British Government turns to Sharia in family matters

Saturday 9 February, 2019

Legislation to allow no fault divorce to be put to parliament

Tini Owens wanted to divorce her husband Hugh because she no longer wanted to be married to him. Her petition for divorce was rejected by the courts because she did not specify the fault in her husband for which she wanted to divorce him. Under the Matrimonial Causes Act 1973 in England and Wales, anyone seeking a divorce must prove their partner is at fault through adultery, desertion or unreasonable behaviour, otherwise, if both sides agree, they can part after two years of separation. In the absence of consent or evidence of fault, applicants must wait until they have been living apart for five years.

This is not the case in Islam. The Holy Prophet Muhammad's (*s*) cousin Zainab wanted to divorce her husband Zaid, in whom she did not find any fault. Efforts by the Holy Prophet Muhammad (*s*) to bring about reconciliation did not succeed and so he granted her a divorce without the need for a long separation. ***It was thus established in Islam that a woman has a right to divorce simply because she does not want to remain married*.**

The Times supported this aspect of the *Sharia* and conducted a campaign for a change in Family Law to recognise no fault divorces. It is welcome news that the Secretary of State for Justice, the Rt Hon David Gauke MP, has confirmed that he will bring in legislation enacting the reform in the next session of Parliament, removing the need for separating couples to wait for years or allocate blame for the collapse of their relationship.

An earlier attempt to allow no fault divorce through the Family Law Act 1996 failed because its provisions were considered unworkable and it was repealed. We pray that the proposed legislation does not suffer the same fate so that people in the same position as Tini do not suffer years of financial loss, stress and heart ache before finding whether or not they can divorce.

The Ahmadiyya Association for the Propagation of Islam (*Ahmadiyya Anjuman Isha?at Islam*) was established in Lahore in 1914 to promote the informed understanding of Islam in the West. In the UK it operated the Shah Jehan Mosque in Woking until the early 1960s. Its new headquarters is at *Dar-us-Salaam*, 15 Stanley Avenue, Wembley, HA0 4JQ, UK. In 1924, in Berlin, it built the first mosque in Continental Europe of the modern era. The German Government recognises the Berlin Mosque as part of the German national heritage. From its European and other centres around the world this organisation has taught that Islam promotes peace, harmony and mutual respect between all communities and nationalities.

- **Submissions in 2016 to UK Parliament Inquiries:**
  - *Countering Extremism*
    - Our submission: pdf • html
  - *Sharia Councils:*
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