
The rights of Muslim women: regarding marriage and divorce

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“Marring a woman does not mean she is your property.

Treat her with respect; Make her your queen,

Love her and honor her, and give her a reason to treat you the same”.

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Introduction

There are many misconceptions about women's rights in Islam. The purpose of this article is to highlight the basic rights of women in Islam in relation to marriage and divorce. This article will only be considered as a fundamental framework for women's rights in Islam regarding marriage and divorce. The circumstances of Muslim clients will vary greatly depending on whether the Islamic School of Thought (Hanafi, Hanbali, Maliki, and Shafi) follows it, whether they are Sunni or Shiite, their cultural backgrounds, and various other things. It is also important to understand that Islam and human culture are two very different things. A major snare for workers is to confuse cultural practices with religious beliefs. Many lawyers make the big mistake of thinking that all Islamic customs and practices are related to Islam. In fact, many Muslims are deeply influenced by their culture. Islam is a very different religion. Native American Muslims come from countries across Africa, the Middle East, Asia, Europe, and many are born in the United States of different races.

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It is also important that you do not overreact to cultural practices. Client behavior can be a family tradition or a common practice in a small region that represents the whole country or people. Islam is by no means the same religion. The most successful lawyers who regularly work with Muslims are open professionals and treat their clients as individuals.

The purpose of this article is to provide workers with an understanding of the basic Islamic beliefs regarding women's rights in two specific areas: marriage and divorce. Successful lawyers learn to be culturally and religiously competent, which does not mean that lawyers agree with the client's practices. Not judging clients according to their cultural or religious practices, but simply understanding the religious background and culture of the client is important to represent Muslims or any other minority group.

Definitions of basic Muslim-Muslim vocabulary are required to fully understand the content of this article. Please note the following terms:

Islam- true religion is an Arabic word meaning peace and submission to God (Allah).

Muslims (followers) - followers of Islam; an Arabic word meaning one who submits to God. Allah- an Arabic word meaning God; Islam is a monotheistic religion that teaches that God has no partners, children, or affiliated organizations.

Quran- Holy Book of Islam; An Arabic word meaning repetition. This is a major source of Islamic teachings.

¹ Mapping the Global Muslim Population, Pew Forum on Religion & Public Life, Oct. 7, 2009, available at <http://pewforum.org/docs/?DocID=450>.

Muhammad, the last and most important Prophet of Islam, was the first leader of the Islamic State and a great example of how a Muslim should live his life.

Hadith - statements written by the Prophet Muhammad that have been recorded and compiled. It has been used as an addition to the Quran as a second source. There is a science used to confirm and validate authentic hadiths. Hadiths are called "strong" or "weak" depending on their chain of transmission and that they can be firmly linked to the Prophet Muhammad. This document will exclude Hadith as supporting the stated principles.

Sunna - The actions of Prophet Muhammad also used it to add the Quran as a second source.

MARRIAGE

Marriage in Islam is considered an important and sacred union between a man and a woman that fulfills half of one's religious obligations.²

A well-known passage in the Quran speaks of marriage in this way: And He has placed in your midst love and kindness. In that there are signs for people to manifest."³

Marriage to Muslims is often referred to in a poetic way that describes the love and rights of dialogue that exist between men and women. Muslims focus on love and mutual respect between husband and wife. Husbands are also specifically commanded to treat their wives with kindness and respect. The Prophet Muhammad reportedly said: "The most perfect believer among the believers is the one who has good manners and is kind to his wife."⁴

Marriage is also viewed as an act of worship to God (Allah).⁵ Muslims view emotional and sexual communication between husband and wife as a form of worship. Sexual relations are not just for procreation but are seen as a means of communication, strengthening their relationship, and helping to eliminate daily pressures. For this reason, celibacy is not permitted for men or women whether they are a Muslim scholar or a religious leader (shaykh, imam, etc.). Honesty is also strongly emphasized in Islam.⁶ Couples are expected to be faithful and loyal to each other and to seek emotional and sexual happiness in marriage bonds.⁷

MARRIAGE REQUIREMENTS

There are basic requirements for marriage in Islam. First and foremost, a couple should agree on what constitutes marriage. This requires both explicit proposition and acceptance. The woman should also have a legal guardian or caregiver during the procedure. If the man is not present the woman must pass through puberty and be able to make a decision to marry. There are no requirements as to who can propose marriage. Another historical event in the life of Prophet Muhammad demonstrating this goal is the suggestion of Khadija bint Khuwaylid, the first wife of the Prophet Muhammad.⁸ Khadija was the employer of the

² Sahih ul-Jaami Hadith: Anas bin Malik, a companion of the Prophet Muhammad, reported that the Prophet Mohammad said, "Any man whom Allah provides with a virtuous wife has been helped to half his Deen (religion), so he should fear Allah regarding the other half."

³ Quran 30:21.

⁴ Hadith reported by Abu Dawoud, a companion of the Prophet Muhammad.

⁵ Hammudah Abd al Ati, Family Structure in Islam 54-56 (American Trust Publications 1977).

⁶ Quran 25:68; Quran 4:23-24. Take note that Quran 4:23-24 details which people in society can marry each other and imposes limits on family members marrying one another that did not exist pre-Islam.

⁷ Abd al Ati, supra note 7, at 54-56.

⁸ Bihar ul-Anwar, Vol. 16, 56-73

Prophet Muhammad, and through her co-operation she grew up respecting her honesty and integrity and proposing marriage to her. Khadija was 25 years older than the Prophet Muhammad and was in a better financial position at the time of his appointment. He accepted her offer, and their marriage was marked by love and compassion for each other. This proposal demonstrates the ability of Muslim men and women to marry whomever they choose, and emphasizes the fact that marriages arranged without the consent or involvement of Muslim women are completely contrary to Islamic tradition. There is a written decision by the Prophet Muhammad when a girl came to him claiming that her father had forced her to marry.⁹ The Prophet Muhammad gave her the choice to either accept the marriage or invalidate it immediately due to the duress involved.¹⁰ Although Islam provides many rights to women regarding marital issues, cultural traditions can greatly influence the proposal and acceptance process beyond the Islam requirements and, in some cases, directly contradict Islamic practices.

Once the couple have decided to get married and the legal proposal is accepted in writing or by word of mouth, the next step is necessary to agree on the terms of the marriage contract.¹¹ The marriage contract in its original form expresses the couple's consent to the union without coercion and is signed in the presence of competent witnesses.¹² The couple are free to make their marriage vivid terms. The contract allows couples to discuss major marital issues before they become husband and wife and make binding agreements. For example, contracts can include an agreed place of residence or decisions regarding employment and children. Islamic marriage contracts are practical tools that allow couples to participate in negotiations to ensure that their goals and philosophies are consistent.

Brides are also entitled to a dowry that is typically negotiated at the same time as the marriage contract.¹³ The dowry is specifically a gift showing love and devotion to the bride.¹⁴ There are two types of dowries a bride is entitled to: the mahr and the muakhr. Each dowry will be discussed individually.

First, the mahr is the lobola(dowry) given to the bride during the wedding ceremony before the end. You don't have to share this gift and you are free to do what you want with this gift.¹⁵ Cultures tend to shape the gift of lobola because in reality there are no requirements other than the giving of real lobola. For example, some customs encourage the payment of money while others traditionally give one of the groom's family assets to the bride. Affected families will talk more and more about each other's expectations. The bride is often asked for her opinion to ensure that she gets the gift she loves. However, the real mahr will take many different forms and the staff who are reviewing Islamic marriage contracts will see the various items offered as mahr.¹⁶

⁹ Jamal Badawi, The Status of Women in Islam, Al-Ittihad, Vol. 8, No. 2 (1971), citing Ibn Hanbal No. 2469; Ibn Maja, No. 1873

¹⁰ Id.

¹¹ Abd al Ati, supra note 7, at 60. The importance of reducing all agreements to writing can be seen in the Quran (2:282). There is a strong tradition in Islam to make sure agreements are written down and signed to avoid future disputes.

¹² Id. at 60-61.

¹³ Quran (4:4); Abd al Ati, supra note 7, at 165-166.

¹⁴ Jamal Badawi, The Status of Women in Islam, Al-ittihad, Sept. 1971, available at <http://www.islamfortoday.com/womensrightsbadawi.htm>.

¹⁵ Abd al Ati, supra note 6, at 64.

¹⁶ I have personally seen the following items used as dowry: cash, a down payment for the couple's new home, jewelry, jewelry boxes made of mother of pearl, large sets of clothing, coins minted during the

Muakhr is the second type of dowry that is given upon the death of the husband or the couple's divorce.¹⁷ This is also referred to as the "deferred" dowry. Muakhr is meant for both financial support and as a large consequence that the couple should consider when contemplating divorce. In situations of death, this amount is paid out before the estate is divided.¹⁸ If the estate cannot cover the entire amount, the wife is entitled to collect the amount from the husband's surviving family members who are also heirs to the estate.¹⁹ She can also waive the obligation for any reason, including hardship on her husband's family.²⁰

After the negotiations are over, a wedding ceremony is held. It is not necessary for religious authority to perform marriage ceremonies, but it is a common Muslim custom to accept the laws of the country in which a Muslim lives as long as the laws do not conflict with the required Islamic customs.²¹ Many common American Muslim scholars have come to the conclusion that a person who conducts a wedding ceremony must be licensed by the state where the marriage takes place.²² It is also important for the couple to register their marriage legally with the government in addition to entering into an Islamic marriage agreement.²³ The actual ceremony of the wedding and the reception will be very different depending on the customs. It was an example of the Prophet Muhammad's acceptance of the inclusion of food for members of the human community.²⁴

It is important to remember that the Islamic framework of the marriage process described above is strongly influenced by individual customs and traditions. The distinction between culture and religion is important for employees who work with Muslim clients, especially on sensitive issues such as signing marriage contracts.

POLYGAMY

Polygamy is often a misunderstood concept in Islam. The Quran allows polygamy in the following verse:

If you are afraid that you will not be able to do justice to the orphans, Shadrach women you have chosen, Two or three or four; but if you fear that you will not be able to deal justly with them, there is only one, or (captive) in your right hand, that will be very good, to prevent you from doing injustice.²⁵

Ottoman Empire, the fact that a husband has memorized the entire Quran that he brings to the marriage (he is a Hafiz), and family Qurans that are considered precious heirlooms.

¹⁷ Abd al Ati, supra note 6, at 165-166.

¹⁸ It is basic principle in Islamic estate work that all debts be taken out of the estate before it is divided.

Unpaid dowry is considered a debt on the husband's estate. See generally Abd al Ati, supra note 6, at 62-70.

¹⁹ Abd al Ati, supra note 6. This is a generally accepted practice and the muakhr is considered a divine debt that must be paid before an estate is divided.

²⁰ Id

²¹ Abd al Ati, supra note 6, at 59.

²² It is a common practice that those who conduct marriages in mainstream masjids are licensed by the state they live in and require couples seeking marriage to possess a state issued marriage license. The Islamic Jurisprudence Council of Minnesota is a prominent group of religious scholars and a prime example of this practice in action.

²³ This information is supported by the oral opinions of known scholars in Minnesota and many other states throughout the United States.

²⁴ Hadith reported by Ahmad and Abu Dawoud.

²⁵ Quran 4:3

Historically, the practice of polygamy existed before Islam without restrictions.²⁶ Islam limited the number of wives to four and established clear rules and regulations for the practice to ensure fair treatment of each wife.²⁷ Aisha Bint Abu Bakr, a wife of the Prophet Muhammad, was reported as saying:

“Allah's Prophet (peace and blessings of Allah be upon him) distributed everything justly amongst his wives; yet after all, he used to say: O Allah! This is the fair way of dividing what I possess amongst my wives. O Allah! Blame me not for what You alone possess while I do not, i.e., the heart, feelings and emotions of a man”.²⁸

The above passages show the strong requirement that a man with many wives should treat each wife equally. This balance is expected in terms of finances, emotions, and sexual relationships.²⁹ The Quran makes it clear that if a man cannot do this and treat his wife well, he should not marry more than one wife.³⁰

Polygamy is a way of choice and not a requirement in Islam. As mentioned earlier, Muslims must adhere to the laws of the land in which they live as long as it does not conflict with the requirements of the faith.³¹ In the United States, polygamy is illegal. For this reason, it is illegal for Muslims in the United States to practice polygamy. Muslims living in countries where polygamy is legal and practiced can choose to enter into a marriage contract so that the husband will not take other wives. If the husband violates the agreement not to enter into a polygamous marriage, that is the grounds for divorce and the fines imposed on the marriage contract are completely enforceable.³²

Polyandry, or polygamy, is not permitted to maintain the genealogy of children for the purpose of inheritance and to protect the rights of children as heirs'.³³ Monogamy is a common practice in many Muslim communities because of the financial and spiritual burden.³⁴ It is more common for American lawyers to see issues involving same-sex marriage and divorce rather than with conflicts involving polygamy.³⁵

²⁶ Abd al Ati, supra note 6, at 98.

²⁷ Abu Dawoud, a companion of the Prophet, reported the following: Omair al-Asdee was reported as saying: 'When I accepted Islam, I was married to eight wives. I discussed this with the Prophet Muhammad who said: "Keep four only, and divorce the other four."

²⁸ This Hadith was reported by Abu Dawood, al-Nasaiee, Al-Tirmithee and Ibn Majah.

²⁹ The Prophet Muhammad's wives each had an assigned night and were entitled to his sexual and emotional companionship unless each wife decided to waive that obligation. For example, some of his older widowed wives chose to use their nights with the Prophet Muhammad to learn from him instead of engaging in sexual activity and they had more platonic relationships with him

³⁰ Quran 4:3.

³¹ Qur'an, 17:34). The Quran condemns those who break covenants as not

being true believers: It is not the case that every time they make a covenant, some party among them throws it aside. Nay! The truth is most of them believe not. (Qur'an, 2:100) The Islamic prophet Muhammad described the religious hypocrite as follows: When he enters into a covenant, he proves treacherous. (Sahih al-Bukhari)"

³² See Abd al Ati, supra note 7, at 98. Discussion of the rights of a woman to request a divorce in the event a husband takes a co-wife without her consent.

³³ Children's rights are highly protected in Islam. Children's inheritance is determined through lineage and Islamic

lineage is connected through a child's father. In order to determine without doubt the child's paternity, Islam outlawed polyandry. This was not meant to oppress women but to protect children. Abd al Ati, supra note 6,

³⁴ See Jamal Badawi, Polygamy in Islam, <http://www.al-islamforall.org/litre/englitre/Polygainis.htm>. This is a good

resource for the historical scope of polygamy and its place in modern Islam.

³⁵ In my legal experience I have only seen polygamy practiced among recent immigrants who come to America

DIVORCE

Divorce existed before the Muslims, but the advent of Islam made the divorce process more attractive to women. Women's property is not divided during divorce.³⁶ Whatever a woman earns or is given before and during marriage remains hers when the marriage ends.³⁷ This prevents men from using women's property or wealth in marriage. On the other hand, the husband's property is seized if the divorce occurs in accordance with the marriage contract of the couple.³⁸ A woman has the right to be supported and cared for by her ex-husband if necessary.³⁹ There are also special rules for divorce before and after the marriage is solemnized.⁴⁰

Islam has also instituted a three-month waiting period for women called Iddah.⁴¹ During this three-month period women are not allowed to remarry.⁴² The primary reason for this law is to determine whether a woman is pregnant before remarriage in order to find a suitable father. This practice also ensures that the identity of the child and the offspring can be determined accurately. Husband and wife are also allowed to try to reconcile during the waiting period.⁴³ However, husbands are specifically instructed not to take their wives back in order to “injure or abuse them.”⁴⁴

Determining the proper procedure for divorce depends largely on the timing of the divorce, the reasons for the divorce, the School of Islamic Thinking (Hanafi, Hanbali, Maliki, and Shafi), whether Sunni or Shiite, and the circumstances surrounding the divorce.⁴⁵ The scope of this article may not cover all the circumstances or the reasons for divorce, but it will seek to address the basic needs of divorce.⁴⁶ It is important to keep in mind that different schools of thought can make some difference in the basic structure described below .

REQUIREMENTS FOR DIVORCE

As mentioned earlier, Muslim Americans seeking divorce still have to comply with US law. However, many Muslims will want to follow the laws relating to divorce in America but will also want documents that show their beliefs and their marriage contracts. Either way, a man or a woman can begin a divorce. Before a Muslim can legally take legal action, he must meet the following requirements:

already engaged in polygamy. This is a very small portion of the Muslim population and it is rare that American

lawyers will encounter polygamous marriages in their practices.

³⁶ Quran 2:229; Quran 4:20.

³⁷ Id.

³⁸ Quran 2:231; Quran 2:241.

³⁹ Quran 2:231; Quran 2:241.

⁴⁰ Quran 2:236-7.

⁴¹ Quran 2:228; Quran 2:231.

⁴² Id.

⁴³ Quran 2:228.

⁴⁴ Quran 2:231.

⁴⁵ Abd al Ati, supra note 6, at 218-222. Research into each school of thought and sect of Islam will reveal the differences between them in matters of divorce. The scope of this article is limited to general Islamic divorce issues.

⁴⁶ Abd al Ati, supra note 6, at 226. Some grounds for divorce can include a wife who accepts Islam when her husband chooses to remain non-Muslim, apostasy from either party, established invalidity of a marriage contract, and violation of a clause in the marriage contract regarding polygamy.

He or she should be young and able to make decisions;

He must be sane, alert, cautious, and not get drunk or angry;

He must be free from external pressures;

His motive must be clear;

Divorce must take place after the wife's menstruation and no sexual intercourse has taken place since the end of her period.

If all of the above are present, the husband or wife may file for divorce or may be legally and peacefully divorced. This will include going through the usual divorce procedures under American law but will also include reviewing the terms on marital communication and language development that include previous agreements and termination of the contract.

There are also many divorce rates in Islam.⁴⁷ If a client comes to a doctor who says divorce is being removed the best course of action is to consult a Muslim expert. This can be a difficult question that requires a Muslim scholar to listen to both sides and be willing. Islam has a strong tradition of resolving disputes that will help resolve complex divorce issues.⁴⁸

It is also important to remember that although divorce is legal in Islam, it is not encouraged. Prophet Muhammad said that of all the permissible practices, divorce is not pleasing to God (Allah).⁴⁹ The Quran goes on to say: "Stay with them (your wives) in the pursuit of kindness and equality. If you do not love them you may not like what Allah has bestowed on you."⁵⁰ Muslims view divorce separately as a last resort and many Muslims seek advice and serious help to avoid divorce. When a client comes to a doctor for a divorce it is likely to be a long and difficult religious and personal decision.

CASE STUDY

This section includes a study of fiction cases designed to provide practice tips based on the information in this article. The client in this situation, Mrs. X, is a combination of common problems that may arise in the context of Islamic divorce. The discussion of the following scenario will be used to provide best practices and practical advice for lawyers working with Muslims. As labor communities grow and diversify, it is necessary for lawyers to increase knowledge on legal issues arising from religious and cultural traditions.

Status: Client Mrs X comes to your office for her first meeting. Mrs. X is 32 years old, has no children, and is seeking a divorce from her husband, Mr. X. Mrs. and Mr. X are

⁴⁷ Abd al Ati, supra note 6, at 237. In sum, the levels of revocability are as follows: revocable Sunna divorce, revocable contra-Sunna divorce, irrevocable Sunna divorce, and irrevocable contra-Sunna divorce.. Again, this can

be a complicated determination that will likely need to be made by an Islamic scholar if it arises in a legal matter. Id. at 237.

⁴⁸ This can be seen in the traditional practice of Imams or Sheiks being trained as mediators for the purpose of resolving disputes within the Muslim community. This can be seen in Minnesota through the Islamic Jurisprudence

Council that helps parties resolve their differences in an amicable way in accordance with Islamic teachings of peace and brotherhood.

⁴⁹ Hadith reported by Abu Dawoud, a companion of the Prophet Muhammad. Hadith also reported by Ibn Umar.

⁵⁰ Quran 4:19. Prophet Muhammad further stated: "A believing man must not hate a believing woman. If he dislikes

one of her traits he will be pleased with another." Hadith reported by Muslim.

American citizens living in the United States for several years. They moved with their parents before the age of 10, but several family members live in their home country of Y and maintain a strong relationship with Y. Mrs. and Mr. X met at an early age and continued their marriage after making in-depth communication while going to University together. When they decided to get married, they decided that it would be best for them to return to the Y country to do this. Mrs. and Mr. X had a Muslim wedding ceremony and signed a marriage contract that had Islamic requirements and certain customs from Y country. The marriage contract itself was the result of a long negotiated process. This contract is also in the traditional Y language. Mrs X also has a marriage certificate from Y which appears to be marked with a signature.

Ms X says that, as stated in her marriage agreement, she is entitled to \$ 20,000 as part of the second deal, which is paid for by divorce. He also informs you that Mr. X believes that the marriage contract is no longer valid because they do not live in Y, and wants the property to be separated under Minnesota law. Ms X says they agree on a bond and the contract should be enforced.

DISCUSSION

To an attorney unfamiliar with the cultural and legal aspects involved in this scenario, a foreign, religious antenuptial contract can be intimidating. Surprisingly, Minnesota courts have yet to directly answer whether religious agreements can constitute antenuptials.⁵¹ However, Minnesota has upheld religiously inspired contracts before.⁵² Other state courts have specifically upheld religious antenuptials.⁵³

The validity of the marriage contract in the above scenario is a common issue that can arise in an Islamic divorce context. An attorney who is faced with this scenario should first turn to Minn. Stat. § 519.11, the Minnesota statute governing antenuptials. According to the statute, an antenuptial contract – an agreement prior to the solemnization of marriage – is valid if: (a) there is a full and fair disclosure of the earnings and property of each party, and (b) the parties have had an opportunity to consult with legal counsel of their own choice. After determining whether there has been a fair and full disclosure of the earnings of each party, the attorney must also determine whether the parties had an opportunity to consult with legal counsel prior to signing the agreement. Many couples may choose not to consult legal counsel and instead turn to trusted family figures, but it is important to evaluate the choices that were made during the negotiation process and how these choices impacted the outcome.

Depending on the individual culture, many Islamic marriage contracts are signed the day of the ceremony. This can sometimes bring into question whether both parties had the opportunity to consult with the legal counsel of their choice. However, despite the cultural traditions, many Islamic marriage contracts are the result of a lengthy, well thought out negotiation process during which both parties have the opportunity to consult legal counsel

⁵¹ Available at

<http://hennepin.timberlakepublishing.com/article.asp?article=931&paper=1&cat=147>.

⁵² Abd Alla v. Mourssi, 680 N.W.2d 569 (Minn. Ct. App. 2004) (upholding a contract where parties agreed on arbitration based on Sharia law).

⁵³ Rahman v. Hossain, A.2d, 2010 WL 4075316 (N.J. Super. A.D.) (upholding the validity of a “mahr” payment found in the parties’ marriage contract, which was based on Islamic law).

and family members.⁵⁴ Therefore, the signing of the marriage contract on the day of the ceremony is considered a formality. Since Mrs. X's marriage contract is the product of such negotiations, under Minn. Stat. § 519.11, the contract is most likely valid as an antenuptial agreement under Minnesota law.

However, a court's enforcement of any religiously inspired document immediately invokes First Amendment questions. On the other hand, if the contracts are set forth in terms that allow a court to enforce them using neutral principals, there should be no constitutional quandary. First Amendment scholar Eugene Volokh argues that "[i]f two parties enter into an agreement promising to perform a secular act (e.g., pay money) in the event of some secularly ascertainable event (e.g., a divorce)," then there is no constitutional barrier to enforcing the agreement.⁵⁵ This is exactly the case in Mrs. X's situation. Mrs. and Mr. X entered into a legally binding contract promising to perform a secular act – pay Mrs. X \$20,000 - in the event of a secularly ascertainable event – their divorce. The analysis of the contract's enforceability is not affected by the fact that their agreement had a religious motivation. Therefore, a court should not be precluded from enforcing Mrs. and Mr. X's religious antenuptial agreement on constitutional grounds.

Practitioners should not be distracted by marriage contracts that are drafted in a foreign language. The first step in approaching a contract of this nature is to find a reliable translator who can provide an accurate translation of the document. Translators may also be able to help explain what a specific seal or stamp is on a contract. If finding a translator is difficult, consider contacting the courts. Many courts have a bank of court-certified interpreters who may also be available to interpret documents for these types of cases.

Second, attorneys should not be concerned by unusual dowry items or unfamiliar customs included in the marriage contract.⁵⁶ Attorneys should focus on the value of the dowry items and finding reasonable solutions to compensating the wife. Many attorneys allow unusual dowry items to steal their attention when the true issues lie in the actual enforceability questions raised earlier in this discussion.

CONCLUSION

Working with Muslim clients poses both religious and cultural challenges. The information given above is the basic framework for marriage and divorce in Islam. However, this framework can be surprisingly changed by client cultures or family traditions. The best advice for employees is to be open to learning about clients and do not be afraid to ask questions that will help distinguish between culture and religion. The information provided in this article should be used as a tool to educate practitioners of Islam and to provide lawyers with important Islamic concepts regarding marriage and divorce.

⁵⁴ Abd al Ati, *supra* note 6, at 50-98. There are several issues surrounding Islamic marriage contracts that require discussion and negotiations between the bride, groom, and their families. These discussions generally

take some time to complete due to the complexity of the issues and differences of cultures and expectations involved.

⁵⁵The Volokh Conspiracy, *Islamic Agreements in Civil Courts*, <<http://volokh.com/posts/1216332053.shtml>> (last visited FEB. 25, 2019).

⁵⁶ I have received questions on the validity of dowry items such as gold bars, which are common in the Middle East,

or goats, which seem to appear in cultures with more rural roots. Focus on what the value of the dowry is and what specifically the wife can reasonably be expecting in an American context as opposed to the actual item stated in the contract.