

# Divorce and It's Aftermath...

By Shyrore Jaffer Dhalla on assignment

**Ja'fari News, with its mandate of exploring pertinent issues of the community, conducted a preliminary investigative report on dealing with the aftermath of divorce. Due to the sensitive nature of the subject matter, a decision was made to override our usual policy of using the real names of the interviewees.**

Romana Damji (all names have been changed) can still remember the joyful expectancy she felt on her wedding day. Her parents had given her the wedding of her dreams and her in-laws had arranged for a fantastic honeymoon afterwards. She recalls her lavish reception. Dressed in her dazzling finery, she stood with her new husband, surrounded by friends and relatives who had traveled from all over the world to attend the ceremonies. "I felt as if I was on top of the world," she says with a nostalgic smile. "We were so in love, there were so many plans we had made together. If there was anything I was sure of, it was the fact that I would be with Hassan for the rest of my life. I was going to do whatever it took to make that happen."

Romana's predictions would be drastically wrong. Within a few months, the marriage was irreparably broken, leaving two families with shattered dreams, regrets and unanswered questions that would haunt them forever.

"It's hard to explain what went wrong," says Romana wistfully. "Maybe we were too young, maybe there were too many interferences. But the fact is, that we decided we couldn't live together anymore. It was just too difficult to make it through even one day together. I never imagined that I would ever, ever feel this way about Hassan or that my life would ever turn out like this. But it did. And sometimes it still hits me like a ton of bricks! I am divorced!"

Farhana Rizvi, who also returned to her parents just months after her wedding, found herself in a dilemma when people asked her about what caused her divorce. "Everyone knows each other in our community and I felt a certain responsibility to protect the reputation of my ex-husband's family. On the other hand, if I didn't tell anyone about his existing extra-marital affair, I was leaving myself open for criticism and speculation.

## The Hurt

Zaynab Mahmood, who has been divorced almost 10 years, speaks of the pain that divorce brings. "It is important to realize that everyone involved in a divorce is a griever," she says. When you sever ties with someone whom you have lived with so closely, it can really feel like a death has occurred. It's like one has been widowed. Only, to make it worse, when you lose a spouse through divorce, no one comes to pay you any condolences. In fact, everyone looks at you like it's your fault. They don't realize how awful you feel inside."

Dealing with a divorce can bring a whole range of conflicting emotions that can often be debilitating for the individual. Most of the people interviewed spoke of experiencing immense feelings of sadness, anger, guilt, and hopelessness with even spontaneous moments of joy and relief. Physical symptoms were common including sleep disturbances, inability to eat, fatigue and irritability.

For Abdul Mohamed, 24 yrs, a young man whose marriage ended after 2 years, such intense feelings of depression were an added shock. "I never thought that it (the divorce) would hit me so badly. I guess she was the first woman I had ever been so close with and it was difficult to not have her beside me. Once, when getting ready for work, I was looking through my closet and I found a dress that she had forgotten behind. Next thing I knew I was holding it

Our community has been experiencing an increasing number of divorce cases over the past few decades. It is a sad reality that most of us would like to deny but the evidence surrounds us. Most of us know at least one acquaintance, relative or friend who has suffered a divorce.

The occurrence of divorce in any community, most of all in an Islamic community, is an especially serious matter. The teachings of Islam are based on ideal values that highly regard the cohesiveness of the family unit as the key foundation of a smooth functioning society. From an Islamic point of view, even one divorce is one too many for the community.

For a close-knit community such as ours, the implications are immense. First, the fact that so many marriages are ending in a divorce indicates that there may be contributing underlying problems within our population, which must be addressed by proper awareness, education and reform. Second, resources must be readily available to meet the important demands and special needs of members of the community who are experiencing a marital breakdown. Third, well-defined systems must be in place to deal with the broader problems subsequently created when divorces occur in a community.

## The Shame

"I think the worst part of being divorced is that it is still such a taboo topic for people," says Laila Jaffer who was divorced 3 years ago. "So many people are going through it and yet it is still discussed in hushed tones. When I was separated from my spouse I would walk into the mosque and I could hear people whisper but no one wanted to come right out and say anything. There were all sorts of rumours about what must have gone wrong in the marriage. My parents were so afraid

and crying my eyes out. I knew that things could never be right between us because too much had happened and I was still very angry with her. But, I still missed her and missed the whole thing of being married and having someone to go out with for a movie or a walk. It's those little things in marriage that you never appreciate, that haunt you. People think we men are the lucky ones and that, "oh, he'll find another girl in no time", but we have feelings too. It's difficult for us to move on too. And guys are not even supposed to cry, let alone in public."

## The Complications

Sometimes, complicated religious issues involved in the termination of a relationship can add further stress. Zarina Ahmed candidly speaks of the difficulties she encountered with religious clerics, a few years ago, when trying to obtain a divorce. "My ex-husband abused me and was leading an immoral lifestyle. But he refused to give me a divorce. My father met with so many maulanas, I even wrote to mujtahids to ask them to help free me from my ex-husband. But no one was able to help me. It took years to finally get the *talaq* recited but my father had already passed away. He died worrying about what would happen to me."

The difficulty for women to obtain a divorce has created a limbo atmosphere for women like Shaheen NoorMohamed who was able to get a legal divorce from her ex-husband but still remains his wife Islamically. "It's a way for him to have control over me," she analyzes bitterly. "This way he can have a *nikaah* recited with someone if he wishes, but I am still bound to him."

Other women complained about the lack of proper procedure being followed during *talaq* proceedings. These ranged from claims that they were never notified of the *talaq* taking place to forcibly having to accept the *talaq*.

"My husband obtained a *talaq* from a sunni cleric in a foreign

of what everyone would think about their daughter being a divorced girl that they tried to convince me to go back to my ex-husband. I felt pressured to do what everyone asked me to do and I even went back a few times, but things just got worse. And it just gave people more reasons to talk about me."

Some participants pointed out that rumours of a couple's impending divorce sometimes ruin any remaining chances of reconciliation available to them. Zaynab Mahmood, 40, feels that people should be very careful about disclosing private information, even if it is "true", about couples who may be considering divorce. "Sometimes, a couple may decide to have a trial separation to work out their differences and they require privacy to do so. When friends and relatives discuss the couple's predicament, they may cause unnecessary embarrassment to them and can unwittingly add fuel to the fire. If we really care about each other as a community, then we should discourage conversations that involve other people's marital problems."

The breakdown of a marriage may be the result of a myriad of stressors that can put an undue burden on a couple's relationship. The reasons for discord can range from serious issues such as marital abuse and infidelity, to irreconcilable personality differences between spouses, financial issues, disagreement over child-rearing practices, dealing with extended family and other adjustment factors. Over the years, it has not been uncommon for the community to be even confronted with divorce cases involving alcohol/drug abuse and immoral lifestyles. Every marriage is unique, however, and has its own set of dynamics. To attempt to isolate the causes of the breakdown of any particular marriage requires the undertaking of a thorough analysis and detailed case study of every possible issue unique to the couple in question.

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country," says Zaynab Mahmood. "I had no say in the matter. He called me tersely to ask me what my monthly cycle was and then sent me a court paper. It was a lonely battle trying to get the proper procedures followed. Basically, I was advised to call that city's jamaat and fight my own case. Eventually, I just gave up because I didn't know what to do. I was helpless. I feel that we need more defined help networks in place. We expect our maulanas to be able to solve our complicated problems when marriage counselling is really not such a simple thing. We need proper qualified individuals and a system of formal accountability to ensure that extensive follow-up was done on the various calls of help received."

## The Separation

Although the community offers reconciliation and mediation resources, some interviewees spoke of what they considered to be flaws with the system. "I feel that we need large committees of qualified people who we can trust to be as unbiased as possible," says Aliya Panjwani. "There need to be people of various ages, various life experiences, various education levels, even other divorced people. The way it stands, when you take your case to the 'jamaat', you can be sure it will be the same two people who will convince you to get back together without offering any real solutions or resources. And most people are concerned about privacy issues and we don't know how much we can trust someone to really help us. I don't know what the solution is, but what we are doing right now clearly is not working. That's how I feel, at least."

Sajjad Dattoo, 25, feels that men often get blamed unfairly during the mediation process and that women usually get too much benefit of doubt from the community. "Basically, a woman just has to lie and tell the maulana that the guy beats her and everyone believes her. It's a huge accusation and it may be

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between her and her conscience but it can really ruin a guy's life."

## The Losses

There is no denying that divorce not only involves emotional loss but also brings with it a host of financial and legal implications for both contending spouses. Typically, ex-spouses will find themselves having to look for a new place to live and/or a new job, new bank account and credit cards. Both must undergo a full review and splitting of personal and shared property and assets. Perhaps more difficult, shared, sentimental possessions and/or the family home may have to be disposed of.

Many interviewees spoke of not knowing their legal rights and responsibilities and wished that lawyers from within the community would help explain things to them. Many described struggles with the inability to obtain an uncontested divorce, adequate child support, compliance of divorce agreements and even simple name changes.

There may be also huge financial costs associated with contested divorces and custody battles. The vast amount of information regarding tax exemptions, life insurance, eligibility of entitlement to an ex-spouse's benefits and liability for an ex-spouses bankruptcy can be quite intimidating and may serve to further complicate matters for an already grieving divorcee.

"Perhaps the stigma attached to divorce makes us unwilling to offer resources to those who have decided to end the relationship," wonders Zaynab Mahmood. "Maybe there is a fear that it will encourage people to seek a divorce or make it too acceptable. Well, such denial prevents us from empowering our members. My ex-husband never filed for a legal divorce when the *talaq* was recited.. But I am the one who is at a disadvantage because if I ever have a situation where I want to remarry, I will be in a

problem. For him, he can always just have a *nikaah* recited."

One particular kind of loss that is rarely spoken about concerns the potential loss of ties with in-laws, relatives and other mutual friends once shared with an ex-spouse. Zaynab Mahmood, whose marriage lasted over 12 years, continues to share a friendship with her ex-spouse's family members. "When you marry someone, you become a part of their family and you grow together as a unit. Once my ex-husband and I were divorced, I found myself still feeling care and concern for his relatives and for all the young children in their family. I still meet with them and even exchange presents with them. Just because there's a divorce, it doesn't mean the bonds automatically disappear."

Such amicable separations are an exception rather than the rule. Most interviewees spoke of awkward and strained relationships that were an unfortunate casualty of the divorce. A few spoke of losing friends in the ensuing tug of war over loyalties and notice that their married friends now avoid inviting them to social events. "I guess it is hard to fit in a divorced friend at an event meant for couples," muses Zaynab Mahmood, "or maybe we become a perceived threat to our friends' marriages."

## The Children

When children are involved, the pain and stress level is further intensified for all concerned. Sharing custody visits often means that ex-spouses still must maintain ties with each other and may have to negotiate decisions about the child's future. For fathers who don't have full custody and may live far away, creating a bond with the child can often prove to be difficult.

"I only get maybe Christmas holidays or a couple of weeks in the summer with my teenage children," complains Anwer Lalji who does not live within driving distance of his children. "It's not the same as being together everyday and getting to see

your children really grow. I can't be there to teach them as situations arise, or to discipline them. I can't help them with their homework or just play basketball with them when I feel like it. Sometimes asking them to visit me means disrupting their routine or their plans and often I feel as if I am forcing them to meet with me. The pressure is always on to have quality time together or there is an expectation that I must indulge their every desire when they visit and that's not always possible."

Parents who have custody of their children described the challenges and loneliness of being a single parent. Unbelievably, some women spoke of economic hardship and of having to deal with ex-husbands who have concealed valuable assets in an attempt to avoid financial obligations to their own children. There were also those who lamented over the fact that their ex-husbands were neglecting to visit the children. Men with custody of the children also spoke of worries over whether their new spouse would treat the children fairly. "My new wife is really fantastic with my kids," says Mahmood Dhalla. "But I can't help but worry about how the kids are taking it. The have their own sensitivities and unresolved issues too."

Fehmida Somani, who was separated from her husband for almost a year before she decided not to go ahead with the divorce, explains. "I used to feel so guilty thinking that I was depriving my children of their father's love just because I couldn't get along with him. You always have to ask yourself if a remarriage will be fair to your kids. Can anyone love them like their real father?"

## The Obstacles to Remarriage

The issue of remarriage brings up a sore point for most of the people interviewed. "It is sad that we still haven't changed our ways of thinking," says Zaynab Mahmood. "Once a woman is divorced, it is still very difficult to find her a new mate."

"I just wish that my husband's family had given me more time before going ahead with the divorce," says Aliya Panjwani sadly. "Divorce is not a joke and one should spend time before taking such a big step. It is a decision that can affect so many lives. Every effort should be made to smooth things over, if possible."

It takes a great deal of strength and an immense amount of courage to face the enormous heartache of divorce. What takes even more courage, perhaps, is to make the decision to take hold of one's life and make it everything you want it to be despite the challenges that divorce brings. As part of an Islamic global family, we must work together to help individuals who are going through this difficult process so that they may resume a functioning role in their daily lives and in the community. May Allah (s.w.t) give all of us guidance and courage, ameen.

Many thanks to all of those who shared their stories with us.

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Either the proposals are from much older men or from men who are looking for someone to just take care of their children. Believe me, there are men out there who expect you to leave your children in order to take care of their children! I just pray that our new generation will work to bring a change to these type of unfair attitudes."

Tasleema Kara, 34yrs, who was divorced 10 years ago, feels that the matchmaking system practiced by our community must be overhauled. "People who are from very influential, well-known families have an advantage over the rest of us who do not display our wealth, so girls who are rich get husbands quicker," she says bitterly. "And it helps to know the right people in order to get referred. We are at the mercy of the matchmakers."

Zaynab Mahmood believes that better awareness and education is important if real reform is to take place. "If at least divorced men considered divorced women for marriage instead of going for young, unmarried girls, there wouldn't be such a problem. I feel that if we don't do something to help divorced women find spouses we will have a larger issue down the line. It is sad to see so many beautiful, talented women ageing before our very eyes. For women in our community, looking for a spouse has always meant taking a very passive role. Unfortunately, a woman can't announce to people that she is looking for a husband and to ask people to show her prospective candidates! She can't go to different men's homes to "see" them and interview them! She has to sit at home and wait for a man to seek her out. And it can be a very lonely and often demeaning experience. I am not saying that we should be able to do what the men can do to choose a mate, but there definitely needs to be a better system. One that can benefit everyone. Why should there be so many lonely widowed, divorced and even ageing single people out there? Why don't we

make an effort to bring them together so they can share the responsibilities of life and have some companionship? When I look around at the mosque, I see so many widows who are still in their prime, so many divorcees who are in their 30's, their 40's. We have to help these women. Having a husband may not be everything but everyone deserves at least a choice for an opportunity to have companionship."

## Looking Back

Speaking candidly about whether they harbour any regrets over choosing to divorce, most interviewees agreed on the fact that divorce is never pleasant.

What's done is done," says Shaheen NoorMohamed. "It is impossible to turn back the clock even though I often think about how we could have handled things differently. Getting divorced didn't necessarily make me happier but at least I am not living with the constant fighting and daily tears. I have to move on now although it is not always easy. I try to keep myself busy and to not dwell on the past."

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