

# Right of divorce in islam within australia

[Family](#), [Divorce](#)



The first time Noor visited the Board of Imams Victoria, in Melbourne's Coburg North, to apply for an Islamic divorce, she took with her an audio recording she had secretly made during one of her husband's violent outbursts." He was verbally abusing me, smashing doors, ripping up sheets, putting down me and my family ... I taped it thinking no one would believe me." Noor sat down nervously before a panel of five male imams and carefully recounted the years of physical, emotional and financial abuse she had suffered at the hands of her husband. Although in Islamic law, a husband is allowed to divorce his wife at any time, without cause, imams will not grant a woman divorce without her husband's consent, or proof she has legitimate grounds for an annulment. Based on the objectives of the Quran, if a woman presents evidence of domestic violence, imams in Australia say they will dissolve the marriage immediately; But in practice, survivors say many imams are denying women the right to divorce, in too many cases detaining them in abusive marriages for years. This was Noor's experience; who was told by imams to give the marriage another chance, and that they needed to hear her husband's side of the story. Muslims in Australia may have a civil divorce, but if they do not also obtain a religious divorce, they are considered still married in Sharia law — and in the eyes of their community. If the framework and objectives of Islamic divorce do not change - women will continue to be silent victims of crippling, loveless marriages and domestic abuse.

It is stated in the Quran that ' There is nothing Allah hates more than divorce.' If, however, for any reason a wife falls from her cherished status and becomes hated by her husband, what must be done? The wife knows

that she is not her husband's sweetheart and the mistress of the house, and that her husband dislikes her. This painful occurrence causes the greatest humiliation and anguish for a woman. Is it right to forcefully keep such a woman in wedlock with laws and prevent her from divorce? It may be asked: What must a wife do if her husband beats her, does not provide her with financial support, makes life hard on her, does not correctly perform his sexual duties, torments and harasses her, curses and swears at her, and even refrains from divorcing her? Do you tell her to have patience and " grin and bear it" until her death arrives in the name of being dedicated to her faith? Why have women not been given the right to divorce in such cases, so that they may be freed of their torturous prison?

What is being ignored is that it should not be a privilege for a woman to divorce her husband; but a right. Regardless of race and religion, it is a woman's right to free herself from a constricting marriage in which she seeks refuge from. It is a right of a woman to escape an unhappy marriage, or a man that harms her; and jeopardises her life and the lives of her children. However, in Australia, where Islamic law (sharia) operates in the shadow of the official legal system and the all-male imams who administer it with impunity, a Muslim woman's right to leave a marriage is not always recognised. Labor MP Anne Aly, who was denied an Islamic divorce by her abusive ex-husband 25 years ago said it was imams' tendency to prioritise keeping families together over women's safety. " I've had one imam brag to me that he has a 97 per cent success rate at keeping relationships together, regardless of whether they're happy marriages or abusive marriages," Dr Aly said. These experiences she finds, are far too often.

At this point I would present figures or stats that show the rates of domestic violence in Islamic marriages; but I can't. This issue has been blanketed with such intensity that there is no concrete evidence or reliable data found in Australia that suggest to the oppression of these women. This atrocity has been so well covered, that the only drive for freedom for these women is word of mouth. No reliable data has EVER been found in Australia. What are they hiding? One woman who had suffered severe physical and emotional abuse by her husband for more than a decade applied to the Board of Imams Victoria for a divorce earlier this year. Appallingly, the imams said they would not finalise the divorce unless she came in to discuss the terms with her husband- simply dismissing the intervention order she placed against him. They said she could sit in one corner of the room and her husband in another. The imams told the woman to go back to her husband and "try again" for a month - trying to guilt trip her 'for the sake of the children'. Not even comprehending it was for the sake of the children she was leaving. The conditions stated in the Quran are taken so literally here that these men would rather continue to smother freedom and safety than do what is right.

The first time Noor visited the Board of Imams Victoria, she took with her an audio recording she had secretly made during one of her husband's violent outbursts. For a long time, she believed his violence was her fault. "I would think it was reasonable", she said, "because I thought I'd done something wrong, and I deserved it." She was hopeful they'd acknowledge her husband's violence and grant a divorce. Instead they told her to give the relationship another chance. When she insisted she had tried, they told her they needed to hear her husband's "side of the story". It took six months

for the Board of Imams to get back to her, Noor said, at which point they claimed to have forgotten the details of her case. Eventually, after a year of waiting, calling and praying, Noor- withdrew her divorce application, defeated and depleted. This is the unfortunate fate of hundreds of muslim women across Australia. Women are not being given the right to control their own lives.