

Regulating Divorces

Question: A committee has been established here in the Kera district that expresses its objective as being social reform. There is a trend amongst the people of the region to divorce their wives without good reason, the result of which is that women are experiencing great difficulties in their married lives. In an effort to curb this trend the committee undertaken to enforce a fine on any person who issues a divorce without good reason" The person is also boycotted by the people and any person who does not abide by the boycott is also fined. Please shed light on the following questions in the context of the Shari'ah:

1. Is it permissible in the Shari'ah to impose a fine?
2. Are the regulatory measures enforced by the committee and the boycott permissible?
3. Can a person who divorces his wife be forced to disclose the reasons for doing so?

There are many dangers attached to this practice. For example, if Zaid divorced his wife and is asked for his reasons, he may easily slander her to protect himself, the result of which will be a stigma that will always be attached to the woman. No one will then want to marry her. It also happens that some men feel embarrassed to reveal the true reasons for divorce, because of which they are then fined unjustly. Are the practices of this committee allowed in the Shari'ah? Is it correct to pay the committee's fees and to assist them financially?

Answer: (1) Imposing fines is not allowed"

(2,3) It is also not correct to boycott any person to the extent that his Janaazah is not performed and his funeral not attended. Rather than serving any good, this will cause only more harm. In fact, the harms are more than the good.

By sound education, advises and lecture programmes. the evil ways of society can be addressed and remedied You may also print and distribute leaflets and booklets. Although divorce is permissible and a right of the husband, Allaah detests that it should be used indiscriminately. A Hadith states that of all permissible things, divorce is most detested by Allaah.

Another Hadith states that Iblees (Shaytaan) has his throne on water and dispatches his armies of devils throughout the world to cause trouble. They then report back to him and the one who causes the most trouble is then held in the highest esteem by him. As they give their reports, Iblees tells each of them, "You have not done much," until one of them says, "I have caused a husband and wife to be divorced." Iblees then calls the devil close, embraces him and congratulates him saying, "Yes! You have done really well.

Nikaah is a bounty and a means of safeguarding one's Imaan. Divorce shows ingratitude for this bounty, angers Allaah, pleases Shaytaan and is a source of years of enmity between the

families of the divorced couple Indiscriminate divorce causes hurt to the wife, is an injustice and a sin.

If a wife is really not good, a man should exercise patience because Rasulullaah SAW. did say that women are created from man's rib and will therefore always have some crookedness in her nature. She should be treated with kid's gloves and her fault should be overlooked. Allaah knows everything and it is very possible that Allaah has placed tremendous blessings in a wife that is unpleasant. Allaah says:

"Live with them (your wives) in kindness (treating them well). If you dislike (anything in) them, then (be tolerant because) perhaps you dislike something whereas Allaah places abundant good in it. (A spouse's bad habits should not prompt one to behave harshly)

Women should also be prudent in their relationships with their husbands and do their best to make their lives as happy as possible.

While it is permissible to query the reason for divorce, one may not be forced to reveal. The members of both the husband's and wife's families should act as mediators in the event of a dispute since they know the couple best and would have their best interests at heart. Allaah says:

If you fear that the couple may separate, then appoint (with their consent) a mediator from his family and a mediator from her family, (because relatives generally have a more thorough knowledge of the situation). If they (the mediators) both desire reconciliation, Allaah will create unity between the couple (if this is best for them). Verily Allaah is All Knowing, Informed (He knows what is best for all and He knows best what they best methods are to resolve disputes).

If the committee comprises mostly of Ulema and they function according to the directives of the Ulema. there will be no harm in financially supporting them. And Allaah knows best what is most correct.

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