

Third part: Private law

(1) Mohammad Hashim Kamali

“Divorce and Women’s Rights: Some Muslim Interpretation on 2:226”

The equality of the rights of men and women in Islam is a highly controversial and fundamental topic, which demands a comprehensive and careful investigation of the valid sources of Islamic jurisprudence. The present article aims at reviewing and rewriting divorce laws in Islam. The author suggests that a fresh interpretation of Verse 2:226 is necessary. According to him, orthodox jurists have offered a narrow and traditional interpretation of that verse and dealt with the question of the similarities between marital partners’ rights and duties in a transient and brief way. Furthermore, the confusion between the notions of ‘a right’ and ‘a duty’, which can be observed through their work, has been a source of aggravation of the inequality of men’s and women’s rights in relation to divorce. Modern commentators believe, though, that the aforementioned verse establishes a general rule encompassing all of the relations deriving from the marriage between a wife and a husband and the termination of marriage because of the divorce. The task of this article is to defend the equality of men’s and women’s rights in relation to divorce, based on the new approaches to the interpretation of the verse.