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Islamic Conception of Divorce: Lived Experiences of Divorced Women from Sialkot, Pakistan

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ABSTRACT

The phenomenon of divorce is being increasingly researched globally, especially with reference to its gendered power dynamics and implications. It remains a contested idea among different theological schools of thought. The present study aimed to explore the social stigma of divorce through the lived experiences of its participants. It further aimed to analyze this stigmatization in the light of Islamic conception of divorce. To explore Islamic conception of divorce, primary sources of Quran and Hadith were consulted. The empirical study was set in Sialkot. Pure qualitative phenomenological research design was used to explore the lived experiences of divorced women. Seven women were recruited as study participants through purposive sampling technique; data was later analyzed thematically. Theory of Islamic feminism was utilized to refine methodological and analytical processes of the study. It was found that contrary to Islamic teachings, stigmatization of divorced women is prevalent across society. Divorced women are blamed, judged, and targeted as ‘manhoos’, ‘awara’, ‘besabri’, and ‘nakam’. Their children are also a prey to such circumstances. It is recommended that ideas



producing stigmatization of divorced women are deconstructed. The government, women advocacy groups, social welfare departments, civil society, and religious scholars need to play their role in this regard.

Key words: *Divorced women, Islam, Social stigma, lived experiences*

1. Introduction:

Divorce or dissolution of marriage has been an area of concern across the globe¹. It is a contested idea among different theological schools of thought and a pertinent issue for the advocates of Islamic feminism as well as secular groups for the restoration of the social status of divorced women. The present research aimed to explore the stigmatization of divorced women in society through their lived experiences. It further aimed to analyze this stigmatization in the light of Islamic conception of divorce.

1.1 Islamic Conception of divorce and situation in Pakistan

Marriage is seen as a sacred act and the only lawful means of procreation in Abrahamic religions. Marriage is considered *mustahab* (recommended) in Islam, one of the seven sacraments in Christianity, and *kiddushin* (sanctification) in Judaism. Despite emphasising the importance of marriage, Islam and Judaism allow for divorce under certain circumstances, but Christianity forbids the act.² The sacredness of marriage is highly valued in Islam. It inspires its adherents to strengthen their bonds and make their marriages successful. However, there are times when both the partners cannot stay together. In such circumstances, divorce becomes unavoidable and the most appropriate option.

Despite the fact that *Talaq* is the most disliked of all legitimate things in Allah's eyes, it is unacceptable in Islam for spouses to remain in a hateful conciliation that may lead to terrible experiences. If efforts to reunite husband and wife, as recommended by the Quran, fail, such a contentious relationship must be ended through divorce.³ Building a good household through matrimony is one of Shari'ah's fundamental goals. Quran is the key source of guidance for all Muslims.⁴ Quranic instructions guide spouses in their views on marital hardship and view divorce as a last resort. Mediation is clearly stated in the Quranic perspective as a primary way of reconciliation. It is said:

“If you fear a breach between them twain. Appoint two arbiters, one from his family and the other from hers. If they wish for peace, God will cause their reconciliation; for God hath full knowledge and is acquainted with all things”⁵

Wherever mediation is unsuccessful, Quran advises for the next step,

“But if they disagree (and must part), God will provide abundance for all from his all-reaching bounty: For All is He that careth for all and is wise”⁶

Shehla Riaz discussed different types of dissolution of marriage from an Islamic perspective in 2019. In the case of *Talaq*, only the husband is allowed to terminate the marriage. The husband has legal authority to divorce his wife by merely saying, "I divorce you". This type of divorce takes place without the involvement of a judge or his wife. *Khula* is another type of separation in which a woman has legal right to seek separation from her husband if she is being treated ill. In case of *khula*, wife repays dower to the husband; therefore, this is not permitted without her consent. If the right to divorce has not been granted in the marriage contract, the wife can dissolve her marriage by applying for *khula* from the Family Courts of Law, which is also known as judicial divorce. The third type is *Faskh-e-Nikah*, which refers to cancelation of marriage by a Qazi on the wife's request.⁷ This type of termination of marriage occurs when the wife wishes to divorce, but the husband refuses to provide the *talaq* for some reason. Salma Kaneez in her research paper "Perception of Subjective Wellbeing among Divorced Women: A comparative study of Hindus and Muslims" studied the impact of divorce on women's wellbeing. She concluded, Hindus from higher castes or classes were not allowed to divorce or practice remarriage. However, a considerable number of Hindus from the lower social strata have traditionally divorced. The general forms of separation identified here are:

1. Through bilateral consent
2. Through desertion of a wife
3. By the contract of divorce

On the other hand, Muslim marriage is considered a sacred contract. In Islam divorce has been allowed when all efforts of resolution have failed. Salma notes that divorced women from both Hindu and Muslim societies' shared socio-cultural contexts and had been facing nearly similar economic, social, psychological, and health-associated issues after separation.⁸

The first type of divorce, *talaq*, has been outlawed in Pakistan but still much needs to be done in this regard, as the cultural acceptance of the ability of a man to divorce his wife by mere utterances remains highly discriminatory.

On the basis of the aforementioned discussion, it can be concluded that Islam, an easy-to-follow religion, also places emphasis on women's rights and the choice and forms of divorce available to it believers.⁹

1.2 Stigmatization of divorced women in Pakistan

According to Price (1983), divorce is the "legal dissolution of a socially and legally recognized marital relationship that alters the obligations and privileges of the two persons involved. It is also a major life transition that has far-reaching social, pathological, legal, personal, economic, and personal consequences".¹⁰ In broader terms, it is considered "the ending of a matrimonial contract". A separation has undoubtedly quite an impact on an individual. It has been argued that women invest

more time and take additional responsibilities within families, and consequently, may view divorce as a bigger disappointment than men. Irrespective of who initiates divorce proceedings a woman is frequently blamed and stigmatized, particularly in Pakistan's patriarchal setup.¹¹

In Pakistan, divorced women have adverse experiences and are subject to victim-blaming, and emotional damage. It is noted that such blame significantly impacts their sense of self-esteem.¹² The psycho-social factors of divorce, for instance, psychological, physical, and emotional violence socially impact women more than men.¹³ Divorced women also confront many complications in starting their new lives and are often at the receiving end of inappropriate job proposals, negative rumors, and face problems in starting new relationships. On the contrary, men experience fewer problems in starting a new family. While even simple activities like socializing or going outside become arduous tasks for women.¹⁴ Separated or divorced women have devastating experiences in terms of emotional, economic, and physical well-being during and in aftermath of divorce as compared to their male counterparts; these experiences often make women wary of going for another marriage, especially if children are involved.¹⁵ Women are often economically dependent on their husbands during marriage and so inevitably depend upon their natal families in case of divorce or separation.¹⁶ After divorce or death of husband, women are confronted with financial troubles and single women are often unable to provide basic necessities for their children; single women are also said to face greater feelings of loneliness and loss of status.¹⁷ For divorced women, social stigma has been found to completely rework their social identity and status.¹⁸

This study explores divorced women's lived experiences from an Islamic perspective. The paper aimed to highlight the challenges confronting them and the fact that most women feel social rejection, denial, offence, guilt, embarrassment, anxiety, and anger as a result of divorce and its associated stigmas. Then, the paper contributes to the body of sociological knowledge on the issues and lived experiences of divorce in Pakistani society.

2 Methodology:

The study examined the lived experiences of divorced women and explored the stigma-related challenges they confronted after divorce in Sialkot, Pakistan. The objectives of the study were framed as follows:

- To explore the Islamic conception of divorce,
- To explore the lived experiences of divorced women and the stigmatization of divorce in Sialkot, Pakistan.

The researchers followed the philosophical perspective of interpretative school; phenomenological research design was used to understand divorce as a

phenomenon, with an emphasis on exploring the lived experiences of divorced women.¹⁹ The qualitative research method is an iterative method in which the scientific community gains better understanding by making newer distinctions because of getting closer to the studied phenomenon.²⁰ Thus, this study stressed the phenomenological interpretations of its participants and centered their multiple realities associated with divorce as a stigma.²¹ The researchers conducted in-depth interviews, a popular method among qualitative researchers; development of the interview guide was done following the research rule.²² In this study, nonprobability sampling techniques were used. Participants were selected through purposive sampling from Sialkot, Pakistan; religion, occurrence of divorce, and gender framed the selection criterion. The recruitment and interview processes followed all aspects of study disclosure, informed consent, data security, and psychological wellbeing of the participants of the study.²³ Seven interviews were conducted in total, a choice guided by principles of data saturation and other practical considerations.

3 Data collection and analysis:

The lived experiences of divorcees were collected through in-depth interviews. The interview guide consisted of questions related to socio-demographics of the participants, divorce-related experiences, views, and expressive state associated with divorce. Thematic analysis, as described by Clark and Braun (2006)²⁴, was done to make sense of the data. To get at the themes, the analysis went through six stages: (1) Getting to know the data, (2) creating early scripts, (3) looking for themes, (4) Examining themes, (5) defining and labelling themes, and (6) putting together the report. The data analysis revealed a total of five significant themes.

4 Findings:

This study recruited seven divorced women who were between the ages of 29-50 years. Almost all of them were residing in urban areas. Half of the participants were working regular jobs and earning between 8,000-30,000 PKR. The following (Table 1) shows the demographic characteristics of the research participants.

Interviewees	Fictitious ID	Age	Education	Duration of divorce	Occupation	Monthly income/source of income	Family system	Residence	No. of children
1	A	29 years	Middle pass	5 years	N/A	Supported by father	Joint	Urban area	2

Islamic Conception of Divorce: Lived Experiences of Divorced Women from Sialkot, Pakistan

2	B	31 years	BS. Honors	7 years	Tailor	8000/Financial independent	Joint	Rural area	1
3	C	28 years	Metric	5 years	N/A	Supported by Mother	Joint	Urban area	1
4	D	39 years	M Phil	6 years	Work at a salon	20k/Financial independent	Nuclear	Urban area	2
5	E	28 years	Primary	5 years	N/A	Supported by Sister	Joint	Urban area	2
6	F	30 years	Masters	5 years	Teaching	30k/financial independent	Nuclear	Urban area	1
7	G	50 years	Metric	5 years	N/A	Supported by her son	Nuclear	Urban area	4

Table 1: Socio-demographic profile of the study participants

Five major themes that emerged following data analysis, included women's perception of stigmatization of divorce, issues and challenges of upbringing of children, social exclusion, financial crisis, and power dynamics shaping the divorce process. In many ways, the themes were inter-related and categorization was done for ease of understanding.

4.1 Women's perceptions of stigmatization of divorce

Divorce is considered an act of defiance, deviant, undesirable, and one of the most disgraceful acts in our society. A majority of participants reported that Islam allows divorce when efforts of resolution have failed; however, our society does not accept divorced women. Often the burden of the act of divorce is placed solely on women, whereas men face minimal social repercussions. Even natal families are found to be reluctant when it comes to accepting their divorced daughters. This is captured succinctly by Participant D's quote:

When I get divorced my family and relatives said that I have brought shame upon them, and I got the blame for my separation. In our society women are judged and it is always considered that women are wrong but men can never do any wrong.²⁵

So, after hearing participants' lived experiences, it is observed that the perception of stigma related to divorce presumes a devastating existence. Stigma involves "labeling, stereotyping, and discrimination" in society.

4.2 Issues and challenges of upbringing of children

Women with children faced significantly greater challenges in case of divorce. Due to the 'divorcee' labeling, children's socialization process was found to be negatively affected – exacerbating the already existing broken family situation. In this regard, Participant A shared her experiences:

Our society excludes divorced woman's children and treats them harshly. Usually people start criticizing and judging children by commenting that a child's habits are just like their father; people even say their father left their mother, so the child will also do the same in future. When a divorced woman has negative labels attached to her, those are also extended to her children children, which can cause numerous psychological issues in a child's personality.

She added:

From a young age children feel the absence of emotional support from their father and so struggle with inferiority complexes, even some blame him or label him. In most cases, children start thinking that they are dependent on other people's favors.²⁶

Participant D weighed in by saying that:

Divorced children suffer more after their parent separation. When divorce mothers work for their children to fulfill their needs then for this I start to work hard and go for a job I have to go outside from home for hours and I feel that I do not spend much time with my children due to this my children mostly feel isolated and mentally disturb .sometimes when I came home late and exhausted due to any minor things I started scolded my children so my children get hurt due to this my children and I get more disturb. Children feel lonely most of the time and feel the absence of their father by seeing their friends bonding with their father.²⁷

4.3 Social exclusion of divorced women

The other theme that was explored by in-depth interviews was the problem of social exclusion women experience after divorce. In our society divorce has not been approved and welcomed so due to this women face blaming, criticism and are treated as excluded. It is quite evident from literature, Divorced women would also be excluded and rejected by their family and friends.²⁸

Participant C shared her experience in a face-to-face interview conducted on Friday, November 5, 2021, she shared her experience as follows

In a family gathering like my relatives on my face sympathize me or label me as *bichari* (helpless), pity on me that I feel hurt by this word but, on my back, they criticize me consider me as manhoos, wrong women so after hearing to all those

negative labeling and blaming, I feel excluded avoiding going to any gatherings. Divorced women also faced negative stared when they go outside and mostly people harass them.²⁹

In a face-to-face interview conducted on Thursday, November 18, 2021 Participant E expressed her opinions

When I go to any gathering and functions people stared at me in negative ways when they know I am a divorcee, they start ignoring me then I feel isolated, and I also get worried for my children. Mostly in gathering my close relatives start questioning about my divorce and sympathize with me but most of the people start judging me by saying she is a divorcee and avoid communicating with me then I feel excluded and most of the time people without knowing the reason start blaming me that she has done something that why her husband leaves her, so after hearing this I feel I have lost my respect, rejected and then I start feeling that am inferior just because divorce label attach with my identity³⁰.

The experiences of our study participants are consistent with the findings of existing literature written on the social exclusion of the divorced women in the wake of subcontinent context.

4.4 Financial crisis

Men are considered authority figures and breadwinners in Pakistani patriarchal society, whilst women are considered submissive and are expected to remain within the four walls of the house. Women are not socialized and encouraged to work as a result of this entrenched role segregation. Women are also frequently denied their inherited shares, leaving them with few options in case of divorce.³¹ Hence, after divorce, women face financial crisis. The literature shows that most of the women are economically dependent on their husband during the course of their marriage, and if the marriage ends, they necessarily rely on their family.³² In some case women mainly rely on home-based jobs or small businesses due to their lack of education.³³

Participant F shared her experience in a face-to-face interview conducted on, Wednesday, 1 December 2021, she said

Women in our society are considered a burden and dependent on male members because men are considered as breadwinners. After divorce women face a lot of difficulties in our societies such as fulfilling the need of their children and financial issue

She further added

I come from a middle-class family; therefore, I am always anxious and trying to meet my child's needs. Most of the time, just by looking at other fathers buying toys to their children, my child feels complex and expresses his desire to buy all of those

toys, but because of financial constraints, I am unable to do so. I explain to him that when I have more money, I will buy you these things next time.

Divorced women and their children develop an inferiority complex as a result of financial difficulties and limit their desires. Most children start working in shops to help with household expenditures³⁴.

4.5 Power relations are involved in the divorce process.

Stigmatization not only permits inequality and lowers the social status of the stigmatized, such as women's social status after divorce, but also supports the superior, such as men, in supremacy and power, so legalizing their dominance in our society.

Participant B in a face-to-face interview conducted on Monday, October 18, 2021, stated

After divorce man also faces the pain of separation that woman experienced. But in our society, we socialized men as strong, confident, and independent so they can handle it and, they have more choices of mate selection and do second marriage with their own choice but the woman, in contrast, suffers more. Society suppressed her, making her weak and dependent so this made women vulnerable and face negative labeling from others, also bear the label of rejection after her divorce³⁵.

Participant G shared her experience,

Women are considered as objects or toys in our society that they would just do what our society expected from them women can't do anything with their will. Our society only suppressed women to maintain their marriage till death, but after divorce, no one criticizes him because he has the power to give divorce and dominancy over women in our society. The man already has status and power in our society if he leaves his wife no one questioned him or gets any criticism from people and has the liberty to remarry with his own choice, by giving divorce he has the same status and respect in society. Only women get other people's blame and criticism because of their subordination position in society. No one said that man has been divorced but it is mostly heard that woman has divorced because man has the power to divorce her and dominancy in our society due to these women bearing the label of rejection and loss of respect in society"³⁶.

The above mentioned excerpts clearly reflect the gender power relations deeply rooted in hegemonic patriarchal culture of Pakistan. These gender power relations make the effects of divorce far more severe for women.

5 Discussion:

Theory of Islamic feminism was utilized to expand upon the study's finding. Islam and feminism, according to this theory, are not mutually exclusive concepts. Islamic feminism also frames feminism around a set of issues that are relevant to Muslim women. Islamic feminist groups primarily address gender equality and

patriarchy in Islamic legal systems and Muslim family law.³⁷ From an Islamic perspective that permits both men and women to seek separation and divorce, Pakistan's dominant cultural practices, norms and values are found to be creating numerous hurdles specifically for women.³⁸ Thus, the findings demonstrated that divorce is considered a taboo when it comes to women; whereas, men can do as they please. The culture of *talaq* gives a man the power to irreversibly damage a woman's life by simply uttering a few words; in this case, the findings revealed that despite legal prohibition, the practice was still commonplace. Additionally, divorce-specific labeling and gendered discrimination causes immense problems for women in the long-run. After divorce, the study participants faced stigma, blaming, and social exclusion and were treated as a burden within their natal families. These experiences are closely associated with women's overall subordinate position in a patriarchal society – for women getting married and maintaining that bond till death is the only socially recognized accomplishment. Then, getting divorced is perceived as a failing on a woman's part. This stigmatization of divorce generally leads to divorced women experiencing varied kinds of character assassination; this is at times also extended to other members of their families, with unmarried sisters bearing its cost in terms of marriageability. In this way, divorced women also internalize these labels and it takes them years to unlearn and undo these damaging stereotypes. Our findings are consistent with existing literature that illustrates divorce to be undesirable and disgraceful, an act which ruins a woman's identity in our society.³⁹

Furthermore, as a result of divorcee labeling, children of divorced mothers were found to be deprived of parental bonding and affection, which negatively impacted their socialization processes. After divorce, women are often confronted with financial troubles and maintaining the necessities of their children single-handedly is difficult for them. The study's participants lamented the fact that they could not spend greater time with their children and acknowledged that they were more likely to lose their temper with children if they were stressed due to finances and other social pressures. In this regard, the present study's findings resonate with existing literature; Phelan and Link's (2014) study reported that labeling and stigma undermine a person's social position, making them vulnerable to inequality and structural differentiation.⁴⁰

6 Conclusions and Recommendations:

The primary purpose of this research paper was to explore the Islamic conception of divorce and contrast it with lived experiences of divorced women in Sialkot, Pakistan. Data analysis revealed that divorce is permitted in Islam when multiple attempts at reconciliation have failed, however our society does not readily accept

divorced women. Women in Pakistani society are subjected to the effects of divorce due to widespread gender bias. Divorce not only ends a couple's marriage bond, but it also creates a slew of problems for their children, and difficulties adjusting themselves in society. As findings revealed that divorce has not been approved and welcomed in our society most women face blaming, criticism, and social exclusion. It's high time for us to stop treating divorcees as shameful and deteriorated acts as in many cases of abusive marriages it is an act of women's psychological emancipation. We should give them their rightful rights and respect in society. As a nation, it is the right time to fully eliminate the stigmatization of divorce or Talaq. Only in this manner, we will be able to achieve our aim of a prosperous and unprejudiced society, which will enable our country to increase the level of understanding of Islam and that of first-world convictions. Based on study findings, we recommend that notions shaping the stigmatization of divorced women should be deconstructed. The government, women advocacy groups, social welfare departments, and civil society should play their role in this regard. Similarly, the role of religious scholars is very important. Religious scholars should confront the patriarchal cultural hegemony by highlighting the actual teachings of Islam regarding women's rights in general and about the stigmatization of divorced women in specific.

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Islamic Conception of Divorce: Lived Experiences of Divorced Women from Sialkot, Pakistan

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Islamic Conception of Divorce: Lived Experiences of Divorced Women from Sialkot, Pakistan

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