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DIVORCE AMONG AMERICAN MUSLIMS

BY CICILY CORBETT

Waheedah Safiyah Shabazz, a devout Muslim woman, left her husband after three months of marriage. She was pregnant and alone.

“The first time he raised his hand to me, I walked out,” she said. “I didn’t have money for a divorce, but I never saw him again after that. Once Muhammed turned 18 and I would no longer be eligible to receive child support, divorce papers from my husband arrived in the mail.”

Shabazz is unfortunately typical of many American Muslims who are unfamiliar with what their faith teaches about both marriage and divorce, and get little support from religious leaders when entering a marriage or when leaving it.

“I was 24 and having too much fun,” she relates. “I told myself that I should be praying more, settling down. The Prophet, peace be upon him, says that marriage is half your religion. I didn’t really know the man well. I met him at a social; he was looking for a wife, and I was looking for a husband. He didn’t even have a job, but our *imam* didn’t seem to have a problem with that. The marriage was all wrong from the start.”

“Only Allah should be single—everything he created in pairs,” says Qur’an Shakir, an Atlanta teacher who coordinates an annual marriage conference for Muslims, writes a column entitled “The Road to Nikkah” for the *Muslim Journal*, and conducts weekly sessions on personal development. “But you need the right tools to find a good mate. I tell people, know yourself before you try to connect with another person.”

“Islam makes it easy to form a marriage, but it is designed to discourage divorce,” explains Faheem Shuaibe, an *imam* (Muslim religious leader) from Oakland, California. “The Prophet Mohammed says divorce is the most hated thing that Allah allows. A pious Muslim would be reluctant to do what the Prophet says is most hateful.”

“There are many steps—hoops to go through—before a divorce can be finalized,” continues Imam Shuaibe. “The framework is set out in chapter 65 of the Qur’an, entitled ‘*Talaq*,’ which is the Arabic word for divorce. It’s one of the short chapters!”

“A man may not initiate a divorce while his wife is on her menses. There are neurological and mood changes in a woman during her cycle. The man of the Prophet Mohammed’s time was not a sophisticated person. He was apt to do something rash, to lose his patience, particularly during that time.

“He has to wait until three menstrual periods pass, and can’t turn her out of the house during that time. That’s an opportunity for reconciliation, and to confirm or disconfirm a pregnancy. If there is a pregnancy, they must wait until the baby is weaned.

“Two arbiters must be appointed, one from each family, to try to bring about reconciliation. If the couple has intercourse during that time, the *talaq* is annulled. If there is no intercourse or pregnancy, and the couple still can’t resolve their differences, then obviously divorce is best for this couple. The divorce is final, and the woman may keep her dowry.”

“Of course,” concludes Imam Shuaibe, “a woman may also initiate a divorce (that type of divorce is called *khul*.) If she does, she must give back her *mahr*, her marriage-gift, as she has broken the marriage contract.”

The drawing up of a marriage contract is stipulated in Islam. This marriage contract differs from the contemporary American prenuptial agreement in that it may cover much more than finances and property rights. It may specify where the couple will live, the responsibilities of each spouse, or what will constitute grounds for divorce.

The Islamic marriage contract is recognized in American courts, according to Imam Shuaibe. Of course, it should be drawn up in accordance with American legal standards, not simply according to Islamic *Sharia* (religious law). Problems arise, for example, when a couple married outside of the United States tries to divorce here. American judges are unlikely to understand the intent of a document drawn up elsewhere, whereas a Pakistani or Indonesian judge will be familiar with the conventions of *Sharia* law.

“Islam is not a Middle Eastern religion or an Arab religion,” says Imam Shuaibe. “It is an eternal religion. The best thing about Islam in America is that we have the ability to reset many things. Without the historical and cultural baggage of growing up in a society which has accepted many things not central to Islam, we can make a fresh start.

“There’s need to have family arbitration councils,” he continues. “That is, bodies responsible to invoke and enact the Islamic system, process, and protocols in a way suited for the American circumstance. The absence of those is one of the things that exacerbates problems for Muslims in this country. There would be fewer divorces if Muslims had access to such a system.”

“In our *masjid*, the Atlanata Masjid of Al-Islam, it is required to get counseling before marriage,” says Shakir. “We have a 90-day counseling process with the *imams*. You don’t come saying, ‘We’re ready to get married.’ You meet together, and alone, and then you come back to discuss the issues together. Some don’t go through with the marriage because they realize their reasons are superficial.”

If they do marry after receiving counseling, according to Shakir, they may have avoided the number one cause of divorce among American Muslims: lack of communication. Other major reasons, she says, are money issues and adultery or other sexual matters—

the same as for other Americans. All of these can be avoided by asking the right questions beforehand, understanding what you want from the marriage, and communicating that to the other person.

“Love is not a criterion,” she says. “If everything else is in place, love will come.”

Arabic is the language of Islam, although only 10 percent of the world’s Muslims speak it as their first language. Here is a glossary of some basic terms:

Arabic	English
Allah	God
Iddah	Period of waiting before finalization of divorce
Imam	Muslim religious leader
Khul	Divorce initiated by the woman
Mahr	Marriage-gift
Masjid	Mosque; Muslim place of worship
Nikkah or Nikah	Marriage
Qur’an	Sacred writings of Islam revealed by God to the prophet Mohammed
Sharia	Islamic religious law
Talaq	Divorce

Sunni translation of the Qur’an: <http://www.islam101.com/quran/yusufAli/>
Shi’a translation of the Qur’an: <http://quod.lib.umich.edu/k/koran/browse.html>
Website of Imam Faheem Shuaibe: <http://www.aclearunderstanding.net/>