Chapter 7, entitled "Concerning dissolution of marriage", comprises articles 37-49 and is much more distinctive and noteworthy than the previous chapter. Thus article 37 decrees that a contract of marriage is not dissolved by a husband's repudiation of his wife (talāq) without this being confirmed by a decree of the Qāḍī of the community—and this is totally at variance with the Shari'a; while article 38 is equally un-Islamic when it categorically declares that a man may never re-marry his divorced wife after such decree of dissolution of marriage by the Qāḍī 1). Article 39 is more normal and provides that "if a wife who is herself free from defects which would prevent co-habitation 2) discovers, whether before or after marriage, that her husband is afflicted with some defect which would make it impossible for her to live with him without injury—such as elephantiasis, leprosy, venereal disease or something similar—she may refer to the Qāḍī and demand dissolution of marriage: whereupon, if the disease is incurable, the Qāḍī shall decree this at once, while if there is hope that it will disappear the Qāḍī shall postpone such dissolution for two years, but shall at once decree the temporary separation of the parties; and if the disease does not disappear during this period, and if the husband is unwilling to divorce his wife while she, on her part, persists in her demand, the Qāḍī shall decree the dissolution of

1) Thus reiterating article 11 above: see this vol., p. 4, including note 2.
2) But it is curious to find this phrase in this context. In the Ottoman Law it occurs in article 119, which concerns sexual defects in the husband—where it is clearly more in place.

Die Welt des Islams, II
the marriage. But disabilities such as blindness and lameness do not constitute a valid reason for such dissolution'. This corresponds to article 122 of the Ottoman Law and represents the variant Ḥanafi view of Muḥammad al-Shaybānī in place of the authoritative doctrine: but it is noteworthy that it adopts—in contrast both to al-Shaybānī and the Ottoman Law—a period of two 1), instead of one, year's respite for treatment before dissolution of marriage where a cure seems possible, coupled with an order for temporary separation in the meantime. Again, article 40 provides that if a husband is afflicted with impotence his wife may demand dissolution of marriage when it has been medically established that his impotence is incurable: and this summarises the provisions of articles 119-121 of the Ottoman Law, but in more decisive fashion; for the Druze Law not only omits 2) to specify any particular period (e.g. one year, in the Ḥanafi and Ottoman laws) for attempted treatment, but would also, it seems, allow dissolution of marriage in such cases even where the impotence supervenes after the contract has been consummated 3). Article 41, on the other hand, exactly corresponds to article 123 of the Ottoman Law in providing that should a husband become insane after marriage the wife may demand dissolution, which will be granted after one year's delay if the insanity persists.

Articles 42-45, again, are peculiar to the Druze Law. Thus article 42 provides that the spouses may dissolve their marriage by mutual consent, and that such dissolution will be complete by its announcement in the presence of two witnesses before the Qādī, who shall issue a decree accordingly; article 43 that if a husband is convicted of the crime of adultery his wife may demand dissolution of marriage, while if a wife is so convicted and her husband divorces her for this reason her right to deferred dower shall lapse; article 44 that if a husband is sentenced to imprisonment for more than ten years and actually serves his sentence for five years consecutively his wife may demand dissolution of marriage at the end of this period; and article 45 that if a husband disappears or goes away for three years and his wife can obtain no maintenance from him the marriage

1) A period for which there seems to be no authority in the fiqh.
2) Presumably this is deliberate.
3) Sed quaere.