



## RESEARCH ARTICLE

### FREQUENCY RATE OF DIVORCE IN MALIR DISTRICT, KARACHI, PAKISTAN

<sup>1</sup>Fareeha Shahid, <sup>2</sup>Saara Ahmad, <sup>\*,3</sup>Rubina Ghani and <sup>4</sup>Kashif Nisar

<sup>1</sup>Department of Community Medicine, Liaquat College Medical and Dentistry Dar-ul-Sehat Hospital

<sup>2</sup>Department of Biological and Biomedical Sciences, Aga Khan Hospital and Medical University

<sup>3</sup>Department of Biochemistry, Jinnnah Medical & Dental College/Pathological & MoMolecular Laboratories

<sup>4</sup>Department of Biochemistry, Jinnah Medical & Dental College

#### ARTICLE INFO

##### Article History:

Received 06<sup>th</sup> May, 2016

Received in revised form

20<sup>th</sup> June, 2016

Accepted 15<sup>th</sup> July, 2016

Published online 31<sup>st</sup> August, 2016

##### Key words:

Muslim cultures,  
Arranged marriages,  
Khula or divorce.

#### ABSTRACT

Divorce is a painful experience, and there are some unavoidable reasons for getting a divorce. The number of individuals opting for divorce has been steadily increasing over the past few years, including Pakistan. In recent times more number of women has been initiating divorce. Our study intends to find out the major risk factors of divorce.

**Material & Methods:** Study was design cross-sectional and data was collected by means of self administered questionnaire in Malir district family court, Karachi and was analyzed by SPSS version 13.0

**Results:** Fifty percent (50%) of the women got divorce due to the lack of understanding from their husband and other 50% only having school education. Some of the women got divorce who's age difference between husband and wife was high.

**Conclusion:** This study has provided evidence to the ways that Muslim females are affected by divorce and shown the effect to which familial withdrawal and it concludes different risk factors.

Copyright©2016, Fareeha Shahid et al. This is an open access article distributed under the Creative Commons Attribution License, which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.

Citation: Fareeha Shahid, Saara Ahmad, Rubina Ghani and Kashif Nisar, 2016. "Frequency rate of divorce in Malir district, Karachi, Pakistan", International Journal of Current Research, 8, (08), 36690-36697.

## INTRODUCTION

The term 'Divorce' is derived from the Latin term 'divortium' which means to turn aside or separate. Divorce is a growing phenomenon in all cultures; however customs and laws are divided between those that favor women and those that expressly do not. The plight of the divorced Muslim woman based on the hypothesis that some cultures handle divorce better than others. A comprehensive literature review profiles divorce in other cultures which also oppress women in divorce situations. Divorce is the legal cessation of a matrimonial bond (Kusum, 2003) and thus refers to a situation where a man and wife no longer remain so due to a number of possible reasons, acceptable in law as grounds for divorce. Divorce (or the dissolution of marriage) is the termination of a marital union, the canceling and/or reorganizing of the legal duties and responsibilities of marriage, thus dissolving the bonds of matrimony between a married couple under the rule of law of the particular country and/or state. Divorce should not be confused with annulment, which declares the marriage null and

void; with legal separation or *de jure* separation (a legal process by which a married couple may formalize a *de facto* separation while remaining legally married) or with *de facto separation* (a process where the spouses informally stop cohabiting). Reasons for divorce vary, from sexual incompatibility or lack of independence for one or both spouses to a personality clash. (The Covenant Divorce Recovery Leader's Handbook, 2008) Divorce is a painful experience, no couple actively wishes for a divorce but there are some unavoidable reasons for getting a divorce and these reasons are different in different countries according to their laws, traditions, cultures, lifestyles. The number of individuals opting for divorce has been steadily increasing over the past few years, including Pakistan. In recent times more number of women has been initiating divorce as compared to men (Khan., 2003). According to my study, lack of understanding with their husband, non financial support, egoism, age differences more than five years between them are the major risk factors of divorce among women. Divorce is the breaking of the spousal relationship with express or implied words, directly or through representation, by the husband, effective instantaneously or consequentially by giving the haq mahr. (Qamar, 2004) In the laws of Islam (sharia) there are three kinds of divorce, each with separate rules. When a man has initiated a divorce, the

\*Corresponding author: Rubina Ghani,

<sup>3</sup>Department of Biochemistry, Jinnnah Medical & Dental College/Pathological & MoMolecular Laboratories

procedure is called **talaq** (Arabic:  $\text{تالاق}$ ). When a husband accuses his wife of adultery without supplying witnesses and the wife denies it, the process is called **li' n** (Arabic:  $\text{لي ن}$ ) (Lian, 2014) When a woman has initiated a divorce it is called **khula** (Arabic:  $\text{خولا}$ ). Talaq is easily obtained, while obtaining khula is typically quite difficult. In the *al q* divorce, the husband pronounces the phrase "I divorce you" (in Arabic, *talaq*) to his wife, three times. Many Islamic scholars believe there is a waiting period involved between the three talaqs, pointing to Quran 65:1" and various hadiths. However the practice of "triple al q" at one sitting has been "legally recognized historically and has been particularly practiced in Saudi Arabia." (DeLong-Bas and Natana, 2004) The Muslim husband may initiate the divorce process by pronouncing the word **talaq**, the formula of repudiation, three times. The first two times the talaq is pronounced, it may be withdrawn. But the third time it is pronounced, the divorce is irrevocable. There are a range of systems specifying the requisite formalities to complete an irrevocable divorce, i.e., whether some period of time must elapse between each pronouncement of talaq, whether there must be mediation, or the need for witnesses. According to the Quran which is the book on which Islam is based, there is a waiting period. In countries where polygyny is permitted, there is no waiting period before the husband can remarry. The wife must usually wait three months after the third talaq has been spoken before remarrying (this period is known as *iddah*) (Freeland, 2000; Hasan, 1999; Hinchcliffe, 2000; South African Law Commission, Islamic Marriages and Related Matters, 2003).

In Talaq divorce, the husband does not have to use the exact words "I divorce thee" or "I divorce you." Shariah law allows for other phrases. Thus, there are two major types of talaq divorce declarations:

- Talaq-Sirri—a clear declaration of divorce such as "I divorce thee"
- Talaq-Kinaya—an "unclear" or "indirect" declaration of divorce, using words that are not exclusively prescribed for issuing divorce, but alludes and hints to it. ("If the husband said You are not my wife" (Darul ifta Birmingham, 2011)

According to Sunn and Sh a jurisprudence, the couple is supposed to try to reconcile during the waiting period, with the help of mediators from each family. If the couple breaks the waiting period by engaging in sexual intercourse, they are deemed to have been reconciled and the divorce is voided. This is said in the Quran in the following ayats: "And if you fear a breach between the two, then appoint judge from his people and a judge from her people; if they both desire agreement, Allah will effect harmony between them, surely Allah is Knowing, Aware." (Quran 4:35) (Qur'an, Sura, Kolachi *et al.*, 2011) According to a survey most of the lawyers acknowledged that divorce rate is increasing in middle and lower middle class. The main reason was the financial problems for separations. Normally in lower middle class husbands fail to fulfill the demands of their wives, which becomes the main reason of dispute (Kolachi *et al.*, 2011) In Muslim societies, legislation concerning divorce varies from country to country. Different Muslim scholars can have

slightly differing interpretations of divorce in Islam, (e.g. concerning triple talaq). No-fault divorce is allowed in Muslim societies, although normally only with the consent of the husband. A wife seeking divorce is normally required to give one of several specific justifications. If the man seeks divorce or was divorced, he has to cover the expenses of his ex-wife feeding his child and expenses of the child until the child is two years old (that is if the child is under two years old). The child is still the child of the couple despite the divorce. If it is the wife who seeks divorce, she must go to a court. She must provide evidence of ill treatment, inability to sustain her financially, sexual impotence on the part of the husband, her dislike of his looks, etc. The husband may be given time to fix the problem, but if he fails, the appointed judge will grant divorce should the couple still wish to be divorced. (Amani Aboul Fadl Farag, 2006) A recent study by the Creighton University Center for Marriage and Family suggests that time; sex and money pose the three biggest obstacles to satisfaction in the lives of newly married couples. The study found that debt brought into marriage, the couples' financial situation, balancing job and family, and frequency of sexual relations were of greatest concern to those ages 29 and under. (Mark Pathison, 2011) Many Koreans believe the rising divorce rate reflects the decline of traditional values, along with the impact of western lifestyles and the pressures of modern urban life. Nearly 70% of the divorced couples ended their marriages because of infidelity, physical and mental abuse and personality conflicts. (Korea Herald, 2009) With the divorce rate in the United States at 49.5 percent, followed closely by the United Kingdom at 30.8 percent the ease of exiting a marriage for fault or no-fault is rapidly becoming a cultural phenomenon. Those believing in a more Western ideology and approach to their relationships tend to view things more legalistically.

There is an increased in chance that a father of a sick newborn baby will leave the family soon after the baby is born. Having a child with poor health decreases the probability that the parents will live together by 9 to 10 percentage points after a year to 18 months of the child's life (Vincent, 2005) In this study, newlyweds who divorced within 6 years were compared with those remained married during those years. Those divorced couples not respond to each other's complaints as quickly as those who remained married ,these divorced couples ignored each other's complaints until they became intensely negative (Gottman *et al.*, 1999) In Argentina, the legalization of divorce was the result of a struggle between different governments and conservative groups, mostly connected to the Catholic Church. The first attempt to introduce the law was in 1888, but conservative and religious groups kept blocking the bill, which never became a law. Only in 1954, President Juan Domingo Perón, who was opposed to the Church, had the law passed for the first time in the country. But Perón was forced out of the presidency one year later by a military revolt, and the government that succeeded him, abolished the law. Finally, in 1987, President Raúl Alfonsín was successful in passing the divorce law, following a ruling of the Supreme Court. The new law also provided for gender equality between the wife and husband (Sex and the State: Abortion, Divorce, and the Family Under Latin, 2009). In Argentina, a new *Civil and Commercial Code* was approved in 2014 (coming into force in January

2016), which simplifies divorce procedures. Presumably due to the influence of the Roman Catholic Church, divorce became legal in Brazil only in 1977. Since January 2007, (Irene Lôbo, 2007) Brazilian couples can request a divorce at a notary's office when there is a consensus and have no underage or special-needs children. The divorcees need only to present their national IDs, marriage certificate and pay a fee to initiate the process, which is completed in two or three weeks.

Previously, a one-year period of separation was required by law before a divorce could take place. However, after the 66<sup>th</sup> amendment to the country's constitution in 2010, such separation is no longer necessary. Therefore, currently, as long as there is agreement between the divorcees and there are no underage children or incapable persons involved, a divorce may be performed by a notary. Canada did not have a federal divorce law until 1968. Before that time, the process for getting a divorce varied from province to province. In Newfoundland and Quebec, it was necessary to get a private Act of Parliament in order to end a marriage. Most other provinces incorporated the English Matrimonial Causes Act of 1857 which allowed a husband to get a divorce on the grounds of his wife's adultery and a wife to get one only if she established that her husband committed any of a list of particular sexual behaviors but not simply adultery. Some provinces had legislation allowing either spouse to get a divorce on the basis of adultery. The federal Divorce Act of 1968 standardized the law of divorce across Canada and introduced the no-fault concept of permanent marriage breakdown as a ground for divorce as well as fault based grounds including adultery, cruelty and desertion (Douglas, Kirsten, 2007). In Canada, while civil and political rights are in the jurisdiction of the provinces, the Constitution of Canada specifically made marriage and divorce the realm of the federal government. Essentially this means that Canada's divorce law is uniform throughout Canada, even in Quebec, which differs from the other provinces in its use of the civil law as codified in the Civil Code of Quebec as opposed to the common law that is in force in the other provinces and generally interpreted in similar ways throughout the Anglo-Canadian provinces. The law for division of property and debt, however, are within the jurisdiction of each province or territory, creating a structure where both provincial and federal laws will apply in the majority of claims for divorce.

The Canada Divorce Act recognizes divorce only on the ground of breakdown of the marriage. Breakdown can only be established if one of three grounds holds: adultery, cruelty, and being separated for one year. Most divorces proceed on the basis of the spouses being separated for one year, even if there has been cruelty or adultery. This is because proving cruelty or adultery is expensive and time consuming (Family law, child custody, child & spousal support, property division & more, 2006). The one-year period of separation starts from the time at least one spouse intends to live separate and apart from the other and acts on it. A couple does not need a court order to be separated, since there is no such thing as a "legal separation" in Canada. (Family law, child custody, child & spousal support, property division & more, 2006) A couple can even be considered to be "separated" even if they are living in the same dwelling. Either spouse can apply for a divorce in the province

in which either the husband or wife has lived for at least one year. On September 13, 2004, the Ontario Court of Appeal declared a portion of the Divorce Act also unconstitutional for excluding same-sex marriages, which at the time of the decision were recognized in three provinces and one territory. It ordered same-sex marriages read into that act, permitting the plaintiffs, a lesbian couple, to divorce (Ontario court approves first same-sex divorce, 2006). While the overall law is standard at the federal level, each province has its own act determining the rules for division of property and debt, as well as its own procedure for obtaining an order through the courts. In British Columbia, the Family Law Act covers the division of property and debt between divorcing spouses. The rules of the Supreme Court of British Columbia provide for contested procedures, where parties do not agree on terms, and for uncontested divorces (also called *desk order divorces*) through streamlined procedures designed for spouses who agree on the terms for divorce orders and other relief (Boyd, John-Paul, 2013). In order to get a divorce order, the court must be satisfied that:

- The marriage legally exists,
- At least one of the parties has been ordinarily resident in British Columbia for at least one year before the proceeding began,
- The ground on which marriage breakdown is claimed has been proven, and,
- If there are children, an adequate amount of child support is being paid.

In Alberta, The Family Law Act gives clear guidelines to family members, lawyers and judges about the rights and responsibilities of family members. It does not cover divorce, and matters involving family property, and child protection matters. The Family Law Act replaces the Domestic Relations Act, the Maintenance Order Act, the Parentage and Maintenance Act, and parts of the Provincial Court Act and the Child, Youth and Family Enhancement Act. (<http://www.albertacourts.ab.ca/go/CourtServices/FamilyJusticeServices>). The Family Law Act can be viewed and printed from the Alberta Queen's Printer website. (Amani Aboul Fadl Farag, 2006) One goes to the Court of Queen's Bench of Alberta to obtain a declaration of parentage for all purposes if someone has property to be divided or protected court and or for a declaration of irreconcilability. Chile legalized divorce in 2004, overturning an 1884 legal code (Chile introduces right to divorce, 2004). The law that legalized divorce is called the *Nueva Ley de Matrimonio Civil* ("New Civil Marriage Law"), and was first introduced as a bill in 1995; there had been previous divorce bills before, but this one managed to secure enough conservative and liberal support to pass (Haas, Liesl, 2010). Under the new law, couples must be separated for a year before divorcing if the split is mutual, and three years if the split is not mutual (Chileans granted right to divorce, 2013).

The four marital statuses that exist within Chile are married, separated, divorced, and widow(er). Only the divorced and widow(er) statuses allow a new marriage (Ministerio de Relaciones Exteriores, 2012). Before the legalization of divorce, the only way to leave a marriage was to obtain a civil

annulment, and annulments were only granted by telling the civil registrar that the spouse had lied in some way concerning the marriage license, thereby voiding the marriage contract. (Haas, Liesl 2010; Chileans granted right to divorce, 2013) The French Civil code (modified on January 1, 2005), permits divorce for 4 different reasons; mutual consent (which comprises over 60% of all divorces); acceptance; separation of 2 years; and due to the 'fault' of one partner (accounting for most of the other 40%). In Greece, marriage and divorce regulations have undergone major changes in 1982 and 1983, when civil marriage was introduced; and the family law was modified to ensure gender equality.

Divorce in Greece can be obtained on several grounds: (Family Law Jurisdictional comparisons, 2011)

- divorce by mutual consent (both spouses must agree)
- divorce on the ground that the marriage has been strongly impaired due to reasons that can be imputed either to the defendant or to both spouses, making the continuation of the marriage unbearable for the petitioner
- divorce on the ground of separation of 2 years (Article 14 of Law 3719/2008 reduced the separation period from 4 years to 2 years (<http://www2.ohchr.org/English/bodies/cedaw/docs/54/CEDAW-C-GRC-7.pdf>))

1. In Hindu religion marriage is sacrament and not a contract; hence divorce was not recognized before the codification of the Hindu Marriage Act in 1955. With the codification of this law, men and women both are equally eligible to seek divorce. Hindus, Buddhists, Sikhs, and Jains are governed by the Hindu Marriage Act 1955, Christians are governed by The Divorce Act 1869, Parsis by the Parsi Marriage and Divorce Act 1936, Muslims by the Dissolution of Muslim Marriages Act 1939 and Inter-religious marriages are governed by The Special Marriage Act 1954. Conditions are laid down to perform a marriage between a man and woman by these laws. Based on these a marriage is validated, if not it is termed as void marriage or voidable marriage at the option of either of the spouse. Here upon filing a petition by any one spouse before the Court of law a decree of nullity is passed declaring the marriage as null and void. A valid marriage can be dissolved by a decree of dissolution of marriage or divorce and Hindu Marriage Act, The Divorce Act and Special Marriage Act allow such a decree only on specific grounds as provided in these acts: cruelty, adultery, desertion, apostasy from Hinduism, impotency, venereal disease, leprosy, joining a religious order, not heard of being alive for a period of seven years, or mutual consent where no reason has to be given. Since each case is different, court interpretations of the statutory law gets evolved and have either narrowed or widened their scope. Family Courts are established to file, hear and dispose of such cases (<http://ncw.nic.in/pdfreports/Working%20of%20Family%20courts%20in%20India.pdf>).

Divorce was introduced in Italy by law of 1 December 1970. An abrogative referendum supported by Catholic organizations and by the Vatican was defeated on May 12, 1974. A constitutional issue had been also raised with regard to Italy's obligations under the Lateran Treaty, entered into in 1929, on whether it prohibited Italy from authorizing divorce. Before

1970, there was no provision for divorce in Italian law, and the difficulty of ridding oneself of an unwanted spouse in the absence of any legal way to do so was a frequent topic of drama and humor, reaching its apotheosis in the 1961 film *Divorce, Italian Style*. In Italy, almost all divorces are granted on the ground of legal separation. In 2015, the period of legal separation was reduced to one year, and six months in the case of consensual separation (from the previous three years), (<http://www.reuters.com/article/2015/04/23/us-italy-divorce-idUSKBN0NE1JD20150423>) since the comparison of the spouses at the first hearing in the separation procedure or since the date of the separation agreement. A separation decree may be granted when there are facts that would render the continuation of married life intolerable or have a serious and damaging impact on the upbringing of the children. Separation may also be granted by mutual consent. Separation by mutual consent and uncontested divorce are also possible without judicial procedure. Divorce may be granted without a previous legal separation only in very rare cases (e.g. final criminal conviction, annulment or divorce obtained abroad by the foreign spouse, unconsummated marriage, sex change). In Japan, there are four types of divorce: Divorce by Mutual Consent, Divorce by Family Court Mediation, Divorce by Family court Judgment, and Divorce by District Court Judgment. (People statistics - divorce rate by country 2004)<sup>(24)</sup>

Divorce by mutual consent is a simple process of submitting a declaration to the relevant government office that says both spouses agree to divorce. This form is often called the "Green Form" due to the wide green band across the top. If both parties fail to reach agreement on conditions of a Divorce by Mutual Consent, such as child custody which must be specified on the divorce form, then they must use one of the other three types of divorce. Foreign divorces may also be registered in Japan by bringing the appropriate court documents to the local city hall along with a copy of the Family Registration of the Japanese ex-spouse. If an international divorce includes joint custody of the children, it is important to the foreign parent to register it themselves, because joint custody is not legal in Japan. The parent to register the divorce may thus be granted sole custody of the child according to Japanese law (Japan Children's Rights Network, 2007). Divorce by Mutual Consent in Japan differs from divorce in many other countries, causing it to not be recognized by all countries. It does not require the oversight by courts intended in many countries to ensure an equitable dissolution to both parties. Further, it is not always possible to verify the identity of the non Japanese spouse in the case of an international divorce. This is due to two facts. First, both spouses do not have to be present when submitting the divorce form to the government office. Second, a Japanese citizen must authorize the divorce from using a personal stamp (hanko), and Japan has a legal mechanism for registration of personal stamps. On the other hand, a non-Japanese citizen can authorize the divorce form with a signature. But there is no such legal registry for signatures, making forgery of the signature of a non-Japanese spouse difficult to prevent at best, and impossible to prevent without foresight. The only defense against such forgery is, before the forgery occurs, to submit another form to prevent a divorce form from being legally accepted by the government office at all. This form must be renewed every six months.

According to the findings of the survey, it appears that for both men and women there may be a "peak marriage age" in the mid-twenties. People who get married between the ages of 23-27 are much less likely to get divorced than those who marry as teens; they are also much more likely to be in high-quality marriages than people who marry in their late twenties or later. (Vincent, 2005) There is additional hope in these finding, because the most common reasons given for divorce are preventable. The top reasons given by ex-husbands and ex-wives were: (1) "lack of commitment," (2) "too much conflict and arguing," and (3) "infidelity" -- reasons that can be addressed by counseling and interventions included in various healthy marriage initiatives. Divorce on rise for older people (Kolachi *et al.*, 2011). A 66 percent of women initiated their mid- and late-life divorces, and that alcohol and drug abuse were among their top reasons, along with physical or emotional abuse and infidelity. Men said that falling out of love and different lifestyles or values were the primary causes (Amani Aboul Fadl Farag, 2006).

## MATERIALS AND METHODS

The cross sectional study was carried out. During this study randomize samples were collected and questionnaire was filled with the affected person. The sample size is  $n = 100$ . The data collection technique used is Interview schedule using structured Questionnaire and the data was analyzed using SPSS version 13 the study was carried out in district Malir Pakistan between Aprils to July 2011. The data was collected by face to face interviews using a structured Questionnaire, consisting of questions.

## RESULTS

**Divorce** is a growing phenomenon in all **cultures**; however customs and laws are divided between those that favors women and those that expressly do not. Through a qualitative research project using interpretative phenomenological analysis (IPA), this paper highlights the plight of the divorced

**Table 1**

| Reason for divorce                           | Frequency | Percent | Valid Percent | Cumulative Percent |
|--|-----------|---------|---------------|--------------------|
| Valid  | 1.0       | 1.0     | 1.0           | 1.0                |
| lack of understanding                        | 50        | 49.5    | 49.5          | 50.5               |
| intolerance developed by self                | 14        | 13.9    | 13.9          | 64.4               |
| egoism                                       | 2.0       | 2.0     | 2.0           | 66.3               |
| no financial support by husband              | 20        | 19.8    | 19.8          | 86.1               |
| husband is already married                   | 6.0       | 5.9     | 5.9           | 92.1               |
| women with endocrine problem                 | 7.0       | 6.9     | 6.9           | 99.0               |
| family members with previous divorce history | 1.0       | 1.0     | 1.0           | 100                |
| Total  | 100       | 100     | 100           |                    |

The table shows the reason why they were divorce and the frequency was analyzed by SPSS version 13.0

**Table 2.**

| Qualifications       | Frequency | Percent | Valid Percent | Cumulative Percent |
|----------------------|-----------|---------|---------------|--------------------|
| Valid                | 1.0       | 1.0     | 1.0           | 1.0                |
| Illiterate           | 14        | 13.9    | 13.9          | 14.9               |
| Under matric         | 19        | 18.8    | 18.8          | 33.7               |
| Matric               | 50        | 50.5    | 50.5          | 84.2               |
| Graduation and above | 16        | 15.8    | 15.8          | 100.0              |
| Total                | 100       | 100.0   | 100.0         |                    |

The table shows that nearly 50.5% of the women were educated till matric and 15.8% were graduated or above

**Table 3.**

| Marriage age          | Frequency | Percent | Valid Percent | Cumulative Percent |
|-----------------------|-----------|---------|---------------|--------------------|
| Valid                 | 1.0       | 1.0     | 1.0           | 1.0                |
| Before 18 years       | 41        | 40.6    | 40.6          | 41.6               |
| between 18 and 35 yrs | 54        | 53.5    | 53.5          | 95.0               |
| After 35 years        | 5         | 5.0     | 5.0           | 100.0              |
| Total                 | 100       | 100.0   | 100.0         |                    |

This table analysis shows that 50% of the women got divorce who's married at the age of 18 or above.

**Table 4.**

| Age difference   | Frequency | Percent | Valid Percent | Cumulative Percent |
|------------------|-----------|---------|---------------|--------------------|
| Valid            | 1.0       | 1.0     | 1.0           | 1.0                |
| 1-5 years        | 16        | 15.8    | 15.8          | 16.8               |
| 6-10 years       | 67        | 66.3    | 66.3          | 83.2               |
| more than 10 yrs | 17        | 16.8    | 16.8          | 100.0              |
| Total            | 100       | 100.0   | 100.0         |                    |

This table shows the age differences between each other.

**Table 5.**

| Marriage Type | Frequency | Percent | Valid Percent | Cumulative Percent |
|---------------|-----------|---------|---------------|--------------------|
| Valid         | 2.0       | 2.0     | 2.0           | 2.0                |
| Arranged      | 74        | 73.3    | 73.3          | 75.2               |
| Love          | 10        | 9.9     | 9.9           | 85.1               |
| Both          | 15        | 14.9    | 14.9          | 100.0              |
| Total         | 101       | 100.0   | 100.0         |                    |

This table shows the whether it is arranged or loved marriages there is the divorce.

Muslim woman based on the hypothesis that some **cultures handle divorce** better than others. During our study we came across that fifty percent (50%) of the women got divorce due to the lack of understanding from their husband as shown in Table 1.

During interviewing and finding the cause of divorce we asked about the education, at what age they got married and what was the age difference between her and husband. The major risk was the love marriages and all these reason are shown in Table 2, 3, 4 and 5.

## DISCUSSION

**Divorce** is a growing phenomenon in all **cultures**; however customs and laws are divided between those that favor women and those that expressly do not. It has been reported in 2004 that the divorce rate in the United States at 49.5 percent, followed closely by the United Kingdom at 30.8 percent ([http://www.nationmaster.com/graph/peo\\_div\\_rat-people-divorce-rate](http://www.nationmaster.com/graph/peo_div_rat-people-divorce-rate)) the ease of exiting a marriage for fault or no-fault is rapidly becoming a cultural phenomenon. Those believing in a more Western ideology and approach to their relationships tend to view things more legalistically. There are many cultural groups immigrating to these countries, the cultural influence of their country of origin and their religion create a unique situation; do individuals abandon their culture or origin and modernize or do they remain traditional? Stodolska and Livengood (2006) state religion defines an individual's cultural and social life. This is especially true in the treatment of women from many cultures. In particular, the Muslim religion treats women with significantly less rights in many social and legal issues, such as divorce. They also reported that women have severe restrictions placed upon them on issues ranging from modesty in dress, everyday behavior and language to foods they can consume, dating and use of alcohol. Despite differences in family organization patterns that are more liberal in the West, such as in the United States or Britain, research has documented that the Muslim community maintains the "collectivist and family-centered relationships over successive generations" (Stodolska and Livengood, 2006) Pakistani context is quite different in terms of diverse 'family' structures and the high numbers of lone parents and female headed households which characterize western countries today, nevertheless, Pakistani demographic trends also display rapid urbanization, nuclear households, increasing literacy and labor force participation, a rise in overall age at the time of marriage and decreasing fertility—all of which have been correlated to divorce. petty arguments, 'egotistical issues', low levels of literacy, early age at the time of marriage and frequent fracas with the mother-in-law—also lead to a somewhat reductive representation of women. A comprehensive literature review was conducted on the cultural effects on women and divorce with a primary focus on those cultures that are contrary to the Western philosophy of full rights under the law and society for women. This section highlights both the methodology used to carry out the literature review and the resulting epistemology. Procedures/ methodology for literature review. A search of the literature was conducted in two steps. Initially, a search of the High beam and Infotrac online article databases was conducted to identify those articles of interest dealing with cultural effects

on women and divorce. Search strings used include: "women, divorce, culture," "culture, divorce, women," "culture divorce," "divorce, women," and once the interviews were conducted, the search string "divorce, Muslim" was used. From the hits obtained, abstracts were reviewed to assess appropriateness. Inclusion criteria included articles that were written in English, articles that were not greater than fifteen years old, articles that dealt with divorce or marriage customs in light of a specific cultural view on women, appeared in peer-reviewed journals. From a review of the abstracts, relevant peer-reviewed journal articles that were felt to contribute to the comprehensive nature of the literature review were selected and articles themselves were retrieved for review and inclusion.

67 % women got divorce which has age difference b/w their husband and just 16% which age difference b/w husband in just 1-5 yrs. It means that due to lack of under finding, lack of compromise women got divorce in more than half. Ghosheh and Czejdo (1993) discuss marriage and divorce in Pakistan, where, in the male dominated society, women must adhere to social norms despite their level of education and/or professional status. Arranged marriages are still considered the normal way of marrying in Pakistan, including looking favorably on marriages between first cousins. They also stated that the Pakistani's take special pride in their arranged marriages and the low divorce rates they experience, commenting that the most frequent problem married couples experience is familial interference in their lives. Marriage in Pakistan is not seen as a romantic joining of two souls, it is considered a "partnership and a duty". Those Pakistani's who divorce are harshly stigmatized and the families of each marital partner, particularly the woman, are stigmatized as well; therefore families often intervene when there is marital discord and strongly urge women to be tolerant of their husbands. But during our study we came across that rate of divorced in arrange marriage was low but in love marriages was high. The psychological impact of divorce to any female was complex. A myriad of feelings and issues were common, including a sense of mixed emotions of joy and grief. In the Muslim culture, divorce is even more stressful. The Muslim culture is family based, however, in a divorce situation, that focal element - family, is often seen as both a threat to self-esteem and simultaneously a woman fears familial withdrawal. The essence of Islamic law is the Shari'a doctrine. Shari'a consists of commentaries and scholarship on justice, welfare, and how Muslims should live (Coulson, 1968). The most important text in Islamic law is the Qur'an. Muslims regard the Qur'an as the Prophet Muhammad's seventh century A.D. writings of the word of God. The Qur'an is not a compilation of law per sé; it contains religious and ethical standards to which Muslims must adhere. The Qur'an is an important source to understand the principles and practices associated with divorce under Muslim law.

2.A second source of Islamic law, answering what the Qur'an does not, is the Sunnah of the Prophet Muhammad (Supra note 2). The Qur'an gives rise to the Sunnah by saying, "You who believe, obey God and the Prophet ... and if you are at variance over something, refer it to God and the Messenger." (Al-Qur'an 4:59, 1984) The Sunnah, in essence, is a record of the Prophet's sayings, deeds, and silent approval of deeds. Muslim

scholars interpreted the Sunnah and transmitted it through narrative records known as hadiths. The most accurate hadiths come from approximately the middle of the ninth century A.D. By following the Sunnah, Muslims hope to achieve Muhammad's perception of God (Karen Armstrong, 1993). A third source of Hanafite law is *istihsan*, or juristic preference. Pursuant to *istihsan*, if analogical reasoning leads to a harsh outcome in a situation, then equitable principles can be applied to lessen the severity of the result. At this point, Islamic law in India takes a path different from Islamic law in other countries. These differences arose because foreign states influenced, through invasion and colonization, the various Islamic regions in different ways (Majid Khadduri, 1984). While the Middle East has codified Shari'a doctrine, India has implemented a case law system, resulting from its colonization by Great Britain that allows Indian courts to decide cases of Islamic law based upon legal precedent. The psychological impact of divorce to any female is complex. A myriad of feelings and issues are common, including a sense of mixed emotions of joy and grief. In the Muslim culture, divorce is even more stressful. The Muslim culture is family based, however, in a divorce situation, that focal element - family, is often seen as both a threat to self-esteem and simultaneously a woman fears familial withdrawal. Throughout the divorce process, when fundamental religious values are stressed which, in the Muslim culture, are more important regarding marriage and divorce than the legalistic applications of legislative law, the female is faced with a sense of powerlessness and is fronted with shame and disrespect when, as in the case of most participants, she has done nothing wrong but is the victim and is treated as the criminal. With a feeling of powerlessness, the female is left to cope with depression, despair and grief at a loss of her relationship and a loss of self, the self she was before the marriage and divorce, before familial obligations and before being beaten down by her own culture.

## Conclusion

This study has provided evidence to the ways that Muslim females are affected by divorce and shown the effect to which familial withdrawal, domestic abuse; cultural isolation, guilt and shame can lead to a variety of psychological repercussions including depression, and low self-esteem. Those women, who had low education, working, married with age difference more than five years were divorced due to lack of understanding, non financial support from husband side. From our study little recommendations for future study include a larger population of participants, written questionnaires rather than face-to-face taped interviews and a potential comparison of Muslim divorces in a predominantly Muslim country, such as Iraq with Muslims who have immigrated to Britain, as in this case, or with Muslims who have immigrated to Russia or the United States, where the divorce culture and rates are considered high.

## REFERENCES

- "Chile introduces right to divorce". BBC News. November 18, 2004.
- "Family law, child custody, child & spousal support, property division & more". ottawadivorce.com. Retrieved 2006
- "Family law, child custody, child & spousal support, property division & more". A1-ontario-divorce.com. Retrieved 2006.
- "Ontario court approves first same-sex divorce". The globe and mail.com. Retrieved 2006.
- Freeland, R. 2000. "The Use and Abuse of Islamic Law", Volume 73, The Australian Law Journal, 130.
- "Lian". Oxford Islamic Studies Online. Oxford Islamic Studies. July 2014.
- Alberta Courts website: [http://www.albertacourts.ab.ca/go/Court Services/Family Justice Services](http://www.albertacourts.ab.ca/go/Court%20Services/Family%20Justice%20Services)
- Al-Qur'an 4:59 (Ahmed Ali trans., 1984)
- Amani Aboul Fadl Farag. "Laws of divorce". Islamonline.net. Archived from the original on 2006-07-22.
- Amani Aboul Fadl Farag. "Laws of divorce". islamonline.net. Archived from the original on 2006-07-22. Retrieved 2006.
- Boyd, John-Paul 2013. "JP Boyd on Family Law". Clicklaw Wikibooks. Retrieved 2013-09-30.
- Chileans granted right to divorce". BBC News (British Broadcasting Corporation). May 7, 2004. Retrieved 2013.
- Coulson, N.J. Islamic Law, An Introduction to Legal Systems, 54, 54 (J. Duncan M. Derrett ed., 1968)
- Darul ifta Birmingham. October 16, 2011. Retrieved 18 July 2014.
- DeLong-Bas, Natana J. 2004. Wahhabi Islam: From Revival and Reform to Global Jihad (First ed.). Oxford University Press, USA. p. 173. ISBN 0-19-516991-3
- Douglas, Kirsten. "Divorce law in Canada". Law and Government Division, Department of Justice, Government of Canada. Retrieved 2007.
- Family Law Jurisdictional comparisons, First edition 2011, General Editor James Stewart
- Ghosheh, B. & Czejdo, J. 1993. "The many faces of Pakistan". Focus 43 (4), pp. 34-38
- Gottman, S etal. The Mathem alies of Marital conflict Symaics Mathematical non linear Modeling of New Lywed Marital Interaction, Family Psychology, 1999, vol.13, no.1, 3-19.
- Haas, Liesl 2010. Feminist Policymaking in Chile. University Park, Pennsylvania: The Pennsylvania State University Press. ISBN 978-0-271-03746-2.
- Hasan, A, "Marriage in Islamic Law - A Brief Introduction", (March, 1999) Family Law, 164)
- Hinchcliffe, D, "Divorce in the Muslim World", (May, 2000), International Family Law, 63
- <http://ncw.nic.in/pdfreports/Working%20of%20Family%20courts%20in%20India.pdf>
- <http://www.reuters.com/article/2015/04/23/us-italy-divorce-idUSKBN0NE1JD20150423>
- <http://www2.ohchr.org/English/bodies/cedaw/docs/54/CEDA-W-C-GRC-7.pdf>
- Irene Lôbo. "Nova lei de divórcio promete facilitar a vida das pessoas" (in Portuguese). islamonline. net. Archived from the original on 2007.
- Japan Children's Rights Network. "Types of Divorce In Japan". Retrieved 2007-06-18.
- Karen Armstrong, A History of God 187 (1993)
- Khan, T. 2003. Marriage, Divorce and Polygamy, Women's Rights in Islam, chapter 4.2, pg 35
- Kolachi. H. K,etal lawyers, Malir district family court, July 6, 2011

- Korea Herald, Values Decline Divorce Increases In Korea, Smart Marriages Listserv Jan 3, 2009
- Kusum, Family Law Lectures, Family Law 1 2003. Lexis Nexis Butterworths, New Delhi.
- Majid Khadduri, The Islamic Conception of Justice 206 n.13 (1984).
- Mark Pathison, Time, Sex, Money biggest abstracts for young married couples, smart manages listen, May 5, 2001
- Ministerio de Relaciones Exteriores. "How to Get Married or Divorced". Gobierno de Chile. Retrieved 11 April 2012.
- People statistics - divorce rate by country 2004 (Online). NationMaster. Available from [http://www.nationmaster.com/graph/peo\\_div\\_rat-people-divorce-rate](http://www.nationmaster.com/graph/peo_div_rat-people-divorce-rate) (cited March 28, 2007)
- Qamar, S. 2004. Dissolution of Marriage, Practices, Laws and Islamic Teachings, Policy Perspectives, vlm4, no-1.
- Qur'an, Sura 4 (An-Nisa), ayat 35, Quran 4:35
- Sex and the State: Abortion, Divorce, and the Family Under Latin. American Dictatorships and Democracies, by Mala Htun, pp 102.
- South African Law Commission, Islamic Marriages and Related Matters, Project 59. July, 2003. vol 1
- Stodolska, M. & Livengood, J. L. 2006. The influence of religion on the leisure behaviour of immigrant Muslims in the United States. Journal of Leisure Research 38, pp. 293-320.
- Supra note 2
- Supra note 2
- The Covenant Divorce Recovery Leader's Handbook - Page 166, Wade Powers – 2008.
- Vincent. D Fatherhood Today, National Marriage Survey, 2005, vlm 10, pg 4-5.

\*\*\*\*\*