorce in Islam

Farid Younos

I have learned during my career that many of our youth do not know the basics of Islamic divorce. I have talked about this issue many times on my TV talk show and written about it in my latest book, *Civic Equality in Islam*, but still there are many who need to know about this topic. One reason that many of our youth do not know about Islamic culture is because they are more inclined to Afghan tribal mentality not Islamic values. In this brief essay, I will pinpoint some important points about this topic

First, nikah in Islam is a social contract between two persons and it is not a sacred matrimony. Any time that a couple is not happy, or they cannot fulfill each other's responsibility, they can divorce. A man can divorce his wife and a woman can ask for divorce. If a woman asks for divorce, the husband, according to Islamic law must divorce her without question. There is no condition for divorce in Islam. A husband or a wife is not supposed to disclose the reason for his or her divorce. Of course, they should do all consultations and communications before they resort to divorce unless either party decisively decide to not live with each other anymore.

There are many reasons that a wife or a husband seek divorce. For example, they are not living together at all as husband and wife. The husband is not meeting his obligations to fulfill his wife's needs. The wife is not meeting her husband's needs. The husband fails to provide basic sustenance such as food, clothing, paying rent and so on. Personality differences, level of education, family interference are among many other reasons that induce a divorce.

In the west, a couple must register their marriage with the country they reside. This is very important because in case of divorce, they can resort to the law of the land and settle their disputes. If they are not registered, then it is better that they settle their dispute with family elders and divorce peacefully without insulting or accusing each other of any wrong doing.

We, at the Afghan Coalition, section of Afghan Domestic Violence Prevention receive many calls about this issue in the United States, as well as from Canada and Europe. Our job is first is to reconcile the couple if we can, unless the husband and wife are very decisive about their divorce. Our job is cultural family counseling based upon Islamic values. Unfortunately, many Afghan youth do not have any clue about Islam, including those of the otherwise educated class.

If their marriage is registered in this country then as mentioned above, they must solve their dispute within the legal system. If they come to us, and if reconciliation fails then the following procedure is adopted:

If a husband calls for divorce he has to write a memo and send it to his wife. That is all he needs to do. If a woman asks for divorce, her husband must immediately divorce her.

If a husband divorces his wife, while declaring this in a fit of high temper, but did not really mean to do so, their marriage is still good but he should learn how to control his temper. Having a bad temper is not a good Islamic quality in life. With one divorce, he loses his first chance. If he divorces her again following reconciliation, he loses his second chance. After the third time, the divorce is final and he cannot return to his wife unless she marries someone else and then divorces him. (Qur'an 2: 230). Upon any divorce, the husband forgoes the dowry, unless if the wife requests the divorce (if the wife requests the divorce due to abuse on the part of the husband, the judge can rule on him not having the right to take back the dowry). In any case, HE MUST LET HER GO WITH DIGNITY AND INTEGRITY. If a

husband utters, “Talaq” three times at once, this just counts as one talaq (divorce); an actual separation must take place to count as a divorce. Even If a divorce occurs when a wife commits adultery, the husband does not have the right to kill her or kill the other man. It is for the law of the land to decide on the consequence providing four righteous witnesses. Otherwise with only husband as witness, the law of land cannot do anything according to Islamic justice system to accuse the woman for adultery. Because either party may have lied to the judge.

If a husband sends his wife a divorce memo, the Afghan Domestic Violence Prevention does nothing.. We only prepare a certificate if the man is stubborn and does not follow his Islamic duty and uses his tribal mentality.

No one can force a woman to live with him by force and no woman can force a man to live with her by force.

Dr Farid Younos is founder of Afghan Domestic Violence Prevention in the United States and helping and supporting families for over the last twenty three years not only in the United States but also, Europe and Canada. He can be reached at farid.younos@yahoo.com