Blameless divorce and its effect on the family

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Abstract

Family, as the most important pillar in society, and the main fundamental of cultural educative, has a very important role in family education, and experience has proven over the years that great people were typically brought up in families where the familiar relationships were firm, and by contrast, guilty and criminal people were typically from disintegrated families or divorced parents. In this way our intention of the present survey is to investigate the concept of the blameless divorce (fast and easy) and its impact and results on the family. Also, the method used in this survey is the descriptive analytical and the library method has been used to gather information. The gained results imply that the “blameless” divorce treats men and women in a way as if they are equal at the time of divorce. This law denies constructive inequities such as the unequal ability of the sexes to gain salary in the future.

Keywords: blameless divorce, family, feminism, social disorder.
Introduction
Since the early times, family had important social and individual functions. WILLIAM.F.ARGEN names six main functions for family which includes: reproduction, care and support, sociability, setting sexual behavior, emotion and accompaniment, granting social position. Family functions are not restrained to these six types and such actions as education, providing economical needs, children legitimation, religious educations, and so forth can be referred to. (HAGBARY, 1387). Family in all societies including advanced industrialized to transitional from the tradition societies has undergone change and revolutionary. Family changes contribute to the social changes, as modernism has caused revolutions in society both for men and women. As these two (men and women) are the main shapers of the society, consequently, family will change as well. (CHERAGHY KUTYANY, 1388). In addition, due to the same reason that the humankind, according to his natural desire, gets married to embrace tranquility and peace in warm family place, to the same manner as well, he might ignore continuation of common life, accepting divorce. Divorce means the legal end of marriage and separation of the couples. Divorce usually happens when the strength of the marriage life is destructed and there is conflict and tension between the couples. (HENRIAN AND YUNESY, 1390). The matter of divorce incorporates increasing importance and complicated dimensions. Statistics, too, infer the remarkable increase of divorce. Watching long queues of people waiting for their turn in divorce courts is an implication of this claim. It must also be born in mind that in different laws all over the world there are diverse types of divorce regarding culture, religion, customs, and norm which includes: divorce which will only be possible if the husband wills, divorce by free will of each of the couples, divorce by means of mutual satisfaction, and divorce as a punishment, in which if one couple commits a major sin, this type of divorce will be possible. (HAGBARY, 1387). In appearance of this dilemma, several known and unknown factors come together and cause couple tensions and family parting and increasing the divorce rate in society, particularly in capital cities. This phenomenon, by experts in different humanism science fields, was analyzed in different manners. Hence our intention in this survey is to process the concept of blameless divorce and its impacts on marriage and family.

The history and concept of blameless divorce
Divorce is included in the list of the phenomena of human life. This phenomenon has wings as numerous as all the sides and dimensions of human society. Firstly, divorce is a psychological phenomenon, as it affects not only man’s mental balance, but it also affects children, relatives, friends, and close friends. Secondly, divorce is an economical phenomenon; meanings that it can both establish family as an economical unit and can also cause the destruction of the family. Besides, divorce is an effective phenomenon on all aspects of the population in a society; as from one side, it affects the quantity of the population, since it destructs the only project unit of reproduction, the family, and on the other side, it affects the quality of the population, since it causes children deprived of family grants to arrive at the society which, most approximately lack the required qualifications in the procedure of obtaining the position of the citizenship of a society. (HENRYAN AND YUNESY, 1390). The belief of wedding monopoly between two pro-gay rights has had a firm and stable root in tradition and religious, and the majority of the Americans and the Europeans affected by religious and moral commands and to the same portion
thought less of divorce. But with the passage of time CALIFORNIA, in 1970 presented a new system of laws called “the blameless divorce”. This system provided a model, which was obeyed in different amounts by law reforming in many states and other countries, Canada included. Their aim from emphasizing these innovations was to reduce aggression, enemies and the bitterness of the procedure of divorce, and it was so. Anyway, this pattern revolutionized the economic consequences as well, and by so doing gave a new definition of the rights, duties, and claims accompanied with marriage (YUSEF ZADEH, 1385).

When one of the senators in American congress as a liberal representative in favor of the male lesbians, obviously and publicly in a humble manner expressing his feelings towards marriage in January 2000 says: “marriage possesses a historical, religious, and moral content and essence, and is fully derived from them, marriage root has a historical, religious, and moral root and it eventually goes back to the creation of the universe and the beginning of time. I think marriage has always been among a man and a woman since ancient times” (SALIVAN, 2006). Also ANDREW SILVAN, who is one of the activists of the lesbian and feminism rights movement, says, in response to Mrs. Clinton: “even one simple and fast look reveals how fragile and numb these expressions are. It is more than two thousand years since Marriage organization, like many human organizations, has undergone vast reformations and changes. If marriage today was like marriages two thousand years ago it would be possible simply to marry a man or a twelve- year’s old girl or possess and buy a husband (or wife) and whenever you wished you could move or abandon or refrain it. As divorce and getting divorced were forbidden” (BRACKET ET AL, 2010). The conclusion gained from the discussion is that social activists and those in favor of women rights and the separation of religious from politics rationalized that the tools and legal directions for the forbidding of divorce and the man and woman be forced to exclusively live together forever based on the sex no longer exist, and since the cause and reason of the divorce is removed, so the divorce prohibition law itself must be extinct. Because all of these in discriminations and limitations and thought stiffness of the church are completely vaporized and destroyed, a new plan has to be developed. Family symbol needs a new foundation. Feminism’s extremisms, proceeded many social disorders. Today, western women do not show much commitment to maintaining the common and normal life and see marriage as a jointer resulted from unawareness and from the traditional costume. From the feminism’s point of view, as the modernism was based on the ruins of the traditions, it would be possible to base new kinds of relationships and life on the ruins of family organization. (FARAHDUST, 1388). This way, under the name of equality, freedom, and that it is impossible to make man and woman imprisoners of the house and the family by prohibition of the blameless divorce and the resulting consequences of marriage, and that everyone has the right to decide whether to be responsible for the family forever or not, grounds for the freedom of divorce after the transition from divorce by interpreting it to’ the blameless divorce” and other titles like” fast and easy divorce ‘provided. In such a way that at the present moment in most countries man and woman could easily separate from each other, even in countries where divorce with sins is possible, again there are numerous ways of escaping to access divorce. For illustration we could name the wedding causes passed in 1973 in Britain and the law of family rights passed on in 1996 in the same country and note 1 part 1 national law of marriage passed on in 1973 providing the ground for divorce in case that the marriage is indispensably broken; (CHEN AND SHARIF, 2008). All in all, the traditional
wedding based on sex, obviously divided the task between husbands and wives. In exchange for the husband, being a housewife, and a mother, a woman could always have her husband’s everlasting support. The wife was legally responsible for taking care of the children and the husband was responsible for supporting them financially. Even in case of breaking up the marriage itself, these duties were yet valid. Although the purpose of the law is to keep the join in marriage permanent, but there are certain big crimes (like nonsupport) giving divorce a legal esteem. It is necessary to give evidence for proving these conditions and it is natural that these should be confirmed by the witnesses. To provide the prerequisites of divorce, each of the two sides actively collects evidence proving the other side the cause of their troubles. If a partner would do his/her duties perfectly, was deserved for support. “The innocent” side was supposed to receive half of the properties being possessed by the couple in the course of the wedding. Therefore, every one of the couples was financially motivated to prove the offence of the other one. But in exchange “the blameless divorce” denies the need for proving the separation conditions. Every one of the couples can get divorced by just requesting for “the blameless divorce” and without accusing the other one. Financial commands, too, are based on the fair division of the properties of the couples. (BOSTAN, 1385).

Cases and requirements on which divorce is legal:
1-in case the plaintiff has had sex or remarriage and this is intolerable for the defendant, making continuation of life intolerable.
2-the behavior of the plaintiff towards the defendant was such that as far as quality is concerned in the like condition this kind of behavior was unexpected of a normal and wise human being.
3-the plaintiff had abandoned the defendant for a long period, at least two years, from the time of the handing out the implead and adducing.
4- The husband and wife had been lived separately in continuation at least for two years from the date of handing out the implead and adducing.
5-the couples, had been lived separately continuously for a long period, at least for five years before handing out the implead and adducing.

All in all, the man and woman who wanted to get divorced could grasp one of the five cases and would be successful in getting divorced. (KALANTARY AND ROSHANFEKR, 1390).

The accomplishments of the blameless divorce, which the feminists and secularists had been mainly looking for, are as follows:
A-rising the divorce rate and more destruction of families
First of all, before we start, we should confess that the factor of divorce is not merely the easiness of divorce and legal facilitations for accessing the blameless divorce, there are also several other factors which causes the separation of the man and woman, which, even if divorce was still forbidden or limited, again the couples would instantly look for ways for not living together. Like bodily separation which exists in some countries. Or instead of accepting marriage in the form of civil sharing or sleeping with a partner and according to the interpretation applied in some societies today, the white marriage of most of the men and women with their opposite sex. (DEHAGHANY AND NAZARY, 1390). Meanwhile, in addition to the blameless divorce such factors as addiction, financial deprivation, or economic difficulties, sexual problems, lack of moral accordance and so forth which should be taken in account in suitable time. But it is no
doubt that the limitation of divorce and trying to reform the essence instead of divorce, refrain from hurrying for divorce has a remarkable and effective role in keeping family foundation and preventing its collapse. In this paragraph our intention is mainly the disagreement with the role of the religion in family not interested in divorce and the result the family gained from the simplification of divorce (BALOOEE ET AL, 1387).

Anyway, the first effect of divorce with no intention and its spread and development is the destruction and parting of family which, by collapsing this huge dam, the family will break apart more than before. Concerning this, a researcher says: “in the last ten decades as compared with the past decades, marriage and family were attacked more than three times. Tougher and more harsh than I have never seen the like before. The opponents of marriage did not leave out any efforts in this attack. When the legislators, lawyers, jurists, and politicians decided to make divorce between man and woman easy, the result was that the divorce rate and its statistics rapidly grew. One recent sociologist has stated that there are huge amounts of evidence showing that until now there was not this amount and number of legislation passed that does not prevent people from divorce. Legislation which had nothing for people save misery, unhappiness, and tragic. Some of you had probably heard of that. In fact, this is a sad and unhappy story. (SALLIVAN, 2006).

B-purging the holiness of marriage and creating unsafely and instability

It was told that at all EBRAHIMI religions, the wedding party is not an ordinary and simple espousal like financial conclusions or rental dealings in which, being fulfilled, in some cases as soon as done and in some others after its expiration, their legality relationship ends up. By contrast, the wedding party is a dense covenant that its hugeness and respectfulness is more due to its stability; that is because the wedding, just like other big divinity covenants is a covenant with ALLAH, therefore divorce will lower it up to the extent of God’s spite and curse for those who get divorced from their spouse with no reason (AFIFI ET AL, 2006).

In an interview held by one of the sociologists with some American citizens after gaining their freedom to divorce, the majority of interviewees have told that by gaining the right to divorce and the facilitation and easiness in it, abandoning life is as easy for people as to throw a useless tissue away.

Linda the judge says, in a case about marriage: “many of those with whom I have spoken have told me that we no longer love each other, the earnings are too bad, we cannot go on this way, we now have gained the right to divorce, this way, now that we do not get married any longer, should not we be happy and prosperous? Despite being in the center of attention and gained the right as the key to freedom and enjoyment and everything seems logical, I am not happy now. If I get divorce I will be lucky in the future, and I intend to live happily ever after I got divorced, but this, like all the other satanic lies, was proved by the passage of time to be a fake idea. What has the studies proven? Most studies done on marriage, divorce, and families in a few recent decades reveals the fact that couples who were pioneers in divorce had already thrown their lives like a piece of facial tissue, and also had they thrown divorce away like that facial tissue, and through these studies it was investigated that only 22% of those who sought lucky and happiness in divorce were satisfied with divorce, the others had decided to survive the consequences of divorce and sought the assistant of family treatments and consultations, and tried to stabilize
their lives and 86% of the divorced couples stated that” we were lucky and happy before our divorce” (WHITE ET AL, 2002).

It is obvious that when man and woman do not feel secure and comfort in family, it is feared that every time one or both couples could, without any reason, abandon the life, that family would never behold tranquility and secure, and in fact family and children affair and on top of that, the parents, whom shall maintain family trench in order to breed children, is replaced with individualism affairs, and under these conditions, the wedding party becomes like a simple contraction capable of being easily broken, in which case verily every couple who sees continuation of life in collision with their own desires like having a job, studying, sexual pleasure, travelling, and so forth, might end up the life.

C-divorce and numerous problems for children

It is obvious that there is no safer asylum for kids than family. Family has a crucial role in growing up and elevation of children. Family is a safe place for providing biological, material, spiritual, and psychological needs of children, and also the first school for purification, instruct and knowing the norms, beliefs, faith, costumes, moral, and the recognition of virtue and sin and correct from incorrect. It is in this classroom that the children know about God, the universe and the humankind; and gradually are prepared for arriving at a bigger society, a society which, undoubtedly, its success and firmness is indebted to the success of the family, and its destruction, breaking apart, and agitation is indebted to the breaking apart of an unsuccessful, unstable, and cut off from the spiritual and divine system of the family and sunk in whirlpool of different sorts of sliding, deviations, and tilts. Certainly the presence of parents and their role in fulfilling the above mentioned targets will have a deserving affect in educating children at all dimensions, either spiritual and divinity or physical, and by the destruction of the family, it might be possible to say that its first victims are innocent and chaste children. (BARIKANI AND SARICHLOU, 1390). Parents, especially the father, are heroes of the heroes. Family is the whole world for the kid. In his view, father and mother are all he has in this universe. Now imagine that what will happen to the children, especially the kids, both spiritually and mentally, or even physically, by the divorce of the father and mother? Psychologists and psychiatrists agree that the divorce of father and mother is of the main causes of the mental diseases in kids and their emotional disorders. All these disorders and distresses that the children suffer, except for the essential cases, in most cases is resulted from unawareness of the parents and their stubbornness and mainly getting away from religious commands and divine morality.

One researcher writes on this: “parents who take divorce easy and involve themselves in and do not accept refrain of divorce, when asked about their children’s future that what shall they do, calmly parallel their children to basketball ball and say like basketball ball, when passed through the basket, are again thrown on the ground and will return to their first position, unaware of the fact that sociologists have another answer to this case. They say “ unlike such imagination, kids will fall in the worst place… and their difficulties, either spiritually, or physically and scientifically, are added to daily, and they are always struggling with them” (WHITE ET AL, 2002).

Therefore it is possible to surely say that basically marriage is not merely a personal experience and a mere private relationship between man and woman. But also tertiary individuals both real and legal are involved, and instability in marriage can both directly and indirectly harm them.
The author of the book “a file for marriage” writes: “marriage, in addition to being a private relationship between man and woman; is also profound from a social and public point of view. When marriage organization becomes feeble; the costs levied not only affects children and other members of the family, but also is levied to all the citizens, neighbors, and tax payers. We must sustain the high prices of committing crime and criminal behavior, the disruption in public calmness and comfort, education system, costs and expenses on Health- care expenditures, and reduced security… we must fight weakness of marriage and family destruction and its faint that is more important than fighting illegal drugs as well as fighting with addiction and illegal drugs. (WHITE ET AL, 2002).

Effects of divorce on family and society
Divorce is one of the most distasteful events that are likely to happen in one’s life. An event which most people, whether child or adult, are not prepared for in all aspects.

1-children, the first victims of conflicts and family roughness
Mrs. Barbara Dafoe Whitehead, the author of the book “the culture of divorce” presents a list of various collapses resulted from divorce. She says: “for parents, divorce is not an individual and personal action; rather, it brings about excessive and heavy consequences for children. A pile of evidences and documents concerning divorce and several other sources infers that divorce is the primary sorbent for various kinds of inequality, disadvantage, loss, and distraction and damage for children” (WHITEHEAD AND BARBARA, 1997).

It is obvious that the divorce children are not like the other children enjoying both the grant of having parents and family focus. As a fatalistic act, they should either live with the father or mother or none of them, and if they choose to live with one of them, in this case he/she is deprived from the existence of one of them. And in that case, too, with remarrying the father or mother, sufficient care may not receive the child, who is now in fact considered an orphan. And as a result it will be added to the scope of the spiritual, mental, and even physical suffrages of the kid.

2-educational downfall and losing desired educational opportunities
Sociological and psychological studies have proven that divorce children do the worst things at school, gain the lowest and the worst grades, and are scientifically in a low position, and they are often dismissed from school or leave school themselves because of behavioral disorders, and they are trapped by criminal acts. Undoubtedly distress and chaos in family affects the kid remarkably before school, and divorce is the free shoot for sinking the children in the numerous gulfs of spiritual and mental problems including educational problems. (RASHEL, 2009).

ANTHONY GIDNEZ in his famous sociological book says: “research shows that children, after separation of their father from mother actually suffer an obvious emotional stress. Judith Waller stein & Jun Kelly studied the kids of sixty newly divorced couples at Marin County. They contacted these children at the time of divorce in court, one and a half year later and five years later on, based on the statements of these researchers, almost all 131 kids under study had experienced a stiff emotional stress at the time of divorce. Kids being at the pre- school age were bewildered and frightened and usually blamed themselves for the separation. “(GIDNEZ, 1374).

3-divorce and kids’ criminality
Divorce kids’ tendency towards committing crimes or, in more vivid terms, kids turning into criminals is so vivid and obvious that there is no need to say. Kids’ place is in family, and after
reaching school age at their second home, that is, school. The fatalistic destruction of the family
and escaping from school resulting from spiritual and mental damages, is falling in the trap of
the vandal gangs and wolves seeking prey in society, which, their preys are usually ran-
away girls and kids who were forced to leave family because of their parents’ separation. Therefore,
needless to say, such kids are apt to be attracted to criminal acts. (MOHAMMAD ALIPOUR,
1390).

According to the announcement of Chuck Colson’s institution : “ two point one tenth millions of
people were already prisoners at the prisons of the United States, a great and remarkable number
were victims of family destruction and its reflects” (CHUCK,2009).
The author of the book “ culture of divorce” writes: “ divorce is never a choice for the style of
personal life, without leaving unpleasant social consequences… divorce imposes upon society a
huge amount of heavy burdens and costs and responsibilities, courts and prisons full of young
adults deprived from father and mother for any reason, and dangers caused by separation of
parents always threatens them, often dismissed from school, and are attracted to alcohol drinks
and become addicted to exercising drugs permanently. While still at the school age, they commit
various and numerous crimes. These are not the things leading the children to jump toward
prosperous and transparency, aren’t they?” (WHITE ET AL, 2002). In addition to attracting to
criminal acts, prostitution and sexual aggression catches children. According to the researches of
David Campayna, who based his study on the vast investigative project gathering information
from 596 police stations and 125 social services institutions all over the country : “ the amount of
the annual income from the children’s prostitution might mount two billiards dollars… studying
the infant prostitutes in America, Britain, and western Germany has shown that the majority of
them … are kids who have ran- away from home and because of having no income, they tend to
prostitution for their living… “(GIDNEZ, 1374).

These kids usually are trapped by organized vandal gangs, which, before turning for them as an
income source, they become molest red. “Studies on streetwalkers, criminal young adults, run-
away adults from home and addicts show that a large amount of them had molester records in
childish periods… possibly a collection of factors such as family tensions, neglecting of parents,
physical molesters, and so forth were involved in that” (GIDNEZ,1374).

Family is the place where kids spiritually, mentally and physically are nourished. The infant
from the very time of birth is feed from his mother’s milk with such greed that it looks as if in
his world there is no other food than that amount of his mother’s milk. In addition to sucking his
mother’s breast, the heat of mother’s existence and every breath coming out from the mother’s
lungs is a promotion of life for him. At this beautiful and wonderful level of the mother and
infant’s life, the infant is brought up both physically and spiritually with total tranquility. The
father, too, who is the responsible one for providing divinity and materiality needs of family,
maintains family foundations firm and secures the all-sided security of family. But fie upon the
day on which these warm bosoms of mother become cold and that watching and worried eye of
father whose worries are family prosperity turns into darkness. The conducted researches has
proven that divorce children and separated from the warm focus of family suffer malnutrition,
consequently, suffering various kinds of spiritual and physical diseases, have embraced death
sooner than other kids who were granted love and care and passion given to them by parents. (BRAKET ET AL, 2010).

Conclusion
Family is the most important organization in society based on pillars, and by destructing this organization; the pillar would fall as well. One of them is the “liking and emotion” pillar. When there is liking and emotion among family members, it is reflected in society, and there will be liking and emotion among people. Still another family pillars is religious and considering religious costumes. Considering the conducted studies, tarnishing liking and emotion, and turning one’s back to religious matters, are of the most important factors contributing to the destruction of family in today’s societies. As told before, divorce is the separation of man and woman, being released from limitation of marriage, which, not only causes the destruction of the most fundamental social organization (the family), but its side effects encompasses all aspects of the society. Children will lose their real shelter and will be trapped by impoliteness. Considering the purpose of the present survey it could be said that the “blameless divorce” treats men and women in a way that it seems as if they are equal at the time of divorce. This law denies unequal structural, like the unequal capability of different genders for gaining salary in the future. In 90% of cases, women would try to take the fostering of the children. In spite of this, if she had three little kids, under the best conditions, could possess half or usually less than the properties. Children were deprived from the property of family. Paying attention to the causes of divorce, considering its side effects on children and society, is an essential work, through which parents would be informed from the bitter fate of their children, so as to become conscious and comprehend that how much amends their freedom from marriage will have, and by expressing these issues it might be possible to take actions to make people aware of the side effects of divorce, so that people will get married with a better insight and we no longer will witness divorce in society.

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