

Impact of Divorce among Muslims in Sri Lanka

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Abstract

Divorce is the legal dissolution of marriage. The occurrence of divorce has been increased among Muslims in Sri Lanka. This explorative study was conducted to analyse the impact of divorce among Muslims in Sri Lanka among 40 couple of divorcees in Akkaraipattu Divisional Secretariat division of Ampara district in Sri Lanka. Both primary and secondary data collection methods were used and collected data was analysed by using both qualitative and quantitative methods.

The study identified demographic, economic and social conditions of the study population and explored causes of divorce under specific factors. Also found negative and positive consequences of divorce. The negative consequences of divorce is severe than positive consequences of divorce among Muslims and provided strong recommendation to prevent divorce and promote healthy marriages among the Muslims in Sri Lanka.

Keywords: Akkaraipattu Divisional Secretariat division, Divorce, Divorcees, Muslims, Sri Lanka

1. INTRODUCTION**1.1 Background of the study**

Social problems are the general issues that affect and damage the real life settings of the people and society. There are number of social issues existing in the world such as, drug addiction, poverty, domestic violence, child abuse, prostitution, divorce and crime, etc.

The study focuses on one of the social problems, “**Divorce**” which is defined as dissolution or cancelling the legal duties and responsibilities of marriage under the rule of law of the particular country or state. Decades ago divorce was a cause for shame, but today it is becoming an alarmingly common thing among the society.

There are multiple reasons behind this divorce. This separation between husband and wife highly impact in every aspects of life. Divorce has a profound effect on the spouses, their children, and also the society at large. It results in psychological, social and economic well-being of family and society in general. Divorce not only has negative effects, but also consist positive outcomes too. It sometimes can be the best thing for the spouses who involved in it.

Divorce laws vary considerably around the world; every nation in the world allows its inhabitants to divorce under their rules and regulations of the legal process (court or other authority) except in Vatican City. In many countries in the world, the incidence of divorce is increasing and this phenomenon is no exception to the Asia continent also. When we talk about the South Asia in the last decade, Bangladesh, India and Sri Lanka reported an increase in the proportion of divorce.

The grounds for the divorce in Sri Lanka appear to be more limited. The culture and the social norms are highly influence in the low percentage of divorce in Sri Lanka, when we compare with other South Asian countries. Though, in recent past this condition is changed.

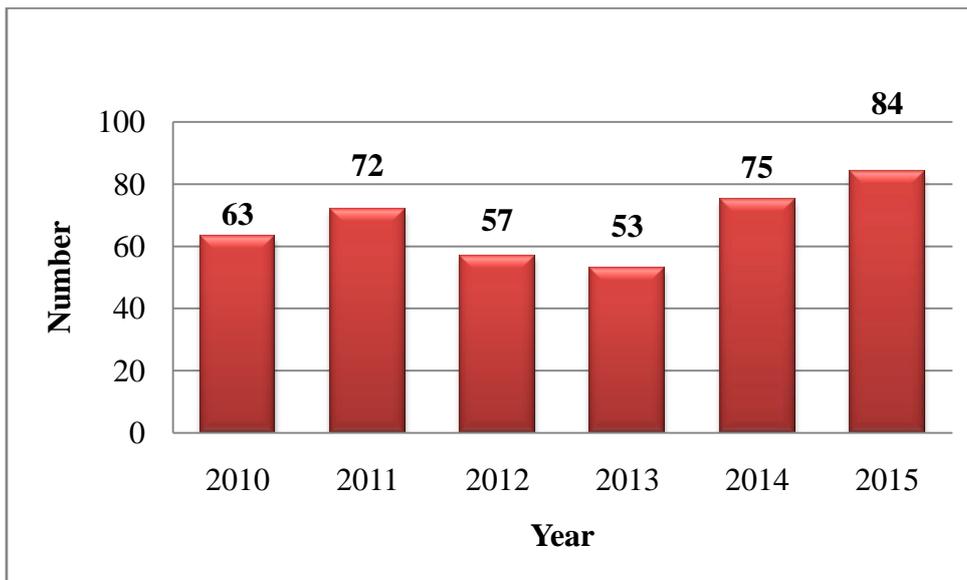
Religion acts as a damping factor to the divorce process. Islam highly emphasizes about the importance of marriage and family life. It is compulsory in Islam. This situation is also changed now, the breakdowns of family bonds are now increasing among Muslims in Sri Lanka.

This exploratory study focused impact of divorce among Muslims in Sri Lanka with special reference to Akkaraipattu Divisional Secretariat division of Ampara District in Sri Lanka in order to fulfil the objectives of identifying the reasons behind the divorce, examines the consequences of divorce and to recommend for preventing divorce and promoting healthy marriages among Muslims in Sri Lanka.

1.2 Research Problem

Marriage is socially and legally sanctioned union between a man and a woman regulated by laws, rules, customs, beliefs, and attitudes of the society (Encyclopaedia Britannica 2008). Today, marriage is not considered as a sacred obligation and marital destructions are increasing. Decades ago divorce was a shameful activity, but today it is becoming a common thing. Where have we gone wrong? Religions also strictly suggested the way to lead a healthy married life without any troubles.

Figure 1.2.1: Number of Divorces in Akkaraipattu DS division - (2010 - 2015)



Source: DS office Report, Akkaraipattu, 2016

According to the Akkaraipattu Divisional Secretariat Report, 2016, the number of divorces held in the last six years from 2010 to 2015, 63 divorce cases recorded in 2010, 72 divorces held in 2011, the amount reduced to 57 in 2012, and in 2013 as 53 divorce cases, suddenly can observe an increase in the year 2014, the amount of divorces increased up to 75 and in year 2015, can find 84 cases of divorce in study area.

However, the rising divorce rates among Muslim couples shows that marriage is no longer considered a life-long commitment by many. Divorce becomes a serious ill as a communicable disease in society; this disease should be cured before it gets serious and transmitted to next generation.

Why does a marriage fail? How is it that two people, who started out with so much love and good faith, turn against each other? What are the valid reasons and consequences of divorce? What religion says about divorce? This study addressed these problems with special reference to Akkaraipattu Divisional Secretariat division of Ampara district, Sri Lanka.

1.3 Field Setting of the Study

This explorative study was conducted among divorcees in Akkaraipattu Divisional Secretariat Division in Ampara district of Sri Lanka which comprises nine small villages and 28 GN Divisions includes a Municipal Council and a Pradeshiya Sabha. In the study area can observe three ethnic groups, Buddhist, Hindus and Muslims who are dwelling for the last several decades. Though, it is predominantly comprises majority of Muslims (99.53%). Concerning many social problems, especially divorce becomes a serious issue in this study area for the past six years than other problems.

1.4 Methodology

Purposive sample method was employed for this study to collect data, especially by selecting a year (2014) and sample size is 40 (couple of divorcees). In order to achieve the main and other specific objectives of the study, both primary and secondary data collection methods were applied to this study.

Primary data was collected through interviews, observation and case studies and secondary data was collected from books, journals, newspapers and web sites etc. The collected data was analysed by using both qualitative and quantitative methods, mainly applied qualitative analyse method, because of the analytical part is mostly related with the descriptive outcomes. Data was presented through maps, diagram, charts, table, and graphs and mainly in words.

2. CONCEPTUAL FRAMEWORK OF DIVORCE

2.1 Social Institutions

Institutions organize and shape the social life and they are related to one another and society as a whole. We cannot separate them from each other. Every institution performs its own functions to balance the society in the neutral level. Mainly there are five different institutions as family, political, educational, economic and religious (Johnson, 1996).

2.2 Family

The family is the most important primary group in society, all known that society has some form of family institution. M.F. Nimkoff defined family is a more or less durable association of husband and wife with or without child, or of a man or woman alone, with children (Rao, 1998).

2.3 Marriage

Families originate with the uniting of individuals in marriage. According to Malinowski he says marriage is a contract for the production and maintenance of children. Marriage is a socially and legally sanctioned union between a man and a woman regulated by laws, rules, customs, beliefs, and attitudes of the society (Encyclopedia Britannica, 2008).

2.4 Divorce

Divorce is a consequence of marital instability and a form of family disorganization. Like marriage, divorce is almost universal in all societies but varies in the degrees and conditions imposed by the legislations and procedures of the society. It is a judicial separation of the spouses and completely disruption of their marital relations. (Rahman, Giedraitis, & Akhtar, 2013).

2.5 History of Divorce

Divorce is not a recent phenomenon, it has long way of history. In early history of divorce, before Christianization, divorce was an informal, private process and personal decision determined by individuals, not by the law or religion. After the rise of Christianity, the churches began to control marriage and divorce. The grounds for divorce become more and more liberal after the Second World War. Divorce reforms from time to time and distinctive grounds of divorce were led path to more divorces. The improvement in the economy and women self-sufficiency also increases the divorce rate (Clarke, 2007).

2.6 Common Types of Divorce

There are different ways to achieve the end of married life such as Fault and No-Fault Divorces, Contested and Uncontested Divorces, Summary Dissolutions and Simplified Divorces, Default and True Default

Divorces, Collaborative and Mediated Divorces, Limited Divorce, Arbitrated Divorce, Divorce for Same-Sex Couples. The differences can be in the law or in the way of approaching. The types of divorce cases vary from state to state accordance to the state law (Kinds of Divorce, 2016).

2.7 Theoretical Perspective of Divorce

Divorce is considered by in both microsociology and macro sociology in sociological imagination. Micro sociologists view that divorce affects the family immediately and severely. Macro sociologists view divorce as a problem and it affects the whole country in long term, they argue that divorce is not a personal problem (Schaefer, 2003).

Functionalist approach distinguishes divorce from a negative and macro point of view. They always criticize divorce on the failure of social institution and they conclude that divorce increased due to lose of traditional and historical norms of family is vanishing from the societal members (Johnson, 1996).

Symbolic interactionism approach focuses divorce in micro perspective; they look for the problems in individual basis than society in general. Symbolic interactionism says that changing symbols or meaning or ideas of marriage and family life creating new path to make divorce as more acceptable thing among the individuals and the society (Johnson, 1996).

According to conflict perspective marriage reflects basic inequalities between man and women and higher divorce rate is a sign that women are making headway in their struggle with men. It describes divorce in micro perspective as the competition between husband and wife for resources and power within the marriage (Johnson, 1996).

Feminists say that they didn't make good marriages go bad, their reforms gave women the opportunity to get out of unhappy or unfair marriages. Feminists reforms increased women access to better jobs, hiring, and promotions, women who were unhappy in their marriages no longer had to stay married out of terrible financial requirement (Brooke, 2011).

2.8 Divorce and Religion

According to Christianity, marriage is sacred; divorce is hated by god and marriage projected to bear children. Many churches are strongly opposed the concept of divorce and they prefer it as a sin.

The concept of divorce is strange in Hinduism, and they believe marriage is sacred and divine. But Hindu civil code permits divorce in certain grounds. Hindus highly preserve their marriages.

Buddhism not clearly defines about divorce and it practices. It substantially talks about marriage and divorce. Both male and female have freedom separate if they not agree or cope with each other and Buddhism explains that separation is preferable than the unhappy life of couples and also encourages partners to maintain a harmonizing role to lead a good life.

Judaism allows divorce under some circumstances, but it discourages the existence of divorce. Jews marriage and divorce are administered by Orthodox priests. Divorce is very complicated in Islam, it includes complex rules, numerous regulations and a time consuming process.

2.9 Divorce in Islamic Religion

In Muslim system of law, divorce or dissolution of the marriage is a "makeshift" solution for the purpose of avoiding the evil consequences of an unhappy marriage (Wilson, n.d). Provisions were made for legal action to protect the rights of each partner if the terms of the contract were not met. According to Islamic perspective divorce is the last option of husband and wife while all other are not successful (Akram, 2011).

Reconciliation is highly expected among spouses than divorce in Islam, Islam does not allow divorce normally, there should be number of attempt to solve the differences and problems between the partners.

Valid reasons are essential to file a divorce case in the Islamic Court. Before going to court to file the divorce case, Islam gives some advices to the couples to compromise and fix their problems. If all approaches become failure, and problem continues among spouses, then only consider on divorce. (Akram, 2011).

If there is no urgent need for release from the marriage-tie, the divorce is haram (forbidden) for every Muslims (Sanoos, Irfan, & Mahfool, 2010). The Prophet Muhammad (PBUH) said: "Of all the permitted things divorce is the most abominable by God." and "Marry and do not divorce, undoubtedly the throne of the beneficent Lord shakes due to divorce" (Reported by Abu Dawud-Al- Hadith)(Aroos, 2005).

The marriage dissolution is practice by every religious people, but the practice in Islam differs from other religious practices. Some religions have tightest rules and regulations in divorce, and some have baggiest rule, example in western countries. Islamic religion approach divorce in differently among the Muslim couples. Islam creates separate way to both men and women in their marriage dissolution; this separateness emphasizes the rights of both men and women. However both have equal chance to file divorce case against their partners. (Akram, 2011).

4. FINDINGS - DIVORCE AMONG MUSLIM COMMUNITY

4.1 Background Characteristics of Divorcees

Demographic, economic and social circumstances of the study population are important to get the background of the study population. This study focused on gender, age, education level, occupation, income level, settlement structure, living arrangements, housing condition, number of children, type of marriage, kind of divorce, time period from marriage to divorce, duration from marital problem exist to divorce, negotiators who tried to solve the problem among partners before divorce, current marital status, attitude towards divorce, family history on divorce of the divorcees.

The study identified that most of the marital destruction happened to a wide age range from 26 years to 40 years, most of the divorcees got their higher education, engaged in business and self-employment and majority of their income level is below LKR 20, 000. Divorcees spread equally in both rural and urban environment, most of them are living with their parents than living separately after their divorce in permanent houses, most of the divorcee's marriages were arranged by their parents and have one or two children and both husband and wife have equal rights to apply for divorce here.

Divorce cases happened in short term period of time within three to six years after the marriage, the marital problem exist since from the marriage and after one year among the divorcees, parents and relatives tried a lot to solve problems among partners as negotiators, majority of divorcees don't have previous family history on divorce, though in future it will be, and most of the divorcees are still being single, also the study revealed that, the attitude towards divorce is differ among divorcees, everyone said it has both good and bad sides.

4.2 Reasons behind Divorce

The reasons for divorce may vary; it is increasing among couples and the situation become worse in Akkaraipattu Divisional Secretariat division in Ampara district. The research mainly identified reasons behind the divorce under specific factors; Demographic, Economic, Behavioural, Psychological, Cultural and legal factors. Conflict between partners, low income and poverty, women labour migration, drug addiction, young age marriage, unemployment, distressed and depression, and extramarital affairs are the eight reasons behind the divorce among Muslims today.

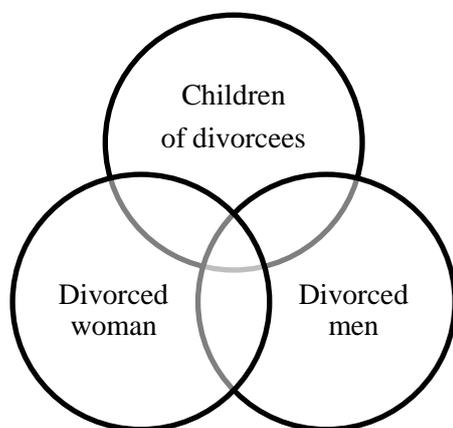
Secularization trends, low religiosity, liberalization of norms, individualism, drawbacks in divorce laws, and qualities of Quazi (Islamic Judge) are the common cultural and legal factors which also induce the number of divorces among Muslims in Sri Lanka.

The study found that, men in the study area divorce their wife mostly due to the over conflict between husband and wife, women labour migration, young age of their wife, and extramarital affairs of their wife. The major reason is unbearable conflict with the wife. The wife divorces the husband due to poverty and low income, unemployment of the husband, drug addiction, extramarital affairs and depression.

4.3 Consequences of Divorce

The marital separation among the partners negatively impacts on individuals and society. This research found divorce negatively impacts in two types of stakeholders as primary stakeholders and secondary stakeholders.

Primary Stakeholders



4.3.1 Children of Divorcees

The immediate consequence of divorce is the voidable future life of the children of divorcees. The children often disturb psychologically, they suffer from depression and anxiety, reveal behavioural problems include aggressiveness and fighting and exhibit poor performance in their studies and maintains lower educational levels.

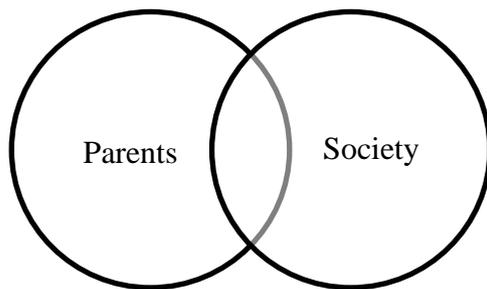
4.3.2 Divorced Women

Compare with men often, women suffer more than men after divorce and experience greater regression in standard of living. The women are more probable to maintain custody of their children, than men. The transition to divorce is accompanied with more negative effects, financial burdens, time restrains and family responsibilities for divorced women. The second marriage or remarriage become a challenge among the women.

4.3.3 Divorced Men

Divorced men also impact psychologically and socially by their divorce. The divorced men face problems as less happiness; remain at home, depression, health problems, and drug addiction. Finding another partner is also difficult because, the divorced man considered as person who lost the societal recognition. They feel rejection, abandonment, and low-esteem, become as aggressive person, always seriously talking, and humour sense also diminished and misses their children.

Secondary Stakeholders



4.3.4 Parents of the Divorcees

Parents of the divorcees also negatively impact by their children's divorce. The divorce creates financial burden to the parents, especially the parents of divorced women are highly vulnerable, because they worry about their daughter's future life, always think about their life and fallen in the disease too. Already the parents look after their other children and divorced women also become burden to them. One side the divorce of their daughter or son create depression and humiliation, other side damage to the societal respect.

4.3.5 Society

The study explored that the increase of divorce impact the society. The society never welcomes the destruction of family. Now others label the society as the people of divorce. As a social problem divorce disorganize the society, it impact on other social institution too. This situation leads to crime and other deviant behaviours. Divorce associates with other problems, the divorced individuals become more addicted to drugs and impact on the employment and poor performance in their working place, loss of child care and education, illegal sexual relationship, and people become more mentally disturbed and leads to the physical problems like diseases, it increase the medical cost, and poverty will occur. People in the society becomes passive than active.

4.4 Common effects of Divorce

The research also found common consequence of divorce. The effects can be classified in three categories emotional, financial and social effects.

4.4.1 Emotional

Emotional consequence of divorce can be traumatic and continuing. Divorce is the second stressful condition for men and women. Regardless of gender, both of them likely to experience a mix of emotional reactions, like grief, anxiety, guilt, and depression, anger and frustration.

4.4.2 Financial

Divorce increased the risk of poverty too. This poverty exists on divorced women and their children. After the divorce the women become responsible for their children; however the husband pay some amount of money to raise the children, but it is seriously not enough to run the life.

4.4.3 Social

After the divorce, re-joining the society as a single one is difficult and differently effect on both men and women divorcees. Here the divorced men and women maintain a distance with society and societal members.

4.5 Psychological Perspective

Number of experts and theorists talk about the emotional journey when a marriage comes to an end in psychological perspective through phases and stages of divorce. Two theories were applied for this study to get more theoretical understanding about divorce among Muslims in Sri Lanka.

Four Phase Theory of Divorce which talks about the four general phases in a divorce case as deliberation, litigation, transition and post-divorce or redirection among Muslim divorcees. Kessler's Seven Stage Model of divorce also applied in this study, which represents and helps to think about the complicate emotional condition of divorcees and how they passing the seven stages (Disillusionment, erosion, detachment, physical separation, mourning, second adolescence and hard work) in divorce. This research found that, the Muslim divorced women pass only first four stages of divorce and stuck in the fifth stage and Muslim divorced men pass the stage from one to five and skip the stage of second adolescence, and moving to the final stage of hard work.

5. CONCLUSION & RECOMMENDATIONS

5.1 Conclusion

Social problems exist rapidly in the modern world. The divorce is considered as a serious issue in the contemporary society; however it is not a new phenomenon. Compare with other westernized nation, the divorce rate in Sri Lanka is low. However the existing records and statistics reported that, 300 to 400 divorces settled per day in Sri Lanka. This marital destruction is increased among Muslims in Sri Lanka too. The study analysed the impact of divorce among Muslims in Sri Lanka. Single causal factor is not contributed for dissolution of marriage. The research explored reasons behind the divorce under specific factors. Low income and poverty, drug addiction, young age marriage, unemployment, extramarital affairs, women migration, conflict between the partners and distressed and depression are the eight major reasons behind the Muslim couples. Secularization trends, low religiosity among the people, liberalization of norms, liberal and drawbacks in the divorce laws, the qualities of Quazi (Islamic judge) and individualism are the cultural and legal factors which also stimulate the divorce among Muslims.

The study explored the consequences of divorce. Marital separation consist both positive and negative consequences. Two kinds of stakeholders are directly impacted by the divorce as primary stakeholders (children of the divorcees, divorced man, and divorced women) and secondary stakeholders (family and society).

The divorce negatively impact on children of divorcees psychologically and behaviourally. Also negatively impacts in their studies. Children become hot tempered and aggressive.

Divorced women negatively impact emotionally, financially and physically in divorce than a divorced man. Majority of the women in the study area are not remarried and the responsibility of child rearing given to them and they often fall in poverty.

Divorced men also suffered due to their marital separation like, less happiness, health problems, drug addiction and missing their children are some of it. They experience more relationship problems and behavioural problems.

Parents economically and psychologically affected by their children divorce. The society and social system collapse due to the increase of divorce of the members. Commonly the divorce has emotional, financial and social effects widely.

The study analysed the psychological condition of the male divorcees and female divorcees by applying Kessler's seven stage model of divorce and concluded that, Muslim divorced women suffer and worry more about their life after divorce than Muslim divorced men.

The study discovered some important positive consequences of divorce, such as release from marital stress, better option than living in the conflict environment, men and women had a second chance to change their life according to their wish, divorce creates independence and personal choices and also divorce is good option for child development. Some of divorcees regain their independent life after their divorce.

The findings revealed that, negative consequences of divorce is severe than positive consequence of divorce, especially among children of divorcees and divorced women. The divorce is not an easiest one; however it gives some relief to the couples who lived in abusive and conflict environment.

At the end, divorce among Muslims is rapidly increasing in recent years in Sri Lanka. Though, the divorce is accepted in Islamic religion, it is strictly an avoidable one. Multiple, interconnecting factors and reasons contributed to the divorce among the Muslim couples. Divorce has both positive and negative consequences. The negative consequence of divorce is severe than the positive consequences of divorce among Muslims. Compare with divorced men, the divorced women pay a lion of costs of consequences from their divorce. Immediately, appropriate actions should be taken to address this social problem to promote healthy marriages among Muslims in Sri Lanka in near future.

5.2 Recommendations

The study also provided strong recommendations to prevent divorce and promote healthy marriages among Muslim Community in Sri Lanka. Marriage educational programs, guidance and counseling, learn to manage marital conflict, training and preparation to matrimonial life, union between the husband and wife, prevent young age marriage, revising the drawbacks in divorce law, poverty reduction and full employment, Quazi Court (Islamic Court) should be associated with counselling centres, new publications, give essential advices to the couples appropriately, make aware about the rights of women, public awareness and open discussion are the main strong recommendations to prevent divorce among Muslims.

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