

Testimonies

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I met my husband, Tarek, in a party in London. The party was a typical get together for Arabs to show off their daughters and sons and marry them off. We started dating and after a while we got engaged. My father was not thrilled about the marriage since several family friends and relatives warned him about Tarek and his unethical and money hungry family. Besides, Tarek's mother was well known for being domineering and cruel. The gossip bothered my father and he had a bad feeling about the union. He advised me to take my time and get to know him better but I turned a deaf ear because I was very much in love. I was 19 years old when I got married.

After the wedding we left for our honeymoon and after coming back we spent two weeks in Lebanon after which we moved to Saudi Arabia. At that time Tarek was working in Saudi Arabia and his mother was living with him. Being a widow she had to live with someone and given that none of her children wanted her to live with them, she ended up living with Tarek. Three days after we arrived in Saudi Arabia my mother in law followed us. And I have to admit that throughout our married life, 11 years, the only time we spent on our own was during our honeymoon.

My relationship with my mother in law was stormy; we often argued because she was always rude and impolite to me. She went out of her way to make my life miserable. She ridiculed my parents, criticized my manners, and made it clear to me that she was the mistress of the house. Tarek knew nothing about our arguments. I didn't dare tell him for fear that he would side with his mother. He was so obsessed with her to the extent that I often felt I had a co-wife. Tarek made it very clear that his mother was his priority. He used to tell me: "I love my mother more than anything in the world, then God then my siblings and then you and the kids." He used to insist on spending every waking hour with his mother. He used to wake up early to drink his morning coffee with her and after returning home from work we were supposed to sit with her until she retires. By the time we are together I would be too exhausted to open my eyes.

Other than the fact that I had no authority at home or any privacy with my husband, living in Saudi Arabia was not an easy endeavor. I was robbed of my freedom, confined to the house, had no friends, and was living with a lady who insisted on making my life miserable. Despite all that I didn't dare complain because I loved Tarek and didn't want to lose him. My marital problems started the day our daughter was born. Tarek was very jealous of the baby. He wanted my full attention, but it was not possible given that I had a new born to take care of, a house to clean, and food to cook. Our house help couldn't handle

things on her own and I had to help her. Tarek expected me to stay up all night attending to the baby, and at the same time be attentive to all his needs. We often argued and my mother in law always sided with her son. She used to tell him in my presence: "If I were you I would leave her, she isn't a good wife."

I was very unhappy and was heading from a nervous breakdown, so I decided to visit my parents in London. Tarek didn't want me to go but I went anyway because I was so drained and needed a break. I suffered a nervous breakdown as soon as I arrived in England. I was supposed to be hospitalized but my parents refused to admit me for fear that my mother-in-law would take that against me. Given that she often accused me of being crazy, my being in a hospital would give her the proof that she needed. I was treated at home under the supervision of doctors. I stayed in England for five months during which Tarek never called nor tried to see his daughter. I called instead because I didn't want my daughter to grow up without her father. Besides, I loved him very much and wanted to give it a second chance. My parents were very worried about me and discouraged me from going back, but, ofcourse, they couldn't stand in my way. It was my decision and they respected it.

I went back and all was well for a while then the problems started recurring. Tarek convinced himself that I was having an affair and became obsessed with the idea without even confronting me. He started mistreating me, monitored my every move and acted so mean and hurtful to a point where I decided to leave him. I didn't know what the problem was and whenever I asked him he would say: "You know what is wrong." Other than the fact that he was very paranoid and jealous, Tarek was a violent husband. He hit me on several occasions and tried to strangle me twice. For example, once we had a big fight and while arguing he grabbed my neck and tried to strangle me. I managed to free myself and ran towards my bedroom but he got hold of me again. I was saved by our hired help who jumped on him and saved me. I still remember what she told him that day: "If you ever touch her again I will kill you." My mother-in-law tried to stop him, but she had her son's safety in mind not my own. She warned him: "Tarek leave her alone, if you kill her you will go to jail."

After everything he did to me, I was expected to continue my wifely duties to the full. I was very miserable and lost so much weight to the point that I started looking like a skeleton. Ever since the day he hit me a wall started coming between us, and our relationship was no longer the same. At times Tarek and his mother were so sweet and considerate to a point that I forgot everything they did to me. However, the bliss didn't last for long and I was often reminded how cruel and unethical they could be. When I think about everything that happened I realize

that I should have left him years ago. He turned me into a nervous wreck. I feared him, felt very insecure while living with him because I felt that I had lost all self confidence. I threatened to leave him and he threatened to take away the girls. I felt trapped because I didn't want to lose my children.

Tarek was very stingy, selfish and insecure. He didn't want me to succeed in anything. He felt threatened when I wanted to join a computer course and he refused to pay the fees. He believed that it was a waste of time and money; however, I insisted and paid for the course myself because I wanted to feel alive and useful again. Despite all problems, I decided to get pregnant. My eldest daughter was five years old and I didn't want her to grow up on her own. I wanted her to have a brother or sister. When Tarek and his mother found out that I was having another daughter they lost interest in the unborn baby. They both wanted a boy and they blamed me for not producing one.

My life went on in pretty much the same manner when Tarek decided to move to Lebanon. I was so happy because for once I was going to live alone in my own house. I furnished the house and it looked beautiful. Tarek loved the house, but, his mother was not very thrilled. She was very jealous and we started fighting because she wanted to interfere in my life. During one of those fights I answered her back and Tarek tried to punch me. I left the house that day and went to live with my parents. Tarek felt very guilty afterwards, apologized and begged me to go back home. Even though my father often encouraged me to leave him, he advised me to try one last time for the sake of my girls.

I decided to go back and give it one last try. As soon as I walked into the house I knew that I made a grave mistake. At first, as usual, all went well; however, as expected things started to go wrong. I had to cater to all his needs as well as the needs of his family and no one appreciated the effort. Then his mother started suffering from Alzheimer's and Tarek couldn't face it. He was very depressed and started taking it out on me. It was then that I realized how attached and in love he was with his mother. His mother was a big responsibility and I had to nurse her, feed her and stay at her side because she couldn't be left alone and I had my two kids to take care of. I couldn't cope and was to blame for everything.

The reason why I left and never looked back was when he forbade me to invite my sisters to our house. He explained that the house was his, and he didn't feel like seeing my sisters. I thought he was joking, but when I realized he was serious I told him: "This is our house not your house," and his answer was: "No this is my house, if you want a house of your own have your father buy you one." When I heard that I felt so hurt, and knew that this time it was over for good. I left home with the girls and never looked back.

Tarek tried his best to convince me to return. We talked several times but I was adamant about going on with my life without him. He was enraged at first but then he got used to it. My girls are living with me and visit their father during the weekend. After leaving him I went back to college and I graduated this year. I never regretted

leaving him. Even though I still loved him when I decided to leave, I knew that I couldn't live with him anymore. In fact, until now I can't understand why I was in love with him.

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Growing up, my sister and I felt very schizophrenic because there was a duality in our upbringing. We were encouraged to pursue our education, yet at the same time we were supposed to respect our values, customs and traditions. The education we received contradicted directly with the societal norms we were supposed to abide by. We were brought up in a very conservative atmosphere, and my parents expected us to uphold the traditions and values even when living in Washington DC.

I often felt that I was living at home in Egypt despite the fact that the outside world was the United States. Even though my parents instilled in me a lot of good values, yet, they also taught me how to master deception. Trust was non-existent between us because they often feared I would go down a bad road. My parents lived in their own cocoon. To them the United States represented sex, drugs and rock and roll, and they had to protect their two daughters from such evils. As a result, my sister and I became very clever at deception. I was never proud of all the lies we uttered; nevertheless, we adapted well to the life of deceit because it protected our new found freedom. There were attractions on the outside and we wanted to have relationships with the other sex.

I could never tell my parents how I felt, who were my friends and who I was going out with. Dating was out of the question. That is why I had to live a double life, one inside home and a totally different one outside. I lied to my parents all the time, but finally when I got too tired of leading a double life I decided to tell them the truth. One day I announced to them that I would like them to meet a special male friend. I wanted them to be a part of my life. They masked their rage and encouraged me to invite him to dinner in order to find out more about the relationship. The evening was a nightmare. Even though my parents are diplomats, they forgot all tact that evening. They were very rude and impolite, and I was so mortified and couldn't believe what they had done. After my friend left, my parents informed me that I was no longer entitled to a car nor was I allowed to continue university. I was supposed to stay home until summer, and then they were planning to send me to Egypt. They took away my car keys, my house keys, etc.

After that incident, I decided to leave home and live on my own. There were so many things that were bottling up and the fiasco evening was the straw that broke the camel's back. I felt very insulted and hurt because I took a courageous step and told them the truth, but they threw it right back in my face. The key issue was that my friend was a Christian. According to my parents faith was more important than nationality. My future husband had to be a Muslim. At the time I had no intention of marrying the man and I never ended up marrying him. They just thought the worst. So to cut a story short I packed up my things and left. I didn't have the courage to walk out in

front of them so I wrote them a letter telling them that I was leaving the house and left my phone number in case they were worried about me. At that time, I was 18 years old. I worked for an American family. I took care of their children from 4-7 in the afternoons. In return, they offered me a place to live.

My parents were furious when they found out that I had left. They did everything in their power to bring me back. They contacted the Egyptian ambassador, the police, as well as the University, but they failed to bring me back because I was of age, and in the United States that made a difference. They tried to have me expelled from university but it didn't work either because I had good grades, and my full tuition was paid. They used to call me daily just to insult me, and I still recall all the horrible things they said to me. The more they did so, the more I was determined not to go back. What kept me going was my determination to prove them wrong. It was a challenge, and I had to win.

Even though I struggled on my own I was able to stand on my feet. I finished my undergraduate degree and then completed a masters degree. Throughout that time friends tried to bring us together but the attempts failed. Then for a number of years I had no contact with my parents. Back in Egypt I really don't know how they explained my disappearance to the people around them. I guess they made up stories that I was studying and working and everything was fine and dandy. They never really told anybody the truth because they wanted to save face. What will people say was always the big issue. We never talk about the rift nowadays, and we act as if it never happened. My parents never apologized for what they did to me and given that they will never admit that they were wrong I never confronted them.

I have been married for the past sixteen year. I met Tod, my husband, through work. We worked for the same organization and became very good friends in a short a period. After a while we started realizing that there was more to our relationship than just friendship so we decided to get married. We both worried about our parents' reaction. Given that Tod comes from a conservative American family, his parents were not very thrilled about him marrying a Muslim. I was not the exact image of the daughter in law they wanted. However, his parents were smarter than mine; they realized that if they didn't want to lose their son they had to accept me. As they got to know me they changed their opinion.

As far as I was concerned I had an idea about how my parents would react. Yet, I still wanted them to know that I was getting married. Being an Arab I was brought up to feel part of a community, a family, a tribe and it wasn't easy to cut myself off totally. So I called them up and told them, and the first question they asked was what his religion was. Once they knew he was Christian all hell broke loose. They didn't come to the wedding.

Being a Muslim woman, it was an unforgivable sin to get married to a non Muslim. However, I couldn't ask my husband to convert to Islam when I wasn't prepared to convert to Christianity myself (if asked). I had nothing against Christianity. On the contrary given that my heritage is Judeo-Christian, I had to believe in and under-

stand the Jewish and Christian faith in order to be a real Muslim. Even though we had a civil marriage we wanted our union to be blessed by God, so we decided to incorporate Christian and Muslim vows in our religious ceremony. We found an open minded priest who had an appreciation of both faiths, and who agreed to do the service.

During the first three years of our marriage we had no contact with my parents. Then out of the blue we received an invitation to Egypt from my parents. They decided to go to Mecca for Pilgrimage and in order for their pilgrimage to be accepted they had to resolve their problems, and I was one of them. I was shocked and thrilled at the same time. It was a dream come true. I wanted to go because I missed my family and Egypt. Besides, I hated being cut off, and always felt that there was something missing in my life. Even though I went through a period where I didn't want to be Egyptian, didn't want to speak Arabic, and absolutely didn't want to have anything to do with that part of me because my parents treated me very badly, however, there were always these roots that I couldn't just eradicate. There was always this yearning and this dream that things would go back to the way they were and they would accept me as part of the family. Now was my chance so we accepted the invitation.

My parents met us well and we enjoyed our stay. While in Egypt my husband did something very strange: he got up one day and told me he wanted to convert to Islam. Even though no one asked him to convert he did it for many reasons. He feared that some one from my family might hurt me (commit a crime of honor); he wanted to be accepted, and to help my parents save face. I felt very grateful and my parents were elated.

My husband and I come from very different backgrounds. I am a very cosmopolitan kind of a person. I was born in Japan, I speak many different languages and being the daughter of a diplomat I have lived all over the world. My husband on the other hand, grew up in a small conservative town in middle America, never traveled outside the United States, and speaks English only. I can sense a war between the two cultures, and it does come out in the relationship. There are things in me that are very Eastern and vice versa.

My relationship with my husband started deteriorating when I accepted a job in the Middle East. I was and still am very happy living in Beirut and before that in Egypt because I was able to strike a balance between East and West. This balance created a conflict between us. My husband was very unhappy in the Middle East because he felt isolated. This put a lot of pressure and tension on our relationship and led to numerous fights.

He recently went back to the US along with the children. He gave me two choices either to go back with him or stay here until I complete my assignment. My assignment is for two years, so after that I am supposed to go back. Even though he encouraged me to take the job now he wants me to leave. I am faced with a problem that is overwhelming, and I don't know how to deal with it. I am an Egyptian American, and now I am challenged by my husband to choose. According to him I can't be both, but I disagree with him.

Islamic Family Law Tabulated*

Countries	Marriage Age and Guardianship	Polygamy	Divorce
Algeria	21 for males and 18 for females/guardian not permitted to marry his ward by compulsion or without her consent, and may not withhold consent if marriage is in the ward's interests as judge is empowered to authorise such a marriage in case of guardian's opposition	reason for contracting polygamous marriage must be justified and prior notification of existing wife/wives required; any co-wife may petition for divorce on grounds of harm if her consent was not obtained	only established by judgement of the court; judgement must be preceded by reconciliation efforts by the judge; wife may obtain a <i>khul'</i> in return for compensation (not to exceed proper dower) if husband consents
Bahrain	personal status laws remain uncodified administered by <i>shari'a</i> courts which apply classical Islamic personal status law		
Egypt	18 for males and 16 for females/guardianship governed by civil code; wali cannot prevent ward from marrying for reasons of status, amount of dower, etc.; judge may authorise marriage if wali refuses	notification of existing and intended wives required; existing wife can petition for divorce if she sustains such harm as makes cohabitation as husband and wife impossible (up to one year from date of her knowledge of the polygamous marriage)	<i>talaq</i> (divorce) expressed indirectly, while intoxicated or under coercion, or conditionally with coercive intent is ineffective; repudiation to which a number is added verbally or by gesture effective only as single revocable <i>talaq</i> (except third of three); written and notarised certification of <i>talaq</i> must be obtained within 30 days of repudiation and notary must forward copy of certificate to wife; certain financial effects of <i>talaq</i> suspended on her knowledge thereof if husband is found to have concealed it
Iraq	18 for men and women; judicial permission may be granted at 15 years if fitness, physical capacity and guardian's consent are established / no relative or third party has power of compulsion; marriage contract concluded by coercion is void if not consummated; likewise, no relative or third party may prevent person having legal capacity from marrying, Iraqi Law of Personal Status (ILPS) provides penalties of fines and/or imprisonment for non-compliance	only permitted by judicial permission to be granted on two conditions: financial ability and lawful benefit; permission not to be granted if judge fears unequal treatment of co-wives; ILPS provides penalties of imprisonment and/or fines for non-compliance	<i>talaq</i> must be confirmed by <i>Shari'a</i> Court's judgement or registered with Court during <i>'idda</i> period; <i>talaq</i> by man who is intoxicated, insane, feeble-minded, under coercion, enraged, or seriously ill or in death sickness is ineffective, as is <i>talaq</i> that is not immediate or is conditional or in form of an oath; all <i>talaqs</i> deemed single are revocable (except third of three); wife may obtain <i>khul'</i> from husband in return for consideration that may be more or less than her dower
Jordan	16 for males and 15 for females, court permission required for females under 18 to marry men older by 20 years or more / guardian's consent is required for marriage of a female under 18 years, but not for a divorcee or widow over 18 years	no constraints aside from classical injunctions that a man must treat all co-wives equitably and provide them with separate dwellings; man must declare his social status in marriage contract.	<i>talaq</i> uttered while asleep, drunk, in a faint, overwhelmed (<i>madhush</i>), or under coercion have no effect; oaths on <i>talaq</i> and conditional <i>talaq</i> intended to coerce someone into committing or refraining from a particular act are invalid; <i>talaq</i> accompanied by a number in word or gesture, or repeated in a single session, gives rise to a single revocable repudiation.
Kuwait	no substantive minimum marriage age identified; capacity to marry requires parties to be of age (puberty) and of sound mind, however, no notarisation or registration of marriage permitted where female has not reached 15 years or male 17 years / marriage concluded by wali's offer and groom's acceptance; woman who has been married previously or has attained 25 years has "freedom of choice" in marriage, however, cannot conclude contract herself (must still be concluded by her wali); invalidity of marriage under coercion or intoxication	governed by classical law; may be subject to stipulations in marriage contract	<i>talaq</i> uttered by man who is insane, feeble, under coercion, intoxicated, mistaken, disoriented, or enraged shall not be effective; statement of <i>talaq</i> must be immediately effective; <i>talaq</i> to which a number is attached effective as single revocable only (except third of three); rules on <i>khul'</i> include explicit prohibition of coercion in <i>khul'</i> and invalidate any condition by father stipulating his custody over children from the marriage

* This information is based on the global study of Islamic Family Law implemented by the Religion and Human Rights Project of Emory University School of Law, directed by Professor Abdullahi Ahmed An-Na'im, and funded by the Ford Foundation. For full statement of the scope and results of this study, visit the project's web site at www.law.emory.edu/ifa

Reasons Wife May Petition for Divorce

non-payment of maintenance; infirmity preventing conjugal relations; husband's abstinence from sexual relations for over four months; husband's imprisonment for over a year for offense that brings disgrace to his family; husband's absence without provision of maintenance or valid reason for over a year; any legally recognised harm (e.g., relating to maintenance, treatment of co-wives, etc.); and any grave moral impropriety

serious or incurable defect of the husband (unless woman married in full knowledge of such defect or defect occurred after the contract and she implicitly/explicitly accepted it), harm making cohabitation as husband and wife impossible, if harm is proved and reconciliation efforts fail, material or moral harm if husband marries polygamously and such harm makes cohabitation as husband and wife impossible (up to one year from date of her knowledge of the polygamous union), husband's absence for a year or more without reasonable justification; husband's imprisonment for three years or more, after one year of sentence has passed, non-payment of maintenance; and discord if reconciliation efforts fail, with financial settlement proportionate to allocation of blame as determined by arbitrators; wife may also obtain a divorce on the grounds of incompatibility, but will not lose all financial claims against her husband; a divorce requested by wife on the grounds of incompatibility must be granted within six months

if husband is imprisoned for three or more years; if husband abandons wife for two or more years without lawful reason; if husband does not consummate marriage within two years of contract; husband's impotence or affliction (if after consummation, must be confirmed by medical report); husband's infertility if wife has no living son by him; husband's serious illness which would cause wife harm; non-maintenance after grace period of up to a 60 days; non-maintenance due to husband's absence, disappearance, concealing his whereabouts, or imprisonment for more than one year; and if husband refuses to pay maintenance arrears after 60-day grace period; wife may also request judicial separation before consummation in return for any dower and proven expenditure on husband's part for purpose of the marriage

failure to maintain, physical desertion or husband's absence for one year or more, husband's prison sentence of three years or more; both spouses may petition on grounds of 'discord and strife', breach of a binding stipulation of the marriage contract, and various grounds associated with spouse's mental and physical health.

husband's non-maintenance; *ila'*; husband's absence of one year or more without good reason, giving rise to injury to wife; and husband's imprisonment for three or more years; either spouse may apply for judicial divorce on grounds of injury/prejudice caused by such word or action as makes continued matrimony impossible, established by testimony of two male or one male and two female witnesses (after reconciliation efforts, with possibility of award of appropriate compensation to aggrieved party); annulment available on following grounds: defect of either spouse such as makes cohabitation harmful or hinders conjugal relations (e.g., disease, impotence); and difference of religion arising after marriage that renders marriage invalid according to rules of shari'a and either party may demand dissolution on grounds of non-compliance with any valid stipulation recorded in marriage contract

Post-Divorce Maintenance/Financial Arrangements

judge may award wife damages if husband found to have abused his right of *talaq* (divorce); no indication of levels of compensation given in the law

divorcée repudiated by husband without cause or consent on her part entitled to compensation (*mut'a al-talaq*) of at least two years' maintenance (no maximum stipulated); maintenance claims for 'idda not to be heard after one year from date of divorce; divorcing husband required to provide independent accommodation for former wife having custody of their minor children

husband obliged to maintain divorcée (even if *nashiza*) during 'idda; 1983 legislation provides that repudiated wife has right to continue residing in marital home without husband for three years, so long as she was not disobedient, did not agree to or request divorce, and does not own house or flat of her own

compensation for arbitrary *talaq* of a maximum of one year's maintenance; classical rules requiring former husband to pay the divorcee for breastfeeding and undertaking custody of their children are maintained

maintenance obligatory during 'idda for divorce, annulment, irregular contract or invalid marriage; divorcée entitled to compensation equal to not more than one year's maintenance in addition to maintenance during 'idda, except for cases of divorce for non-maintenance due to husband's poverty, divorce for *darar* caused by wife, divorce by wife's consent, or annulment at wife's request

Child Custody and Guardianship

divorcée's right to custody ceases at age 16 for boys (or 10 if she remarries) and until legal age of marriage (18 years) for girls (so long as mother remains single or marries someone within prohibited degrees to the daughter), with proviso that decision to terminate custody is subject to ward's best interests; full guardianship reverts to mother upon father's death unless his will provides otherwise

divorced mother's custody ends at 10 years for boys and 12 years for girls; judge may extend custody to 15 years for boys or until marriage for girls if ward's interests so require

divorcée entitled to custody of boys or girls until age of 10 years, extendible to 15 years at which time ward may choose with which parent s/he wishes to live

divorcee is entitled to custody of her children until they reach puberty, subject to classical conditions; other custodians till 9 and 11 males and females.

divorced mother's right to custody ceases at puberty for boys and majority or marriage for girls

Countries	Marriage Age and Guardianship	Polygamy	Divorce
Lebanon	age of capacity is 18 years for males and 17 for females; scope for judicial discretion on basis of physical maturity and wali's permission from 17 years for males and 9 for females; real puberty or 15/9 with judicial permission for Shi'a; 18/17 or 16/15 with judicial permission for Druze / mature female of 17 years may apply to the court to marry and requirement of guardian's permission may be waived if his objection appears unfounded; wali's right of <i>ijbar</i> retained for Lebanese Ja'faris	express recognition of validity of stipulations inserted into marriage contract restricting husband's right to marry polygamously and effecting divorce of one or the other co-wife	invalidity of <i>talaq</i> uttered while intoxicated or under coercion; husband who repudiates his wife obligated to inform <i>Shari'a</i> Court of his exercise of <i>talaq</i> within 15 days and then Department of Personal Status for registration of divorce; failure to register with Department of Personal Status does not invalidate repudiation, but husband is subject to criminal penalty; for Shi'a, classical rules relating to specific formula and requirements apply
Libya	minimum marriage age is 20 years for men and women; judicial discretion for marriages below that age on grounds of benefit or necessity and with wali's agreement / guardian may not force ward of either sex into marriage or prevent ward from marrying; if guardian withholds consent, ward may take matter to court to obtain permission	permitted with prior judicial permission based on grounds of financial and physical capacity; written agreement of wife may authorise husband to marry polygamously or authorisation may be given by court for certain reasons	Article 28 states "[i]n all cases divorce shall not be established except by a decree by the relevant court" whether by <i>talaq</i> , mutual consent or judicial divorce; <i>talaq</i> uttered by a minor, insane, demented or coerced husband or without deliberate intent is invalid, as is suspended or conditional <i>talaq</i> ; <i>talaq</i> to which a number is attached considered single revocable (except third of three); wife may also obtain <i>khul'</i> from husband for appropriate compensation, which may include deferred dower or custody over children; if husband retracts offer of <i>khul'</i> "due to obstinacy" court is empowered to rule a <i>khul'</i> in return for appropriate compensation
Morocco	minimum marriage age is 18 years for males and 15 for females; judicial discretion for males under 18 if there is fear of immorality; compatibility of age in marriage is defined as wife's right / no coercive guardianship; ward may take matter to court if her guardian refuses consent to her marriage; ward who has reached age of legal majority and has no father may contract her own marriage	polygamy not to be permitted in case of fear of unequal treatment; requirement of notification of prospective and existing wives; woman who did not insert stipulation limiting husband's right to marry polygamously in marriage contract and whose husband does so may seek judicial divorce on grounds of harm	<i>talaq</i> must be registered at court, normally in presence of wife; if <i>talaq</i> is found to have been exercised while wife is menstruating, judge shall oblige husband to revoke it; <i>talaq</i> uttered while intoxicated, under coercion, enraged, upon condition, by oath or with intention to coerce not effective; <i>talaq</i> to which a number is attached effective as single revocable only (except third of three)
Oman	personal status laws remain uncodified. Classical Ibadhi Fiqh is applied to matters of personal status		
Palestine (West Bank and Gaza Strip)	West Bank - 15 female, 16 male under the JLPS; Gaza Strip- LFR 1954 required puberty and made 9 (female) and 12 (male) minimum ages; Palestinian Qadi al-Quda issued administrative decision in 1995 raising these to 15 female and 16 male. All ages by lunar years / West Bank- see under Jordan, and in practice consent of guardian registered in nearly every marriage; Gaza Strip- In Gaza the LFR assumes guardian gives consent and that's where there is no guardian, the qadi exercises guardianship in marriage.	governed by classical law. Both laws specifically permit a woman to stipulate in contract that husband will not take another wife while married to her and to petition for divorce on the basis of this stipulation if he proceeds to break the terms of the stipulation. (Muslim Palestinians in East Jerusalem cannot marry polygamously under the terms of Israeli law).	West Bank- see under Jordan. Gaza Strip-standard reforms to Hanafi rules as implemented in Egypt in 1920's, reducing effect of many forms of triple <i>talaq</i> to a single revocable and denying effect to others (eg those spoken as an oath). Extra-judicial <i>talaq</i> valid but registration is mandatory.
Qatar	personal status laws remain uncodified. Classical Hanbali Fiqh is applied to personal status matters		
Saudi Arabia	personal status laws remain uncodified. Standard Hanbali Fiqh is applied to personal status matters		

Reasons Wife May Petition for Divorce	Post-Divorce Maintenance/Financial Arrangements	Child Custody and Guardianship
<p>husband's failure to consummate marriage; infirmity or illness making cohabitation without harm impossible; insanity; failure to maintain and his concealment of his whereabouts, absence, disappearance, or intermittent cohabitation with wife; and both spouses may apply on grounds of marital discord (after reconciliation efforts) where judicial decision determines fault and appropriate recompense for aggrieved party; for Druze, divorce only possible by decision of Madhhab judge and if Madhhab judge finds no legal justification for divorce, husband must pay damages to wife; Druze accept annulment by mutual consent before judge and two witnesses; among Druze, divorce creates permanent indissoluble bar between former spouses</p>	<p>governed by classical law</p>	<p>Sunni divorced mother's right to custody ends at 7 years for boys and 9 for girls; 2/7 for Shi'a, unless mother remarries and subject to wards' best interests; 7/9 for Druze</p>
<p>husband's failure or inability to maintain without cause; absence without justification; grounds of defect preventing fulfilment of aims of marriage or other grave defect; ila' or hajr, after appropriate grace period; most of above grounds available to husband as well; if parties do not agree to talaq by mutual agreement, court will appoint arbitrators; if reconciliation efforts fail and harm is established, judge issues decree of divorce with financial effects proportionate to relative fault; annulment effected due to difference of religion in cases of conversion after marriage where this affects validity of marriage according to shari'a</p>	<p>wife may be awarded compensation by court if husband is considered to bear responsibility for causes of talaq</p>	<p>governed by Maliki principles; mother's custody ends at marriage for daughters and puberty for sons</p>
<p>husband's non-maintenance; husband's grave and incurable or long-term defect; harm caused by husband making cohabitation impossible (after reconciliation efforts); husband's absence for over one year without valid reason; husband's oath of abstinence if he does not comply with judicial decision allowing four month grace period; all judicial divorces irrevocable except divorce granted because of husband's oath of abstinence or inability to maintain</p>	<p>divorcing husband obliged to pay compensation if talaq was on his part; qadi may award wife compensation for talaq without good reason, with no upper or lower limit of compensation specified</p>	<p>divorced mother has right of custody until puberty for sons and until marriage for daughters</p>
<p>West Bank- see under Jordan. Gaza Strip- the same, except that women may petition for divorce on the grounds of injury and does not allow the husband to petition on grounds of 'discord and strife'.</p>	<p>West Bank- see under Jordan. Gaza Strip: classical rules, no compensation for arbitrary talaq and no arrears pre-dating submission of the maintenance claim.</p>	<p>West Bank- see under Jordan; Gaza Strip- classical Hanafi rules allowing limited extension of mother's custody of girl up to eleven years and boy up to nine.</p>

Countries	Marriage Age and Guardianship	Polygamy	Divorce
Syria	minimum marriage age is 18 years for males and 17 for females; judicial discretion for males of 15 years and females of 13 years; judge may withhold permission for marriage if court finds incompatibility in age between betrothed parties / under age of full capacity, both parties need permission of wali; wali's objection to marriage of girl under 17 years may be overruled by judge	judge may refuse permission for polygamous marriage unless husband establishes lawful cause and financial capacity	<i>talaq</i> uttered while intoxicated, disoriented/enraged, under coercion, during death sickness or grave illness, or in order to coerce deemed ineffective; <i>talaq</i> to which number is attached shall be considered single irrevocable (except third of three)
Tunisia	minimum marriage age is 20 for males and 17 for females; scope for judicial discretion with <i>wali's</i> consent and for compelling reasons and apparent benefit for both parties; if <i>wali</i> withholds consent and parties are adamant, matter must be taken to courts / marriage of males or females below legal age of discernment requires <i>wali's</i> consent (or judicial decision overruling <i>wali's</i> refusal)	prohibited; penal sanctions for polygamous husband and wife who knowingly enters into polygamous marriage are one year's prison sentence and/or fine	extra-judicial divorce prohibited; irrevocable divorce becomes permanent impediment to remarriage between divorced spouses
United Arab Emirates	personal status laws remain uncoded. The <i>shari'a</i> courts apply classical Islamic personal status law		
Yemen	minimum marriage age is 15 for males and females / invalidity of marriage by coercion; judge can overrule guardian if his objection to marriage of ward is considered unjust, with proviso that the wife receive her proper dowry from husband of equal status	permitted subject to equitable treatment of co-wives, financial means, lawful benefit, and notification of prospective co-wives	<i>talaq</i> ineffective if uttered while intoxicated or with intent to coerce; <i>talaq</i> to which number is attached only effective as single revocable (except third of three)

Forthcoming Incarcerated Arab Women

Reasons Wife May Petition for Divorce	Post-Divorce Maintenance/Financial Arrangements	Child Custody and Guardianship
defect in the husband preventing consummation (though such right is forfeit if wife accepted defect except in cases of husband's impotence); husband's insanity; husband's absence without justification for one year; husband's sentencing to three years' imprisonment after serving one year of sentence; and husband's non-maintenance – if non-maintenance is due to husband's inability, judge shall grant grace period of up to three months; either spouse may seek judicial divorce on grounds of discord causing such harm as makes cohabitation impossible (after reconciliation efforts)	husband obliged to pay maintenance for 'idda after <i>talaq</i> , judicial divorce or annulment, up to maximum period of nine months; divorced wife may be awarded compensation of up to three years' maintenance (in addition to maintenance during 'idda) if judge finds husband's exercise of <i>talaq</i> to have been arbitrary	defect in the husband preventing consummation (though such right is forfeit if wife accepted defect except in cases of husband's impotence); husband's insanity; husband's absence without justification for one year; husband's sentencing to three years' imprisonment after serving one year of sentence; and husband's non-maintenance – if non-maintenance is due to husband's inability, judge shall grant grace period of up to three months; either spouse may seek judicial divorce on grounds of discord causing such harm as makes cohabitation impossible (after reconciliation efforts)
available (after reconciliation efforts) at request of either party; in issuing decree of divorce, courts shall also assess maintenance, custody, housing and visiting rights	husband obliged to provide maintenance during 'idda or, if there is an infant, until the child is weaned; if divorce was husband's will, judge may determine what financial compensation is due to wife (or vice versa if divorce was at request of wife)	divorced wife has right of custody over boys until age of 7 and girls until age of 9, after which custody reverts to father if he requests it, unless judge considers child(ren)'s mother better suited to maintain custody
dissolution available to either spouse on grounds of defect (right is forfeit if defect was accepted explicitly or implicitly, except for insanity, leprosy and other communicable diseases difficult to cure); and inequality of social status; annulment effected if husband becomes Muslim and wife is not <i>kitabiyya</i> or if wife becomes Muslim and husband refuses conversion to Islam or on grounds of either party's apostasy; wife may request decree of dissolution (lesser irrevocable) on following grounds: husband's non-maintenance; husband's absence or disappearance for one year if husband left no provision for maintenance or two years if he provided for wife's maintenance; husband's imprisonment for three years or more after one year of sentence; husband's breach of maintenance or accommodation obligations towards co-wives; incompatibility (after reconciliation efforts, and if husband refuses to pronounce <i>talaq</i> , in exchange for wife's return of her dower); husband's proved addiction to alcohol or narcotics	husband required to pay maintenance during 'idda; judge may award compensation equivalent to up to one year's maintenance to wife who is arbitrarily divorced without just cause	mother's custody ends at 9 years for boys and 12 years for girls; unlimited (i.e., undefined) possibility for extension of mother's custody if it is deemed in wards' best interests, and wards may choose which parent they wish to live with once period of custody ends