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HELSINGIN SANOMAT (02.08.2009) / HRWF (03.08.2009) - Website: <http://www.hrwf.net> - Email: info@hrwf.net - At the end of 2006, Aisha, a resident of Helsinki, decided that she had wept, hoped, prayed and waited enough. She no longer wanted to live with her African husband.

The 30-year-old Aisha has a thoroughly Finnish background, but as a young woman, she converted - or as Muslims say, she returned - to Islam, before meeting her husband. Islam seemed like a logical religion for her, corresponding to her spiritual needs.

It was then that Aisha took on an Islamic name.

She was married in the early part of the decade - in a Muslim ceremony; Aisha saw no need to make it official under Finnish law by confirming the union at a magistrate's office.

Now, however, she wanted a divorce, even though the Koran says that of all things that a Muslim is permitted to do, divorce is the most abhorrent to God. Aisha was tired of how her husband cared nothing about how a Muslim should behave.

However, it was not quite that simple. Her husband did not want a divorce, and a Muslim woman in that situation cannot simply sign a paper and walk away. She needed the help of her mosque.

Above all, a negotiation was required.

On Friday afternoon, imam Abdirazak Sugulle Mohamed sighs in the back room of the Helsinki Islamic Center. There are so many cases to deal with. Sugulle oversees the largest Muslim community in Finland. It has nearly 1,600 members, most of whom are Somali.

As is the case with Christian families, members of this community sometimes bicker and sometimes split up. Unlike Lutherans, devout Muslims often approach the mosque for help in mediating their disputes.

"People call me often", Sugulle says.

The bearded man looks distinguished in his carpet-covered chair, with a pile of papers and books in his lap.

The door of the back room is closed, but voices can be heard from the other side. A group of men sit in a circle on eastern rugs, which cover the floor completely. Women are walking in constantly, and children chase after each other.

The mosque is also busy in a way that is not apparent to visitors. In recent times, the elders of the mosque have been facing a surge of disputes that have actually created backlog.

A permanent mediation board has been set up at the Helsinki Islamic Center to deal with the task. It comprises Sugulle, as well as another imam, and three elder members of the community, who are well versed in the teachings of Islam.

Mediation usually works like this: one of the parties to a dispute will contact the mosque, and he or she is invited to come in and give an account of the matter at hand. Then the other side is also asked to come in and speak. When both have been heard, they are invited to come before the board, several times, if necessary.

"Sometimes the mediation can last for weeks, even months."

Sugulle estimates that the mediators meet twice a week on average. In addition, issues are discussed over the telephone.

The members of the board are not paid.

"This is done for Allah. It is part of the obligations of the religion"

Most frequently, the board mediates between spouses. Often the cases involve situations in which a woman wants a divorce.

"We ask for evidence to back the accusations. If there is no evidence, we ask that the person swear in the name of Allah that he or she is speaking the truth. It is a very serious matter if someone lies in that situation."

When needed, the two sides can bring in others to back up their side of the story. For instance, Somalis can bring in someone from the clans of both parties to help clear up the issues and later bear witness to what has been said on the board.

The mediators are bound by a rule of strict confidentiality.

Other large mosques in Finland also deal with domestic disputes.

"A man mistreats his wife, a woman does not obey her husband, there are differences concerning the upbringing of the children", are examples mentioned by Khord Chehab, imam at the mosque of the Islamic Society of Finland on Lönnrotinkatu.

Sometimes mediation involves disputes between parents and children, as well as monetary disagreements.

"Who has the right to get something, or who has to pay something."

In the community, there are certain individuals who mediate, but there are plans for a permanent board of four persons.

One of the mediators, Mahammed Hussein, describes the process.

"We tell what the Koran and the Prophet say, what is right and what is wrong, what is forbidden, and what is OK. People know that if they do the wrong thing, there will be judgement on judgement day. We describe what the obligations of women and men are. The man must pay for food, medicines, clothing, and everything that the family needs. The woman must care for the man's property. Raising the children is for both, and both have the obligation to be honest."

It is up to each individual whether or not he or she will follow the instructions of the board. Chehab says that he always asks at the beginning if the two sides will commit themselves to follow his decisions. If the answer is no, then he feels that there is no point in dealing with the case.

Sometimes Chehab has moved the matter to a more authoritative board for a decision. The closest ones are located elsewhere in Europe. The issues can involve questions of child custody requiring special expertise. Even if Finnish officials have handed down a decision of their own, the parents have wanted to hear an Islamic point of view as well.

The mediation process concerning the divorce application of Aisha began when a friend of hers contacted the mosque. Aisha and her husband were first asked to be heard separately, and then together.

Aisha came to the session with two female friends and her wali. A wali is a kind of trustee who serves as a representative of a Muslim woman when a marriage takes place. Usually a wali is a relative, but as Aisha has no Muslim relatives, her wali was a friend.

The husband had two friends with him, and there were three mediators.

The group convened in the prayer room of the mosque one weekday evening, sitting in a circle on the floor.

"We talked about their views, and the thoughts and behaviour of both of us. We also had the opportunity to talk to each other. Our relations were so inflamed that we did not say anything to each other at that point."

The board had previously also spoken to the husband's relatives. Aisha's friends spoke of their own views.

In addition to the married couple, eight others, as well as a group of her husband's relatives went through the problems of the marriage. Didn't that seem strange for a Finn to experience?

Aisha admits that she has wondered what it would feel like to run into the mediators on the street. However, she points out that the question is more of a cultural difference than religion - the idea of whose business family matters should be, is much broader in many cultures than in Finland.

In the session, which took more than an hour, Aisha wept profusely at times, but the atmosphere remained peaceful.

"They are nevertheless older religious people who have read much more than we have. In such an atmosphere one needs to talk in a proper manner; one must not be disrespectful.

Absolute impartiality is a part of Islamic mediation. Aisha felt that the board did not take the side of either one.

"They took events that had happened on both sides as facts, and there was no blaming of either side."

The two were supposed to have met with the board for a second time, but Aisha's husband did not show up. The mediators decided that it would be best for them to split up.

From a human standpoint mediation achieves much that is good. Many marriages are saved, or at least get some extra time. Sometimes trials are avoided.

Ultimately the system does not differ much from traditional Finnish customs. After all, we have couple's therapy and family counselling.

However, Islamic mediation also has a more official side. For a Muslim woman it is the only way to get a divorce if her husband opposes it. A Muslim man can get a divorce if he informs her wife of his intentions in the presence of two witnesses.

The woman is always granted a divorce in mediation, even if the husband does not show up at the meeting with the board. If the couple has sealed a marriage under Finnish law, the mediators will not grant an Islamic divorce until the secular marriage has been dissolved in a district court.

Aisha felt that it was important to get an Islamic divorce.

"If I would not have been granted one, it would have prevented me from continuing my life. Being with someone else during a marriage is adultery. In Islam that is worthy of a death sentence."

Under Islam, the punishment comes on the day of judgement, if not in this life. It is a serious matter for a devout Muslim.

Mediation deals with other practical matters linked with the separation as well. If a woman has applied for the divorce, she is expected to return her dowry, which is the husband's gift to the wife when the marriage takes place.

According to the mosques, dowries in Finland are often very small.

"A thousand to two thousand euros and a gold ring", Sugulle says as an example.

Aisha got gold worth EUR 300, but her husband did not want it back.

If the husband wants the divorce, the wife can keep the dowry.

The mediators mostly resolve issues on which Finnish law does not take a stand. If it does, Sugulle says that the mediators urge the couple to obey the law. For instance, in connection with a divorce, the mediators discuss custody of the children, but they do not make decisions, because that is a matter for the district courts.

"We preach that a man must continue to care for his children, and a mother must respect the father's right to see them. Sometimes a restraining order is placed on a man. In such a case we say that we cannot interfere. It is the law of Finland", Sugulle says.

The issue of the children also came up in connection with the mediation in Aisha's case. When disagreements arose, the mosque offered to help in the practical arrangements of visitation.

In Britain, mediation has a semi-official status. Last year Britain granted five Islamic courts the right to mediate in civil cases. Their decisions have the power of law if the parties consent to it in advance. Jewish Beth Din courts have long had a similar status in Britain.

The move was not to the liking of everyone. It raised suspicions that women might not be treated in an equitable manner. For instance, Islam does not traditionally treat the

genders absolutely equally in matters of inheritance. In one case in Britain, two brothers were given inheritances that were twice as large as what their three sisters got.

Some men found guilty of domestic violence have been placed under the supervision of the mosque elders and ordered to take anger management courses. They have averted any other punishment, because the women have withdrawn their criminal complaints.

Sugulle says that his mediators have not had to deal with inheritance issues.

“The people have not had anything to inherit.”

If such cases were to come, Sugulle says that the case would be resolved according to Islamic law. It could lead to solutions that differ from Finnish practice. However, Sugulle points out that there are cases in Islamic law in which a woman can inherit more than a man.

In cases of domestic violence, the board points out that Islam does not approve of it. The rest is left to the police, if a criminal complaint is made. Contrary to the situation in Britain, the victim cannot call a halt to a process, because except in the case of minor assault, domestic violence is a crime handled by public prosecutors in Finland.

Aisha points out that immigrant Muslims often view government officials with suspicion.

“Many who are Muslim-born have a strong perception that Finnish society is trying to separate them from Islam.”

The mediators can lower the thresholds between officials and immigrants by guiding those seeking help forward.

Imam Khodr Chehab says that in such a situation, violence has often been the issue.

“If the situation has appeared serious, I have urged the filing of charges.”

Aisha is now thinking that if she and her husband had gone into mediation earlier, their relations might not have deteriorated so much. However she does not believe that a divorce could have been averted even then, because her husband had strayed from Islam.

She feels that mediation was a useful experience. It is easy to get the impression of bearded men dispensing justice that is carried out in this life and in the next. However, Aisha felt that she was speaking to quite ordinary people who knew how she felt. Aisha had previously experienced that she was not getting enough understanding from her husband’s compatriots.

“It wasn’t only a matter of everything being the fault of a Finnish woman, and that a woman is a family’s honour, and that her task for the rest of her life was to cover up for the infidelity of her husband, and for many other things. But to a great extent it was that.”

There was no such attitude in mediation.

“There was concrete comforting on a human level, in addition to the religious side. They understood, and were concerned, and said that what had happened, was wrong. It was wonderful and positive.”
