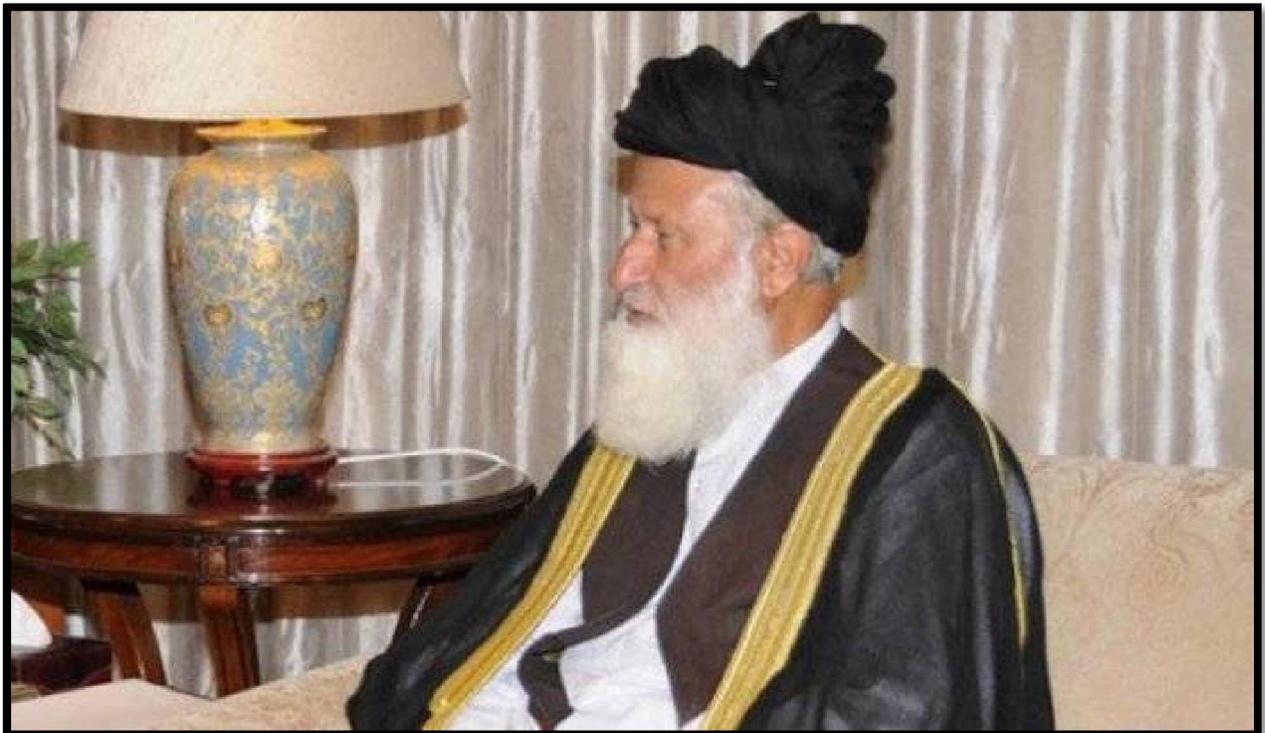


Pakistan's Council of Islamic Ideology: "Un-Islamic" for women to seek divorce without husband's permission

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Remember this one the next time you hear an Islamic apologist droning on about how Islam respects and protects women's rights.



Khulaq without husband's consent is un-Islamic: CII, by Qaiser Butt, [Express Tribune](#), February 18, 2016:

The Council of Islamic Ideology (CII) has declared it un-Islamic for courts to use ~~Kh~~Khulaq (right of a woman to seek divorce) without the consent of a husband to dissolve a marriage.

The powerful religious body observed on Thursday that courts were dissolving nikkahs in the name of ~~Khulaq~~ which is not correct since only the husband has the right to grant Khula after which courts can dissolve marriage contracts.

Urging civil courts to differentiate between ~~Khulaq~~ and a unilateral dissolution of marriage through a court order, the CII said several women who had dissolved their marriages using ~~Khulaq~~ were still not certain if their marriage had actually been dissolved.

Khula is prerogative of husband, not courts, says CII

While Shariah has explicitly defined the framework and procedure for Khula, it has not been defined in the country's existing marriage laws, the CII observed.

Therefore, a civil court decreeing dissolution of marriage on a wife's plea without her husband's consent, under the name of Khula, would be in violation of the Holy Quran and Sunnah, the council observed.

The council also observed that denying a husband the right to appeal against such a unilateral court decision would also be unjust as per Islamic law.

According to a majority of ulemas, a wife has to forfeit her financial rights when ~~Khulaq~~ is used to dissolve a marriage. However, the two can reach an agreement outside the law if a mutual understanding is established.

As per the Dissolution of Muslim Marriage Act passed in 1939, judicial khula is allowed to be authorised without the husband's consent if the wife has agreed to forfeit her financial rights. Marriage is not considered a sacrament among Muslims but rather a civil contract with spiritual and moral undertones.