

Press Release

O Islamic Fiqh Council, Divorce Is a Shariah Ruling That Is Not Subject to Distortion

(Translated)

The Islamic Fiqh Council in Khartoum confirmed that it is in the process of seeking the help of Psychiatrist to work out the occurrence of divorce and its consequences. This came in a meeting of the Secretary-General of the Council with the famous psychiatrist, Dr. Anas Ibn Auf, who stressed that whoever divorces his wife is **necessarily insane**, in terms of the distress, depression, and anxiety that accompanies spouses when throwing the oath of divorce, making them as if the pen has been lifted from them (unaccountable). Dr. Anas Ibn Auf also dedicated his book in this regard to the Fiqh Council to work according to it. (Al-Mehwar News, 01/15/2023)

We in Hizb ut Tahrir / Wilayah of Sudan - Women's Section, want to elucidate the following facts:

First: Divorce is legal in Islam according to the Book, the Sunnah, and Ijma' (consensus). As for the Qur'an, Allah (swt) says: لَا جُنَاحَ عَلَيْكُمْ إِن طَلَقْتُمُ النِّسَاءَ مَا لَمْ تَمْسُوهُنَّ أَوْ ﴿١٠٧﴾ تَفَرُّضُوا لَهُنَّ فَرِيضَةً “There is no blame upon you if you divorce women you have not touched nor specified for them an obligation” [Al-Baqara: 236]. As it was proven on the authority of Ibn Abbas, on the authority of Umar: أَن رَسُولَ اللَّهِ ﷺ طَلَّقَ حَفْصَةَ، ثُمَّ «رَأَى رَسُولُ اللَّهِ ﷺ أَنَّ رَسُولَ اللَّهِ ﷺ طَلَّقَ حَفْصَةَ، ثُمَّ رَاجَعَهَا» “The Messenger of Allah (saw) divorced Hafsa then took her back.”

One of the axioms is that contracts such as marriage and others in their contract or in their annulment, are only conducted by someone sane exclusively, so how does this doctor describe the one who is divorced as insane?!

Secondly: Divorce takes place under conditions, yes, but the majority of scholars unanimously agreed that divorce takes place even from a person who is drunk, as a discipline for him. Also, he is accountable for his actions, and his disobedience (even when drunk) is not an excuse for him to waive the divorce, just as it is not an excuse for him to be held unaccountable for his actions such as murder, theft, adultery, or otherwise because his mind is not present due to the sin (of drinking Khamr), so when he gives divorce in that state, it is counted as a punishment for him and a deterrent to him for committing a sin.

Third: The Islamic Fiqh Council, which is supposed to be a group of scholars, know that divorce is an established Shariah ruling in Islam, and there is no dispute

about it. As for scientific theories, they are all speculative, their validity or invalidity are proven when they conform or not conform to reality. How can the council accept a theorization in the ruling of divorce that leads to its non-occurrence despite its occurrence? Thus, disrupting the divorce ruling, which is a Shariah ruling?!

Fourth: The brothers in the Islamic Fiqh Council should be aware that there is an intellectual and legislative war targeting the rules of Islam related to the social system. That is, the relationship between a woman and a man, in which only those who adhere to revelation are saved.

O Muslims: The sciences and knowledge are based on the texts, and they can be used in all areas of life, but it is not acceptable to be taken as an alternative ruling to the rulings of the Shariah, so we leave the well-known jurisprudence of divorce, and we take the books of someone who looks into divorce based on psychological medicine and not based on the rulings of Islam

The wisdom of the laws of Islam may be hidden from many people, and the condition of the believer is always to hear and obey Allah, not humans, and the opinions of people and human legislation must not replace the rulings of Islam, so adhere to the law of your Lord and you will succeed.

These deviations are caused by the absence of Islam from regulating the affairs of people in the state and society, and the dominance of adopting human legislation. Only the Khilafah Rashidah (rightly-guided Caliphate) state on the method of the Prophethood, which will make life based on the foundation of there is no god but Allah and Muhammad is the Messenger of Allah (saw), will end this.

﴿لِمَثَلٍ هَذَا فَلَیَعْمَلِ الْعَامِلُونَ﴾

“For the like of this let the workers [on earth] work” [As-Saffat: 61]

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