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WHY DIVORCE.....??

Divorce is a word not loved by anybody, any society or any culture. Still it prevails. It exists since the institution of marriage started. It is associated with the human life as an accepted norm. It has its demerits. But it has reasons too, which are validated by the cultures, laws and countries. I remember a famous saying “Woman was taken out of man; not out of his head to top him, nor out of his feet to be trampled underfoot; but out of his side to be equal to him, under his arm to be protected, and near his heart to be loved. According to Pope John Paul II “As the family goes, so goes the nation and so goes the whole world in which we live. The Bible says ”What therefore God hath joined together, let not man put asunder.(Matthew 19:6 : Bible).

What are the needs, the logics, the paradigms, the consequences and the social parameters of divorce? What the eminent religions of the world say about divorce:

'God no longer regards your offerings nor accepts them. You ask why? It is because He knows that you have broken your promise to the wife you married when you were young. She was your partner and you broke your vows before God. Yet He made you one with her. Why? So that you might have holy children. I HATE DIVORCE says the Lord God, it is cruel and violent'. (Malachi 2.13-16).

'Divorce is a grave offense against the natural law. Divorce is immoral because it introduces disorder into the family and society. It brings grave harm to the deserted spouse and traumatizes children' (Catechism 2384, 2385).

'ANY MAN who divorces his wife and marries another woman commits adultery; (Jesus Christ, Luke 16).

In this 21st century, the world's only super-power finds itself with an unfortunate malady. Half of all marriages in the United States end in divorce. Religious and social leaders in the West are appalled at this. Even the liberal sociologists who until recently held the view that divorce has minimal impact on the future generation now are rethinking the effects of this social rot. Currently in America half of all new marriages end in divorce. The Catechism says divorce traumatizes children. One need not look far to see the consequences of that trauma. For example: The teenage suicide rate in the U.S. is 35% higher in divorced homes. Abortion and teenage pregnancy are higher in divorced homes.

Over 75% of federal prisoners come from broken homes. In the U.S. nearly 80% of black children are not raised in a two-parent household (either divorced or unmarried). Blacks are 12% of the general population but over 45% of the prison population. Similarly the children of broken homes are more addicted to alcoholism, drug abuse, crime, etc. as compared to those who are taken care of by both the parents. And now the traditionally highly family-oriented India is beginning to see the initial stages of this disease develop. The most difficult battles faced by men of today's societies are not the high-tech nuclear and biological battles, but the battle within their homes. And like the cold-war, these battles also have only losers. The thought of hugging their own sons is so terrifying to some men that entire psychological therapies have been developed to overcome this fear and resultant guilt.

Now let us examine about our own Indian culture. Hindu civil code permits divorce on certain grounds. But the religion as such does not approve divorce. According to Hinduism, marriage is a sacred relationship, a divine covenant and a sacrament. Therefore it cannot be dissolved on some personal grounds. In ancient times, women in the Indian society had limited freedom. There was nothing like the modern concept of divorce in our society. Once a woman left her parent's home she was completely at the mercy of her husband and if her husband found her incompatible or unattractive and abandoned her, there was little that she could do. She had no right to divorce and no right to remarry and no right to leave the house and approach any one without her husband's permission. In case of men the situation was totally different. Men had many rights and privileges, which they exercised in the name of religion, family or expediency. The suffering of Sita, after she was abandoned by her husband in the name of dharma, is a case in point. The plight of Sita amply reflects the attitude of ancient Indian society towards the plight of women.

All major religions have their own laws which govern divorces within their own community, and separate regulations exist regarding divorce in interfaith marriages. Today, according to the Hindu Marriage Act 1955 (India), divorce can be sought on certain grounds, namely, adultery, cruelty, desertion for two years, religious conversion, mental abnormality, venereal disease, leprosy, renunciation of the world, physical separation and absence of communication for more than seven years and so on. A woman can also seek divorce from her husband if he is guilty of rape, sodomy or bestiality. According to Hindu marriage Act, a dependent spouse (male or female) can petition the court for alimony. Regarding the custody of children there is no clear cut law. Courts have to decide the matter on the individual merits of each case.

This also is True that the number of divorces in Indian society are much less compared to western societies. This however does not mean that all is well with Indian families. There are many couples, who live together, though they do not like each other, for fear of public humiliation and social disapproval or the love of children. Many women turn to religion and learn to cope with the pressures of marriage life through the teachings of the scriptures. Then there are economic ramifications of divorce but they affect men and women differently. Men remain relatively unaffected while women, especially those with children, find it difficult to survive and sustain. Her family too, do not support her

because many parents "feel they have discharged their obligations to a daughter by arranging her marriage and providing a dowry."

In Judaism, the husband has the unconditioned right of divorcing his wife and has to give her a "bill" of divorce. If she married another man and leaves him because of divorce or for other reason, she has no right to re-marry her first husband even if they wish to do so. Consider Deuteronomy Chapter 24.

When Jesus was asked about divorce he prohibited it saying: "And I say unto you. Whosoever shall put away with his wife, except it be for fornication, and shall marry another, committeth adultery; and whoso marrieth her which is put away doth commit adultery." (Mathew 19:9)

Within the Islamic perspective on divorce; Marriage as prescribed by God, is the lawful union of a man and women based on mutual consent. Ideally, the purpose of marriage is to foster a state of tranquility, love and compassion in Islam, but this is not always the case. Islam discourages divorce but, unlike some religions, does make provisions for divorce by either party. God provides general guidelines for the process of divorce with emphasis throughout on both parties upholding the values of justice and kindness in formalizing the end to their marriage (see Surah 2: 224-237 for general guidelines regarding divorce). According to a report by BBC on 2nd May 2005 on the Muslim divorce code in India , "Muslim men are being urged against instant divorce of their wives, in a new marriage code from an authoritative body of Muslim clerics in India. But the code stops short of banning the controversial "triple talaq" pronouncement which allows a man to divorce his wife with immediate effect. Instead, it recommends that Muslims approach a religious body if they wish to separate. Muslim women activists have been pushing for a ban on triple talaq. Under the new guidelines, if a couple feels the need to separate "a man and wife should seek Darul Kaza, a forum of arbitration according to Islamic laws". "There is an attempt to instill the fact that Sharia [Islamic law] is supreme and all Muslim marriages will be governed by it," said Abdul Rahim Qureishi, spokesman of the All India Muslim Personal Law Board.

Divorce is permitted in Islam but as the last unwelcome resort, when all other doors are closed. It is an unwelcome necessity, a bitter pill, an abomination. The Muslim resorts to it only when all the other means to sustain marital life fail. When a Muslim feels unable to retain his wife for some reason or other, he should not hasten to divorce her; rather he should resort to patience. Allah Almighty advises him: "And consort with them (women) with beneficence, so in case you hate them, then it is possible you may hate something, and Allah sets in it much charity." (4:19)

The Sikh religion has many great ideas about the family life. The Sikh religion firmly believes that there is complete compatibility between a householder's life and a high spiritual life. All of the Sikh Gurus who reached marriageable age got married and raised families. In Sikhism, the Holy Scriptures have clearly stated that the Sikh woman has always been regarded as an equal with man and has all the rights and privileges enjoyed

by a man. She is considered to have the same soul as man and has equal right to grow spiritually.

One of the most important messages of the Guru Granth Sahib is the need to control haumai or the me-based life. Nowhere is this need greater than in ensuring a happy family life. As our lives become more intertwined with the interests of global market forces and international conglomerates, the need for an us-based value system is critical if the family is to remain intact and happy. And without a strong family the next generation of humanity will be lost. Sikhism did a lot towards the uplift of women in Indian society. The Gurus removed the age-old disabilities of woman like sex-segregation in worship, veiling of woman, female infanticide, widow remarriage and suttee. Adultery and divorce are prohibited among the Sikhs. The marriage ensures the equality of the bride and bridegroom and their families. The Gurus favored a compact family-unit.

**“From woman, man is born;
within woman, man is conceived; to woman he is engaged and married.
Woman becomes his friend; through woman, the future generations come.
When his woman dies, he seeks another woman; to woman he is bound.
So why call her bad? From her, kings are born.
From woman, woman is born; without woman, there would be no one at all”**
(Guru Nanak, Raag Aasaa Mehla 1, Page 473

Look at the spiritual and moral message bestowed to the Sikh couples during their marriage ceremonies. The Sikh marriage ceremony is called *Anand Karaj* meaning 'ceremony of bliss'. The fourth Guru, Guru Ramdas, originally composed *Lavan*, the wedding song, to celebrate a holy union between the human soul (*Atma*) and God (*Parmatma*). Guru Ram Das ji wishes that our married life should also be moulded on the ideal laid down for our union with the *Parmatma*. The 4 verses of *Lavan* explain the four stages of love and married life. The first verse emphasizes the performance of duty to the family and the community. The second verse refers to the stage of yearning and love for each other. The third verse refers to the stage of *Virag* and the fourth verse refers to the final stage of harmony and union in married life during which human love blends into the love for God as the ultimate attainment.

After going through all the above, we should think what is the cause of such widespread breakdown of families in our society despite such wonderful sermons bestowed by our Gurus, our cultures, our religions? The time is ripe for self-introspection. Whatsoever may be the reasons; whether a male dominant society or the women changing to other psychological and social statuses, let us try to do some soul-searching. There are situations, yes, which are unavoidable and divorce remains the only solution. But it must be the last resort and not the first option as is being practiced today.

To me personally what to discuss about divorce, the position of women has gone from bad to worse in our society. The bride burning, girl child infanticide, rapes, murders, insulting our elders, the genetic corruption at all levels and the lust for materialistic comforts have been on the rise. The situation seems out of control. There is lack of

religious, political and social will to combat such menaces in our society and our glorious past if any, indicates about our dark future. All the vices are connected invisibly. One vice gives birth to the other and so on. And divorce is a consequential black spot on our face. Let us not compare ourselves with the western cultures. Every culture has its merits and demerits. We should be concerned with ourselves only. We should stop the habit of accusing others for our sins. First let us be the paragons of virtues so that our children has no way but to emulate us. And remember - don't marry the right person ... BE the right person! Love your kids with all your heart, no matter how broken hearted you are." The divorce will naturally vanish into the thin air.

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