

## SAY DIVORCE TO TALAAQ

All Praises and gratitude is due to Allah Almighty, not simply for the natural, material and spiritual bounties we have been blessed with, but ultimately for granting us the distinction of being the best of nations. We must concede that this is not self acquired nor earned, but only due to our affinity with His most beloved of all creation, our noble and revered Master Sayyidina Muhammad (peace be upon him).

Our Beloved Mustapha (peace be upon him) embodied his teachings in his practical life, the faculties of which are rather exhaustive to mention, as are the diversities of circumstances and situations a human being will encounter in their journey through this world. Our failures to overcome or address these challenges lays mostly in our lack of conviction in the teachings of Islam, and our belief in the efficiency of its intervention. Very often we aware of the instructions or guidelines to resolve personal or social conflicts, yet we cannot adjust our attitudes to embrace the solution. This is because we consider the worldly consequences as opposed to the consequences of the afterlife. In essence one can say that the problem is not so much the problem, as are people's attitudes to the problem.

As an Ulama body convened to address and advise in social matters affecting the Muslim community, there are numerous common issues which affect us at large, yet it must be said that an alarmingly high percentage are marital discord related. Whilst this piece is not intended to comprehensively discuss the diverse permutations, it is rather is to exhort our community to be more circumspect in this critical matter of divorce.

There are explicitly defined processes ordained by the Quran and the Sunnah pertaining to marital discord, such as the Quranic injunction which dictates the appointment of elders representing both parties to mediate in the matter. Yet sadly, our community and marital counselors are of the opinion that elders and families should not be involved in the reconciliation process due to bias, lack of impartiality and emotional maturity. Our failure to be disciplined in this regard should never justify our rejection of the injunction. Perhaps counseling skills should be imparted to family mediators as we often find that opposing parties tend to trust and believe more in the solutions offered by family members, as is to be expected. It is often improbable that the Ulama will be highly effective in enforcing the resolutions as our coercive powers are restricted to appeals in doing that which is Islamically correct. It is often distressing that parties harbour suspicion regarding the good intentions of the Ulama at times.

If the policy of reverting every contentious issue in our relationships is congruent to the mode and instructions of the Beloved Prophet Muhammad (peace be upon him), then we have full confidence that sanity will prevail and marriages will be saved.

To conclude, our offices are inundated with daily enquiries regarding husbands who have issued "3" Talaq decrees on a whim, out of anger or after being coerced or pressurised by their wives and predictably both parties live with regrets thereafter as often this renders the marriage as irreconcilable. Our beloved Mustapha (peace be upon him) has stated, "To delay in matters is from Allah, and to act in haste is from Shaytaan." It is a well known fact that Shaytaan loves few things more than provoking divorce.

Our parting advice is that under NO circumstances should one issue any form of Talaq without prior consultation with reputable Ulama or Ulama bodies. Yes, we concede that every marriage cannot be saved, but in all situations it is better to try and fail, than fail to try. If such a union could be potentially destructive to both parties, then Allah Almighty mentions in the Holy Quran, "*and live in harmony or part amicably.*"

Just as dissolving a civil marriage is process which has cost, time implications and requires a great deal of patience, so too must we be measured, methodical and deliberate immensely before we dissolve an Islamic Marriage.

by  
Moulana Ebrahim Mahomed

for  
Sunni Jamiatul Ulama South Africa