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CAN YOU GET MARRIED OVER THE PHONE?

A marriage is a time for celebration and joy, and cricketer Shoaib Malik will no doubt be eager to put the embarrassing episode of his first marriage far behind him before getting hitched to Indian tennis star Sania Mizra next week.

There will be a huge difference between the two marriages - he'll be present in person for this one, not merely on the end of a telephone line.

Malik is reported to have conducted an internet and telephone relationship with Ayesha Siddiqui from Hyderabad, finally tying a long-distance knot with her in 2002.



According to a story on the front page of the Indian daily newspaper The Hindu, telephone marriage has taken off among Indian Muslims, and in many Muslim countries.

"Marriages are made in heaven. But in this age of information technology they are taking place over the net and telephone too," it says.

Smooth operator: Malik was apparently married over the phone in

2002

But many people, it continues, have been left "wondering whether telephonic marriage is legitimate at all."

'Everything is possible'

The Times of India has reported that Muslim clerics are divided over the legitimacy of "phone marriage", with one arguing that it is not valid because the witnesses need to be present, alongside the bride and groom, to sign the marriage contract.

"Telephone nikah (matrimonial contract) is no longer valid, simply because all four parties cannot be at the same place to sign the nikahnama (wedding registration certificate) if the nikah is taking place over the telephone, with the bride and groom in different cities or countries," Mohammed Khader Ali, Sadar Qazi, chief Qazi of Hyderabad, was quoted as saying. But international lawyer Gabriel Sawma, an authority on Sharia law - including Islamic marriage contracts - argues that telephone marriages, and even internet marriages, could be perfectly legal.



Ayesha Siddiqui's mother says she is happy with the divorce

"There are so many cases of marriages being conducted in so many different ways - everything is possible within reason," he told the BBC News website.

Both the Malik and Siddiqui families are said to follow the Hanafi school of Islamic tradition.

Mr Sawma explained that in his view, a marriage contract agreed upon by a telephone conversation is valid as long as it satisfies the main Hanafi requirements, including:

- a proposal to marry and acceptance by the other party
- providing witnesses: two male witnesses or one male and two females attesting that they heard the telephone conversation
- a financial or "mahr" provision

The mahr, he explains, is an amount of money, or any object that has value, that will be given by the groom to the future bride.

"Mahr is an obligation on the husband and is a necessary component of any Islamic marriage contract," said Mr Sawma.

In the Hanafi tradition, the mahr is divided into a "muqaddam" (upfront), to be paid at the time of signing of the contract and a muakhar (deferred) to be paid at the time of divorce or death, he explained.

Quickie divorce

He said that the proposal must be clearly expressed and it must be met with a clear acceptance.

"Should these three elements occur, the marriage will be considered legal and binding. The contract does not have to be written. It can be verbal and will have the full force of the law under Islamic Sharia," said Mr Sawma.

“ The husband has the right to divorce his wife by simply stating: 'I divorce you, I divorce you, I divorce you.' ”

He drew parallels with the practice of couples entering into a marriage via correspondence, centuries ago.

Gabriel Sawma, international lawyer

"As long as the letters contained all the requirements and were signed in front of witnesses, this would constitute a marriage contract," he said.

Given the level of interest in the marriage, Shoaib will be no doubt thankful that the divorce was relatively straightforward. In a number of countries - including India - a Muslim man can divorce his wife in a matter of minutes.

This has included divorce by mail, over the phone and even via mobile phone text messages.

"In the Hanafi jurisprudence, the husband has the right to divorce his wife at any time or in any place at will by simply stating: 'I divorce you, I divorce you, I divorce you,' says Mr Sawma.

His wife will be immediately divorced if there are at least two male witnesses. The husband is then obligated to give "nafaqa" (alimony) to his wife for three months.

Shoaib has apparently agreed to pay 15,000 rupees (about \$337; £220) to Ayesha for three months.

According to many reports, Shoaib's divorce means that he is now free to marry Sania next week. But technically, they could have got married anyway, as Islam allows a man to take four wives as long as he is able to meet all their needs.

'LET'S TALK ABOUT SEX, DIVORCE' IN EGYPT

By **Olivia Sterns** for CNN

Egyptian couples arrive at a Cairo stadium for a collective wedding organised by Karme el-Islam association in 2007.

STORY HIGHLIGHTS

- Once taboo, sex and divorce are now popular topics in Egyptian media
- Women are voicing these issues on blogs, talkshows and the radio
- Divorce rates are surging in Egypt as women's rights improve
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London, England (CNN) -- A growing number of Egyptian women are demanding a divorce and seeking counsel for their marriages, as the social stigma against it weakens and talking about relationship problems becomes more popular in the media.

Once considered taboo to discuss in public, private relationships between men and women are now the hot topic of television talk shows, radio programs and blogs. Mahasen Saber, host of Divorce Radio, says that her program is helping to break the stigma.

"People are shocked at first, but after they read and listen to what we write and present, they like what we talk about...they are happy because I am talking about something they are dealing with" Saber told CNN.

Earlier this year she launched the radio show to complement her blog called "I Want A Divorce." In 2008 the number of Egyptian couples who divorced increased 8.4 percent over the previous year, according to the Central Agency for Public Mobilization and Statistics (CAPMAS).

In most cases couples simply don't know how to deal sexually with their partner

--Dr Heba Kotb, Egyptian sexologist

Nearly 40 percent of marriages in Egypt now end in divorce, making it the highest rate in the Arab world. Egypt is also one of the few countries in the region where the topic is discussed so freely, thanks largely to the initiative of outspoken women.

"Women are taking advantage of new media outlets to voice their concern," said Nadya Khalife, a Human Rights Watch researcher focused on women's issues in the Middle East. "They are talking more openly about these issues. They are becoming less shameful in Egyptian society."

Those issues include sex. Dr. Heba Kotb is a leading sexologist in Cairo who appears regularly on TV. She has two PHD's, one in sexuality from the University of Florida, and she considers herself a conservative Muslim. Dr. Kotb attributes 80 percent of divorce in Egypt to sexual problems.

"In most cases couples simply don't know how to deal sexually with their partner," she told CNN. "I provide the information -- this is right, this is wrong, you should do this."

"Often it is just miscommunication. The psychology of men is not understood by women and vice versa."

When Dr. Kotb started her practice eight years ago, she saw only a handful of patients per week. Today she is booked months in advance. "People now think it does not have to be the end of the marriage when they have problems. [They think] it's worth it to give counseling a try."

For Egyptian women, getting divorced has traditionally carried with it a severe stigma. "The main perception of a woman who is divorced in Egypt, or in any Arab country, is that she is evil or something is not right ... that she has done something wrong" said Saber. "I started Divorce Radio to change that view."

"The stigma has nothing to do with religion. It's culture," said Madiha el Safty, professor of sociology at the American University in Cairo. "Egypt is a patriarchic society, very male-dominated. Men always blame women for all their problems, but the stigma [against divorced women] has eased"

"It has to do with the the rights of women. Now we have more rights -- in education, employment, we have more economic independence. So [women] are less willing to accept an unhappy marriage," Dr. Kotb told CNN.

Dr. Kotb also blamed the high rate of divorce on the fact that "a relationship equals marriage" in Egypt. "In the West, it's a matter of breaking up. Here there is no living together."

Saber agreed: "In Egypt, there is no space to have a relationship without marriage. It's the dream of every girl in Egypt to get married," she said.

In Egypt marriage falls under family law, which is based on Shari'a, Islamic religious law, and which gives men and women unequal rights to a divorce.

"In Islamic Shari'a, a man can divorce his wife at any time, in any place, and for any or no reason by simply uttering the following words: "I divorce you, I divorce you, I divorce you," explained Gabriel Sawma, an attorney specializing in Muslim divorce law and professor at Farleigh Dickinson University.

Women, on the other hand, can get a divorce only through court action, in a much more formal legal process.

In 2000, Egypt liberalized their laws, granting women the right to initiate a "no-fault" divorce (khula).

Though this is considered a step forward, women are still required through khula to relinquish any claim to alimony or their dowry.

"There was an effort to modernize divorce," said Prof. Sawma. "Before, the man was not obligated to agree to a divorce."

<http://view2.fdu.edu/fdu-in-motion/politics-on-the-publicmind/sharia-islamic-law-in-theory-and-practice/>

SHARI'A ISLAMIC LAW IN THEORY AND PRACTICE

Apr. 5, 2010, Gabriel Sawma, "Islamic Shari'a in Theory and Practice" (discussion of new and enduring issues in Islamic Shari'a law). Mr. Sawma is the author of *The Qur'an: Misinterpreted, Mistranslated, and Misread. The Aramaic Language of the Qur'an* (Adi Books, 2006) and is also a lawyer, professor, and consultant on international law, mainly European Union Law, Middle East Law and Islamic Shari'a law. He has been admitted to the Lebanese Bar Association of Beirut, and is an Associate Member of The New York State Bar and the American Bar Associations. More info on Sawma.

<https://www.youtube.com/watch?v=fdwReohalcs>

POWER STRUGGLE ENSUES IN WAKE OF EGYPT ELECTIONS

Publicado el 19 jun. 2012

June 19, 2012 - Egyptian demonstrators are expected to gather in Cairo's Tahrir Square Tuesday to protest military control in the wake of presidential elections there.

A winner won't be officially declared until Thursday, but a power struggle over the drafting of a new constitution is already underway.

Egypt's Supreme Council of the Armed Forces wants a constitution that will guarantee its power and autonomy in the country.

It also wants a broad cross section of the society to write it.

How will Christians and other minorities fare?

Professor Gabriel Sawma, a Middle East constitutional law expert at Fairleigh Dickson University, said they'll be treated about the same if the army maintains dominance.

He said that won't be the case if the Muslim Brotherhood writes the constitution.

"You have to remember every single constitution in the Middle East, with the exception of Lebanon and Turkey, every one of them has a provision that says Islamic Sharia is the law of the land," Sawma told CBN News.

"And if the direction goes toward the Muslim Brotherhood, then you are talking about a country that is going to be 100 percent Islamic and that would have a grave effect on the minorities, especially the Christians, the Coptic community, as well as the Muslim women in general," he said.

A showdown between Islamists and the army over the writing of the constitution may be imminent.

<http://yoinfluyo.com/mundo/100-panorama-global/17396-gobierno-de-trump-puede-marcar-una-ruptura-respecto-de-obama>

GOBIERNO DE TRUMP PUEDE MARCAR UNA RUPTURA RESPECTO DE OBAMA

Jorge López

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El internacionalista Rodrigo Iván Cortés señaló que el gobierno del Presidente Electo de Estados Unidos puede marcar una ruptura respecto a la política exterior de la administración de Barack Obama, que tuvo como artífice a Hillary Clinton, la cual en Medio Oriente, señaladamente en Siria e Irak, “ha sido sumamente errática”, en vista de intereses que no estaban relacionados con el mejoramiento de la convivencia, sino por otras agendas.

Así, el gobierno de Obama apoyó a la Hermandad Musulmana y Al Nusra, lo que permitió la consolidación del Estado Islámico y permitió su expansión, “borrando la frontera entre Irak y Siria”; apoyó a los opositores al presidente sirio Bashar al Assad; y “combatió” sin contundencia al Estado Islámico, “lo que generó un conflicto mayor”.

Por lo anterior, una nueva administración en Estados Unidos es una oportunidad para declinar esa política y que exista un acuerdo con Rusia en contra del Estado Islámico. Y es que países como Rusia e Israel sí están definidos en sus posiciones ante el Estado Islámico, por representar un riesgo directo a su propia seguridad.

El profesor universitario Gabriel Sawma y David William Laza son dos cristianos de iglesias orientales que forman parte del *American Middle East Advisory* Comitee, creado por Donald Trump, un Comité formado por 14 personas.

Gabriel Sawma es profesor de Leyes Constitucionales en Medio Oriente, Ley Islámica, Cultura árabe y Civilización en la Fairleigh Dickinson University de Nueva Jersey, y de Finanzas Islámicas en la University of Liverpool del Reino Unido. Es originario de Beirut, Líbano, de donde emigró hacia Estados Unidos, en 1975, al estallar la guerra civil en aquel país. Es experto en legislación islámica en temas familiares tales como el divorcio.

Gabriel Sawma sostiene que el Corán fue escrito en arameo originalmente y no en árabe, y que su versión primigenia permite una interpretación distinta de las que actualmente se ofrecen por parte de las diferentes escuelas. El profesor Sawma tiene un blog, en la página <http://gabrielsawma.blogspot.mx> en que publica artículos y casos de estudio sobre temas jurídicos.

Por su parte, David William Lazar, originario de Irak, es considerado como “militante asirio y amigo de Israel”, es presidente de la American Mesopotamian Organization, cuya página oficial es <http://www.americanmesopotamian.org>, donde se menciona que sus miembros consideran que

“la comunidad americana asiria puede ser fundamental para lograr un cambio en la política de Estados Unidos hacia los asirios de Medio Oriente”.

Este Comité cuenta con el apoyo de la *American Middle East Coalition* (AMCTrump), quienes en su sitio web afirman que apoyan a Donald Trump, entre otras razones, por su oposición al acuerdo con el régimen de Teherán, su voluntad de tomar acción contra la persecución de los cristianos, el apoyo de formar una coalición árabe contra el terrorismo, su determinación de crear zonas en Siria e Irak para que los refugiados puedan restablecerse, así como de destruir a ISIS y echar atrás a otros grupos yihadistas.