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DIVORCE FACTORS AMONG THE  
GREEK ORTHODOX IN BEIRUT

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A Thesis

Presented in partial fulfillment of the requirements

for the degree of Master of Arts

to the Department of Sociology

School of Arts & Sciences

American University of Beirut

Beirut, Lebanon

May 1960

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## ABSTRACT

The present research focuses on some factors in divorce among the Greek Orthodox in Beirut.

Divorce research has occupied the energies of many social scientists in a number of countries. Investigations into divorce have been carried out by social scientists, by lawyers, judges, psychiatrists, religious people and others.

Among the Greek Orthodox divorce has been a possible but disapproved solution for marital conflict. Certainly among some groups it is still disapproved strongly. But as the findings of this study have suggested, this attitude is changing and the changes in the divorce rate and practices are viewed as indices of social change.

The basic theory behind this research is that sociological facts are acts of meaning and all forms of action tend to change their meanings in moving from different units of time - social and other. Thus the meaning value of divorce has also changed. To determine the direction and degree of change in the basic divorce patterns the analysis consisted of a comparison of the same variables which are found in the divorce decrees which were issued and officially documented in the religious district court of Beirut in three different time periods (from 1933-1937 and from 1943-1947 and from 1953-1957; inclusive).

The changes that were found in the basic divorce patterns can be viewed as symptoms of social changes in the family which in turn derive from other broader changes in society.

## A C K N O W L E D G M E N T

The writer wishes to express her indebtedness to Professor George C. Fetter, Chairman of the Sociology Department of the American University of Beirut without whose help the writing of this Thesis would have been impossible.

Gratitude is also extended to Professor John B. Adams of the General Education Department of the American University of Beirut for his valuable help in the early stages of the research.

The writer also wishes to thank Mrs. Kawthar Showar who typed the script and Miss Rita Tabourian who helped in the statistical computations of the study.

Bassimah Sukkarieh

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## CHAPTER I

### INTRODUCTION

#### I. General Problem

The basic information in this study is a description of the divorce problem among the Greek Orthodox and 313 divorce decrees issued in Beirut from 1933 to 1937 and from 1943 to 1947 and from 1953 to 1957. The purpose of the study is to describe and interpret recent changes in the divorce patterns on the basis of information in the divorce decrees. There is reason to believe that while traditional customs and mores have not lost their hold on the orthodox community, the influence of urban and western culture has set in motion the wheels of change. The effects are to be seen in orthodox religions and family life and other related matters.

The main theoretical basis for interpretation is the casual - non casual trend of divorce outlined by Carle Zimmerman. According to Zimmerman sociological facts are acts with meaning and all forms of action tend to change their meanings in moving from different units of social time within the same culture. Thus the meaning value of divorce has also changed radically. The purpose of this study is to determine whether the change in the basic divorce patterns during the time periods mentioned above is indeed generally a change from casual to non casual divorce.

## II. Causal and Non Causal Divorce

In reality an absolutely causal or non causal divorce is an abstraction - an ideal type such as Max Weber described. They are considered as two extremes of a continuum. The specific problem for this study is to determine whether divorce is changing from one end of the continuum to another.

A. Causal divorce means that "divorce is a release given to an innocent party who was harmed by a unilateral action in the marriage relation... A divorce case is thus very similar to a criminal action in which the guilty are supposed to be prosecuted and the innocent to be freed."<sup>1</sup> Divorce is disgraceful and the divorcee is a stained person. Divorce can take place only when there is a serious breach of marital vows, such as adultery. Divorce breaks a sacrament and weakens the fight for decency.

B. Non causal divorce, has the opposite meaning value of causal divorce, "it is not regarded as a serious rupture of the social system, but as an expected event."<sup>2</sup> It is not regarded as a cause but an effect, not a disease but a symptom.

C. The inferred changes in the divorce decrees. If it is true that there is a trend from causal toward non causal divorce then the changes that are likely to appear in the divorce decrees are the following:

1. A greater proportion of women plaintiffs; and therefore a decreasing proportion of divorces granted to men.
2. An increase in the divorce rate in general.

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<sup>1</sup>Zimmerman Carle, The Family of Tomorrow, (New York, Harper & brothers), 1948, p.45.

<sup>2</sup>Ibid.

3. A decline in the frequency of adultery as grounds alleged and a corresponding rise in the proportion of actions brought before the court on the basis of incompatibility. Incompatibility as grounds for divorce emphasizes individuality and reflects a radical change both in the attitudes of the court members as well as the general public: (The former for allowing incompatibility to fit itself among the categories of reasons on the basis of which divorce is allowed, and the latter for allowing incompatibility as basis for divorce to become justifiable and therefore frequent.)

4. The absence, in the decrees, of such sentences to the effect that one party is fundamentally guilty and the other innocent.

5. Greater proportion of divorces occurring among couples with children.

6. A greater proportion of divorces occurring among couples who have been married for more than ten years.

### III. The Content of the Divorce Decrees

The content of the decrees were classified on the basis of the definitions described below:-

A. Who is the plaintiff - husband wife or both. When the one spouse sues the other for divorce, it is possible for the defendant to initiate a counter charge to the effect that the plaintiff has also been guilty of an offense that constitutes a ground for divorce.

B. The grounds for which divorce was granted and the number of decrees granted to husband and to wife for each case.

The grounds are briefly defined below:-

1. Adultery: or the voluntary sexual relation of a married man or woman with a person other than the offender's spouse and any of the circumstances or events that ordinarily accompany or simply pave the way for the offense.

2. Desertion for the period prescribed by the Statute (a minimum of three years) or prolonged absence or simply unjustifiable abandonment on the part of the wife.

3. Impotency or permanent incapacity of the husband.

4. Neglect, non support or failure to provide. If illness, physical disability or unemployment make support impossible the wife is not thereby entitled to sue the husband for divorce because of factors beyond his control. Also if the wife is able to support herself through independent means or gainful employment mere neglect of the husband is not generally considered sufficient ground.

5. Incompatibility refers to instances where the specific reasons brought forward by the plaintiff are not mentioned in the decree but are kept secret in compliance with his or her desire. Such a decree usually contains a sentence or two to the effect that the court is so convinced that it is quite impossible for the parties to live together due to great personal differences.

6. Cruelty: refers to mental and physical cruelty. The former includes inhuman treatment, words or conduct which undermine the health, chronic and perpetual nagging and bickering and the like. The latter refers to acts of physical violence which produce bodily harm - husbands are more commonly charged with this type of behaviour; inspite of the fact that husbands are given permission to beat their wives if necessary



but not with bad will or evil intentions. Instances where the husband sues his wife for neurotic behaviour and is granted divorce are included under mental cruelty. The writer was given to understand by the court secretary, that, husbands who plead mental cruelty do so for a number of things such as perpetual nagging, criticism and derogatory remarks, ridicule and constant humiliation.

7. Insanity: refers to instances where one party is psychotic and requires hospitalized treatment.

C. Classification of divorces according to whether or not children were reported regardless of the number of children because this was not mentioned uniformly in all the decrees.

D. Classification of divorces granted according to the duration of the marriage. The two categories are:

1. Below ten years.
2. Ten years and above.

## CHAPTER II

### HISTORICAL BACKGROUND

This is primarily a sociological study of factors in divorce among the Orthodox community in Beirut. However, a brief outline of the essential characteristics of the faith, and the historical development and organization of the Orthodox Church in general and the Patriarchate of Antioch in particular is presented so as to furnish some knowledge about the community under consideration.

It was not an easy task to find much about the Orthodox Church. There are really very few books which are of help. Even the very name of the Eastern Church presents a problem. Sometimes it is called the Greek Church, sometimes the Orthodox Church and sometimes different national terms are used such as the Church of Russia or of Rumania. In Syria and Lebanon the Antioch Church is known as the "Greek Orthodox Church" although it is almost entirely Arab in laity, clergy and liturgy. This is because Syria and Lebanon were part of the Byzantine Empire when the Patriarchate of Antioch was established and also because until only some years ago the Greek language was commonly used in the liturgy of the Antioch Church.

Concerning the historical development of the Orthodox Church, there seems to be general agreement to consider the history as falling

into four periods; each division being marked by one or more events which defined its character for the whole period. The different divisions of the different authors do not coincide exactly, but nevertheless there is more than one point of similarity between their approaches. Below is a brief summary of the literature available on this subject.

### I. Historical Development

The first period, known as the period of the Fathers and the Church Foundation lasted almost five whole centuries. It was in this period that the basic truths, the basic forms and constitution and the foundation of the cult of the Orthodox Church were established. The period may also be called the time of the Great Ecumenical Church Fathers by whom these fundamentals were set forth.<sup>1</sup> During this period of initial development, church discipline was regulated partly by local councils and partly by collections of rules of private origin.<sup>2</sup> The external history of the earlier part of this period was characterized by the hostile attitude of the pagan state towards the church. This found expression in persecution and violent action against the believers.<sup>3</sup>

The second period lasted from the 5<sup>th</sup> to the 11<sup>th</sup> century. It was a period of inward consolidation and outward storms. The bases

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<sup>1</sup>Zankov, Stephan. The Eastern Orthodox Church, (London: Edinburgh Press), 1928, pp.20-27.

<sup>2</sup>Bashir, Antony. Studies in the Greek Orthodox Church, (New York), p.6.

<sup>3</sup>The Encyclopedia of Religion and Ethics, vol.vi, p.426.

laid down in the earlier centuries were confirmed and a further development of the general principles was observed. Christianity was already recognized as the state religion<sup>4</sup> and the Greek Church therefore sought to elaborate the normal relations between church and state. With the elaboration of the church organizations church life reached a very high development. Ecumenical councils were allowed to settle definitions of dogmatic and canonical character, as well as rules of church discipline. During this period and side by side with the rules settled by the councils there appeared a new source of ecclesiastical law in the decisions concerning the church emanating from the civil power. Civil regulations were made by the secular power concerning the church. Later there appeared collections of rules and regulations unifying both elements: the sacred and the secular. Of the latter the greatest importance is attached to the Nomo Canons.<sup>5</sup> The church's chief attention, however, had to be directed toward a series of unusually important events which threatened its doctrine and even its very existence.<sup>6</sup> Chief among these historical events were the rise of Papal Rome and the advance of Islam. To this is added the weight of another force: the heathen slavs. To top this another fierce storm broke out within its own midst: "the iconoclastic controversy"<sup>7</sup> leading eventually to the separation between Eastern Christianity and Papal Rome which was later called the great schism.

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<sup>4</sup>Bashir, op. cit., p.8.

<sup>5</sup>Ibid.

<sup>6</sup>Zankov, op. cit., p.28.

<sup>7</sup>Ibid., p.30.

The third period which lasted from the 11<sup>th</sup> to the 19<sup>th</sup> century was one of persecution and self defense. During this period the whole attention of the Church was concentrated upon its self maintenance until however it was directed towards something else: the subjugation of the Greco-Slavic by the Turks, and completed by the capture of Constantinople in 1453. The organization of the Church, however, suffered hardly any changes. The Church retained its internal organization without any substantial modification but the patriarch of Constantinople received civil authority over all orthodox people and it was he who introduced the idea of the laity participating in the life and management of the Church.

The fourth and last period, from the 19<sup>th</sup> Century on has been called the "new renaissance of Orthodoxy"<sup>1</sup> a period of self realization and stability.

## II. Structure

The Orthodox Church today is a federation of self governing bodies called "autocephalous" or only autonomic churches.<sup>2</sup> The autonomic churches are only to a certain extent independent for they must secure the approval of the mother church. The churches, as the name implies, are independent of one another as regard internal administration but make up one orthodox church. Together they constitute the second largest organized body of Christians in the world.<sup>3</sup> The

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<sup>1</sup>Zankov, op. cit., p.29.

<sup>2</sup>(a) The Encyclopedia of Religion and Ethics, op. cit., p.134.  
 (b) Zankov, op. cit., p.18.

<sup>3</sup>French, R.M. The Eastern Orthodox Church, (London: Huchinson House), 1951, p.11.

ruling principle behind this federation is that each nation should form its own church and that all these national units should enjoy complete equality and freedom within the great family of the Eastern Orthodox. The churches, as might be expected, present a great variety of types and organizations. They are, however, all equal in status and no decision can be taken in the name of the Eastern communion unless it is reached by the free consent of all its constituent members. Furthermore, each church can also use, for its worship, the language of its choice and follow its own customs and traditions. Both clergy and laity share in the constitution of the Eastern Church. Parochial councils,<sup>3a</sup> diocesan conferences<sup>3b</sup> and national synods<sup>3c</sup> must therefore include representatives of all members.

Considered externally, all orthodox churches represent free communions. Within the bounds of ecumenical orthodox rules of doctrines and regulations, every separate orthodox church is free in its inner life and management.

### III. Geographical Distribution

The structure of the orthodox federation is comprised of the following:

1. The four ancient patriarchates of Constantinople, Alexandria, Antioch and Jerusalem;
2. The three ancient self governing churches of Cyprus, Georgia, and Sinai;

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<sup>3a</sup>Parichial councils are limited to parishes.

<sup>3b</sup>Diocesan conferences are limited to bishoprics.

<sup>3c</sup>National synods are meetings which are held for consultation on religious matters.

3. The five national churches of Russia, Rumania, Greece, Yugoslavia, and Bulgaria;

4. Churches in countries where orthodox Christians are in the minority, such as Poland, Albania, Czecho-slovakia, Lithuania, Estonia and Finland;

5. Several other churches formed by either the missionary efforts or the migration overseas of eastern Christians; such are the orthodox churches in Japan, China, Manchukuo, North and South America, Australia and in Western Europe among the Russian emigrants.<sup>4</sup>

Geographically, we find therefore that, for the most part, the self governing churches lie at the meeting of East and West. Their territory embraces the land where Christ himself was born and lived and died.

At this point however, a word of caution must be said. For one time the Orthodox Church embraced completely the following peoples: the Greeks, the Russians, the Serbes, the Bulgarians, the Rumanians and the Georgians plus the small bodies of orthodox of various nationalities in Eastern and Central Europe and Western Asia. But today it is not as simple a matter to enumerate with precision all the independent churches which are constituent members of the Orthodox Communion. The events and after effects of the two world wars have left some of them in uncertain and questionable positions; and it is indeed a general principle of orthodoxy that only an independent nation will have an

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<sup>4</sup>Zernov, Nicolas, The Church of the Eastern Christians, (Society for Promoting Christian Knowledge, London), 1947, p.17.

independent church; for an important characteristic of the Orthodox Church is that its ecclesiastical units of organization generally coincide with civil units of organization. When a given country becomes independent, its church becomes not only self governing but autocephalous. It has the right to elect its own chief and the members of its Holy Synod without outside confirmation. When the Orthodox are a minority in a Moslem State, they are citizens of the state but still have ecclesiastical self government.

The model for all the orthodox churches used to be the patriarchate of Constantinople. This patriarchate gave rise to the idea of the active participation of the laity in the life and management of the church, an idea which has been accepted in almost all the other orthodox churches. Today, however it is just "a symbol of the glorious past"<sup>5</sup> for there is indeed no central authority. While the patriarch of Constantinople holds the first place among the heads of the other autocephalous churches, he has no right to interfere in their affairs unless his advice is asked. It is just only that: up to a certain point, an order of precedence is recognized. The first and four ancient patriarchates come in this order: Constantinople, Alexandria, Antioch, Jerusalem; then comes the church of the island of Cyprus<sup>6</sup> after which there is no strict order of dignity. It is evident therefore that the order of precedence does not correspond to relative size.

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<sup>5</sup>Zankov, op. cit., p.24.

<sup>6</sup>Ibid.



#### IV. Patriarchate of Antioch

A. Historical background. In the first century A.D. the city of Antioch was great and famous in Western Asia. In 37 A.D. St. Peter fled to Antioch from Jewish persecution in Jerusalem, and it was in Antioch that the name "Christians" was first given to the believers.<sup>7</sup>

With the destruction of Jerusalem by the Romans in 70 A.D., Antioch became the only capital of Christendom and the headquarters of St. Paul and other missionaries.<sup>8</sup>

Originally, the Antioch Church consisted of one congregation and its bishop. Then the number of Christians in the area increased and other congregations were organized each with its own bishop. From time to time the bishops would meet to discuss important matters or to elect a new bishop. These meetings were called synods and at such meetings the bishop of the "Metropolis" or the Mother City would preside as first among equals. He was called Metropolitan and considered not superior but equal to the other bishops.

During the time of the Emperor Constantine (4th Century) three developments affected the Church of Antioch. First, Christianity was recognized as the official religion of the Byzantine Empire and the Old Roman Empire; second, the capital of the Empire was moved from Rome to Constantinople; third, Antioch, Rome, Alexandria and Constantinople were named first bishoprics. Later they were called "Patriarchates"

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<sup>7</sup>Adrian Fortescue, The Orthodox Eastern Church, (Williams, London), 1946, p.15.

<sup>8</sup>Hitti, Philip, History of Syria, (Macmillan, London), 1951, p.335.

and their chief bishop "Patriarch".<sup>9</sup>

In the fourth and fifth centuries, the rise of Syrian nationalism shattered the power of the Antioch Church and divided the Christians. On top of internal schisms, the city was sacked by Persian invaders and Constantinople became the capital of the Christian Empire and Antioch a ruined town.<sup>10</sup>

In the seventh century, the Moslem wave swept over Syria and the Arabs were established in Antioch. The Patriarch fled to Constantinople.<sup>11</sup> In the meantime many Christians emigrated to Byzantine territory<sup>12</sup> and those who remained enjoyed the protection of the Byzantine Emperor. The Christians in this area thus remained under the Moslem conquest until the tenth century when the Byzantine armies reoccupied northern Syria. Meanwhile the Moslem Fatimid rulers of Egypt held Jerusalem and southern Syria.

In the eleventh century the final break between the Orthodox Church of Constantinople and the Roman Church occurred. The Orthodox of Antioch followed Constantinople.

In 1099 the Seljuk invasion took place. The loss of the Holy Land to non-Christians initiated the Crusaders' movement. Antioch became the capital of a Crusader state. Under the Crusaders

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<sup>9</sup>Kherbawi, Basil. The Mother Church, (New York: Vail Ballou, Inc.), 1923, pp.20-24.

<sup>10</sup>Janin, Raymond. Les Eglises Orientales et les Rites Orientaux, (Paris, Feron-Vrau), 1922, p.195.

<sup>11</sup>Fortescue, op. cit., p.21.

<sup>12</sup>Runciman, Steven. A History of the Crusades, vol.I, (Cambridge University Press, Cambridge), 1951, p.28.

the Greek Orthodox patriarch fled to Constantinople and the Crusaders elected a Latin patriarch in his place.<sup>13</sup> In the latter part of the twelfth century Saladin and his successors reconquered for Islam most of Syria and Lebanon. The control of the holy places was returned to the Orthodox Church. Mongol invasions followed by the Mamluk invasions mopped up the Latin principalities in Syria.

The Mongols again devastated northern Syria (1299-1303). As for the Orthodox, their patriarch was directly responsible to the Moslem deputy in Damascus.<sup>14</sup>

By 1516 the Mamluks were driven away from Syria and Lebanon by the Ottoman Turks. Until 1918 the Orthodox Patriarch of Antioch was to be responsible to the Ottoman Sultan. During the Mamluk period the residence of the Orthodox patriarch had varied but in 1531 it became definitely established in Damascus and has remained there ever since.<sup>15</sup>

In these four centuries Arabic remained the language of the people. The Orthodox were granted some autonomy in what was known as the millet system. Christians kept their own religious organizations, places of worship, church properties and funds, and personal status regulations.<sup>16</sup> The Patriarch was chosen by the

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<sup>13</sup>King, Archdale. The Rites of Eastern Christendom, (Rome), 1947, p.90.

<sup>14</sup>Hitti, op. cit., p.631.

<sup>15</sup>Bliss, Frederick J. The Religions of Modern Syria and Palestine, (Edinburgh), 1912, p.56.

<sup>16</sup>Hourani, Albert. Minorities in the Arab World, (Oxford University Press, London), 1954, p.18.

Orthodox community and approved by the Sultan. The Patriarch was regarded as an Ottoman functionary serving as a liaison between his flock and the Sultan. With the assistance of a council of clerics and laymen, he carried on the government of the Orthodox community. His jurisdiction embraced clerical discipline, the control of properties, education, marriage, divorce and civil rights. Sentences pronounced by the Church courts were executed by the Ottoman officials.<sup>17</sup>

Throughout the Ottoman period, many powers sought to extend their influence in Syria and Lebanon. The Roman Church is one,<sup>18</sup> and the Russian Orthodox Church is another.<sup>19</sup> French and English pressure upon the Turkish Sultan resulted in the issuing of formal decrees in the 19th century which defined and guaranteed on paper the position of the Orthodox community.<sup>20</sup>

In the nineteenth century too a movement began in the Antioch community to throw off Greek ecclesiastical domination and was presently successful.

The twentieth century opened with an Arab Patriarch and has thus become truly an Arab Church.

The Century opened with Malatios as Patriarch. Upon his

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<sup>17</sup> Ibid. pp.20-21.

<sup>18</sup> Bliss. Op. cit., p.87.

<sup>19</sup> French. Op. cit., p.406.

<sup>20</sup> Hourani. Op. cit., p.23.

death Gregorios Haddad was chosen by the laymen and the bishops as his successor. The Holy Synod under Gregorios passed several resolutions in 1921 for reform within the patriarchate.

In 1927 a conference was held at Suq-al-Gharb, Lebanon to draw up a law regulating the status of the congregational councils of the Patriarchate.<sup>21</sup> It gave the councils the right to participate in the nomination of the patriarch.

In 1928 some bishops, after the death of Gregorios, sought to have the new patriarch elected without the participation of any laymen.

In 1949, the Holy Synod passed resolutions for the reform of the administration of the Patriarchate. In the same year the Synod approved a new constitution for the Patriarchate. However, in April 2, 1951 the Lebanese Parliament passed a personal status law, which required that all religious sects draw up their personal status laws exactly. This was done by the Orthodox Church at a Holy Synod meeting on April 2, 1952 and at the same time a new constitution was adopted.

B. Organization. The Patriarchate of Antioch is one of the four ancient patriarchates. The Patriarchate is governed by a patriarch who bears the title of the "Most Blessed Patriarch of the Great City of God, Antioch, and of All the East". He resides in Damascus.

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<sup>21</sup> al-Haraka. (Beirut) 1:5:11, April 28, 1951.

While Antioch is the nominal center for the Greek Orthodox Patriarchate of Antioch, Damascus is its official center. The Bishoprics of the Chair of Antioch are as follows (arranged alphabetically):

1. Ardanoum and its suburbs.
2. Al-Lathikia (Latakia).
3. Buenos Aires and the rest of Argentina.
- 4.\* Beirut and its suburbs.
- 5.\* Jibrail - Batroun and their suburbs.
6. Aleppo and its suburbs.
7. Hama and its suburbs.
8. Homs and its suburbs.
9. Houran and the Druz Mountain.
10. Diyar Bekr.
11. Rio De Janeiro and the rest of Brazil.
- 12.\* Zahle, Baalback and their suburbs.
- 13.\* Tyre, Sidon, and their suburbs.
- 14.\* Tripoli.
15. Tarsus, Adaira and their suburbs.
- 16.\* Akkar.
17. New York and the rest of America.

Traditionally the laity of the Antioch Church have had a voice in the election of their Patriarch. This regulation, remained in force until 1931. In 1938, the Holy Synod upheld the exclusion

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\* The bishoprics of the Church of Antioch which are in Lebanon.

of laymen from nominating candidates for the post of Patriarch and also for the post of Bishop. This decision is incorporated in both the 1949 and the 1952 constitutions. Now laymen have nothing to do in purely spiritual affairs.

The supreme power in the Church of Antioch rests with its Holy Synod under the chairmanship of the Patriarch or the "First Bishop". The everyday administration of the Patriarchate is carried on by a staff of deacons and priests headed by the Honorary Bishop of Damascus. The participation of a lay councillor is abolished in the 1952 constitution. The Patriarchate also has a system of religious courts for handling matters of personal status and the unalienable property of the Church. Each bishopric has a district court. There is also a court of appeal.

The most important unit in the organization of the Patriarchate is the Bishopric, and each Bishopric is to a large extent autonomous under the headship of its Bishop. Laymen participate in its affairs through congregational councils.

Antioch was founded 300 years before the Christian Era by Nikator, a general of Alexander the Great. Then as the capital of Syria the city earned the name of the "Queen of the East".<sup>22</sup> Another story says that Antioch was founded by St. Peter himself and was called the "City of God".<sup>23</sup> And to the chief pastor of

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<sup>22</sup>King. Op. cit., p.61.

<sup>23</sup>Stanley, A.P. Lectures on the History of the Eastern Church, (London: J.M. Dent & Sons), 1881, p.60.

Antioch alone in the world by right belongs the title of Patriarch.<sup>24</sup>  
 It was in Antioch too that the followers of Jesus were first called  
 Christians.

C. The Orthodox in Lebanon. Of the seventeen sees (Bishoprics) governed by metropolitans (Bishops) that constitute the Patriarchate of Antioch, six are in Lebanon.

According to the estimations of the Economic Research Institute the Orthodox in Lebanon amount to 149,000.<sup>25</sup> They contain a large proportion of small freeholders, prosperous through emigration and in general are less dominated by large land-owners than are other communities. They also form a considerable part of the commercial class of Beirut and other towns, and indeed include some of the wealthiest trading and landowning families.<sup>26</sup>

The distribution of the Greek Orthodox by district is as follows:

Beirut	21,928
Mount Lebanon	27,729
North Lebanon	51,422
South Lebanon	7,193
Bekaa	<u>14,947</u>
Total	123,219

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<sup>24</sup> Ibid., p.68.

<sup>25</sup> The Middle East, Statistical Abstract, 3rd Edition, 1958, p.50.

<sup>26</sup> Hourani. Op. cit., pp.65-66.



These figures are the last estimations presented by the Lebanese Government through the "Recueils des Statistiques Generales, 1947, 1948" about the ethnic composition of the different districts.

The distribution of the Greek Orthodox by sex is as follows:<sup>27</sup>

	<u>Male</u>	<u>Female</u>	<u>Total</u>
Greek Orthodox:	58,001	57,095	115,096

One of the richest and most complexly organized Bishoprics of the Antioch Church is the Bishopric of Beirut.

The constitution of the Congregational Council of the Beirut Bishopric now in force was approved by the Patriarch on October 29, 1950.<sup>28</sup> The Bishop is the chairman of the council. The council consists of 12 laymen who serve a two year term. Electing the 12 council members is done by 240 electors allotted proportionally to the various districts.

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<sup>27</sup>Derived from a table in the "Recueils des Statistiques Generales", 1947 et 1948.

<sup>28</sup>Janin, Op. cit., p.202.

## CHAPTER III

### DIVORCE IN THE GREEK ORTHODOX CHURCH

#### I. The Sacrament of Matrimony

Below is a brief presentation of the meaning and significance of the sacrament of marriage. Since it is the purpose of this paper to study divorce, a form of dissolution of marriage, it seems appropriate enough to explain simply what it is, according to the Greek Orthodox Church, that is being dissolved.

One of the sacraments or mysteries in the eastern church is the honourable marriage. It appears that matrimony is a sacrament from the following words of the Apostle Paul: "A man shall leave his father and mother and shall be joined unto his wife and they two shall be one flesh..."<sup>1</sup>

The sacrament of marriage is known also under the name of crowning.<sup>2</sup> It is a solemn blessing by the church of a man and a woman with the intention that their future life together may be one of unity. The pattern for their oneness is provided by the example of Christ's union with his church and it is therefore treated as

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<sup>1</sup>Bashir, op. cit., p.288.

<sup>2</sup>Zernov, op. cit., p.48.

binding for ever.<sup>3</sup> This means too that the grace of a love as perfect as that which unites Christ and his Church is invoked upon them. Matrimony therefore is not simply a natural contract. It is a sacrament and a bond not to be dissolved except for the cause to which Christ himself referred in the Gospel,<sup>4</sup> unfaithfulness or the violation of the conjugal union by one of the married couple. Marriage as an institution is therefore founded by God "And God blessed them and said unto them: Be fruitful and multiply and replenish the earth and subdue it..."<sup>5</sup>. This truth concerning the sacredness of the marriage bond was assured by the saintly councils and the saintly fathers.<sup>6</sup>

Following Christ's teachings, the Orthodox Church affirms and emphasizes with force the unity and indissolubility of marriage. The union cannot be broken by the simple will of men as long as it is the creator's intention. The Lord indicated only one cause for the dissolution of marriage and this is unfaithfulness. For this reason the canons of the saintly councils and fathers admit divorce on this basis. Also the synods of the early Christian countries reflect in their great majority the doctrine of the Church fathers: Marriage is indissoluble except in case of adultery.<sup>7</sup>

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<sup>3</sup> Ibid., p.50.

<sup>4</sup> Kherbawi, op. cit., p.71.

<sup>5</sup> Genesis 1, 27, 28.

<sup>6</sup> Ionesco, Nicolae, Gr., Le Divorce Dans L'Eglise Orthodox, (Paris: Presse Universitaires), 1925, p.14.

<sup>7</sup> Ibid., p.44.

We find, however, that the Orthodox Church is granting divorce on an increasing number of grounds. Why? The answer from the Church's point of view is that the practice of divorce is not incompatible with the Orthodox' high esteem for marriage. They believe that in marriage, two human beings enter into such close organic relations, that they are never dissolved even after death. In its ideal therefore marriage cannot be repeated. Such a high standard obviously cannot be imposed upon every one, for there are many causes which make it very difficult for many members of the Church to experience the love and unity of the true Christian marriage. Some, for instance, find it difficult to remain single after the death of one of the spouses, others find their married life ruined by prolonged absence, insanity, imprisonment for life or the unfaithfulness of the other partner. In all these cases, the Church as a loving mother, condescends to the weakness of her children and gives her blessing to a second marriage in the cases both of a widower and a divorced person.<sup>8</sup> From a historical point of view, however, the explanation lies in the interaction between the civil laws on one hand and the canonical laws on the other. The civil law of the Eastern Empire permitted divorce,<sup>9</sup> and divorce was also admitted by the Roman law.<sup>10</sup> For one time there started to appear collections or regulations made by the councils and afterwards of civil regulations

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<sup>8</sup>Zernov, op. cit., p.50.

<sup>9</sup>Encyclopedia of Religion and Ethics, vol. x, op. cit., pp.902-903.

<sup>10</sup>Ionesco, op. cit., p.55.

made by the secular power concerning the Church and finally collections unifying both elements.<sup>11</sup> Of the latter the greatest importance is attached to the Nomo canons, which were declared obligatory for all the Orthodox Churches. The Church of course did not accept all the provisions concerning divorce in the civil laws, but at least a new element, a secular element so to speak, was introduced. Hence the varied and increased grounds for divorce that are now admitted by the Church.

The fact that the Orthodox Church allows divorce does not mean that the Church does not emphasize the indissolubility of marriage. It does, and it has made it very clear that divorce is undesirable unless there is adultery. The declaration of marriage as a sacrament, the symbolic rites during the wedding ceremony, and many other minute details in the marriage service emphasize and affirm the unity and the indissolubility of marriage. Of the latter a few typical examples are listed below. The bridegroom and the bride drink wine during the marriage service from the same cup "the common cup of weal and woe"...<sup>12</sup> in token that they ought to dwell in unbroken concord, hold and use their acquisitions undivided and share equally the cup of joy and sorrow. Another symbol is the circling around the lectern typifying eternity. By this the bridal pair affirm their oath to preserve their marriage bond for ever until

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<sup>11</sup>Bashir, op. cit., p.8.

<sup>12</sup>Kherbawi, op. cit., p.48.

it is broken by death. The wearing of the rings typifies also the indissoluble tie of marriage. (At first the rubric prescribed a gold ring for the man to typify his greater worth and authority as the head of the family and a silver ring to the woman to typify her subjugation to her husband. In modern practice however both rings are of gold. Even the Church has had to acquiesce to the rising tide of womanhood). But as the Church saw that it is rather difficult for all the members to experience the unity of the true Christian marriage, it gave its blessing to a second marriage. A second marriage is allowed but it is usually celebrated with less pomp. The Orthodox Church allows widows and widowers and persons whose marriage has been dissolved for a legitimate reason to contract a second and even a third marriage, but only by condescension to human weakness. A fourth marriage, however, is absolutely forbidden. In case of a second marriage the service is different from the glorious crowning. It contains a penitential note.<sup>13</sup>

## II. Family Dissolution

A. Annulment. Divorce is to be distinguished from annulment for in the latter the existing marriage is voided. The marriage being improper is held never to have existed. The following conditions are permissible grounds for the annulment of marriage:

Consanguinity, for marriage between blood relations is forbidden

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<sup>13</sup>Zernov, op. cit., p.50.

to the seventh degree inclusive both in the direct and the collateral line. In the case of affinal relatives wedlock is not allowed in the first four degrees.<sup>14</sup> Within the fifth or the sixth degree marriage is sometimes permitted but not without a dispensation from the bishop. Furthermore there should be no spiritual relation between the parties, i.e., relation arising through standing sponsor at baptism for instance.

As the parties entering into matrimony must be of legal age (the groom not less than 18 years and the bride not less than 16 years)<sup>15</sup> annulment is granted to either party who proves that one of them was under age and had not secured the authority to marry from parents or guardians or even superiors if employed in military or civil service.

A marriage is voided in case the mutual consent of the two people concerned was not secured when contracting a marriage, for marriage can be entered only by the mutual consent of both parties. And in case one of the parties was insane at the time of marriage.

A marriage is further annulled if the priest or the cleric fail to observe all the details of the marriage service or any of the pre-requisite steps. Before a marriage is contracted it is the duty of the priest to find out whether there are any obstacles to the arranged marriage. The bans should be published in the couple's

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<sup>14</sup>Encyclopedia of Religion and Ethics, vol. vi, op. cit., p.434.

<sup>15</sup>Bashir, op. cit., p.189.

parish church for three consecutive feast days. Also information should be secured concerning their age, their families, their religion,\* whether married,\*\* unmarried or widowed, if the latter after having been married once or twice. All this information is entered into a book called the "Record", and not until it is completed and signed by the groom and the bride and two witnesses can the marriage ceremony be performed.

B. Divorce. Divorce, on the other hand, is different. It is the legal dissolution of the marriage bond. Marriage in theory is indissoluble except in cases of adultery but in practice complete divorce is allowed and on an increasing number of grounds. On the authority of Mt(5<sup>22</sup>\*\*\*) divorce is allowed in case of adultery with a right to the innocent party to remarry. In recent times, however, divorce has been allowed on other grounds.

The grounds for divorce have been subject to different and many classifications. The most widespread classification which was generally adopted by the canonists is the one which divides the grounds for divorce into three different groups according to their

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\* Wedlock is allowed only between Christians and at least one party must be Orthodox.

\*\* No Christian Orthodox is allowed to have more than one wife or one husband at one time (monogamous marriage). "Man shall cleave to his wife - not wives - and the twain shall be one flesh".

\*\*\* St. Mathew, The Holy Bible, (Collins' Clear Type Press, London), The Books of the New Testament, Ch. 5, 27, p.6.



origin and degree of acceptance or rejection by the canonic authorities.<sup>16</sup> The three groups are the following:-

1. Causes established by the Church in conformity with the canonic sources;

2. Causes established by the civil legislation and accepted by the Church; and

3. Causes established by civil legislation but rejected by the Church. The Orthodox Church has not indistinctively accepted all the legal causes for the dissolution of marriage established by the civil laws. It accepted only the cause acknowledged by the "Nomocanons" long attributed to Photius. The Nomocanon is declared obligatory for all the Orthodox Churches by the Synod held at Constantinople in the year 920. Any cause of divorce established by the state but not accepted by the Church has no legal power. It acquires a legal characteristic and may serve as a base for a legal divorce only after it is included in the canonic collection.

1. The canonic causes of divorce.

(i) Adultery: Adultery is defined as the violation of the conjugal sanctity. It includes all sexual relations that are prohibited by specific laws and taboos. Adultery dissolves completely the marital bond. From the standpoint of the Church it is a great sin which incurs severe punishment. According to St. Basil adultery deserves a penitence period of 15 years and of 18 years according to

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<sup>16</sup> Ionesco, op. cit., pp.23-91.

St. Gregory of Nysse. The Synod of Ankara and the sixteenth ecumenical council held in Trullo were however more indulgent, for they limited the punishment suffered as an expression of penitence to seven years. This penance has five degrees. During the first year the punished ought to stand at the church doors and fall on the feet of all those who enter the church and tearful ask them to pray for him.

In the second stage he is granted permission to stand in the church entrance to hear the readings from the holy scriptures. In the third stage the 'sinner' can participate in prayers. The two last periods last two years each and are marked by a gradual acceptance of the sinner as a converted person.

The circumstances which are related to, and in some cases, accompany adultery are considered as distinct causes of divorce. These circumstances are divided into faults which are imputable to the man and faults imputable to the wife. The latter are the following:-

a) If a woman takes part in a plot against her husband's life or if she knows of such a plot and does not disclose its details to the husband immediately.

b) If, contrary to the husband's wish, or against his will, she participates in festivities with other men or goes in their company to the public bath.

c) If against the husband's will she stays overnight outside the marital dwelling with people other than her parents and primary relatives unless she was driven out by the husband himself.

d) If the wife attends the horses' races or other public activities such as public festivities or hunting trips without her husband's knowledge and consent.

e) If she secretly maintains a close and intimate 'friendship' with a third male party. Such a relationship is considered as threatening to the married life and is apt to end a happy marriage.

The husband's imputable faults in connection with adultery are the following:-

a) If the husband takes part or knows of a plot threatening the life of his wife and does not immediately take measures to protect her.

b) If the husband "throws his wife in the arms of other men" thereby driving her to immoral behaviour and destroying her purity.

c) If the husband accuses his wife of adultery and fails to prove it or provide reliable witnesses or other evidence of her immorality.

d) If the man takes for himself a mistress and brings her to the common dwelling or lives with her in another house and refuses to change his conduct despite the repeated advices of his wife and her parents and close relatives.

(ii) Wilful abortion: If the wife wilfully destroys the fetus before it attains full development by the use of any agent that produces abortion or by going to an abortionist who produces induced abortions.

(iii) The difference in religion: If one of the parties experiences a spiritual and moral change attending a change of belief, with conviction, specifically if the experience involves a definite and decisive adoption of a new religion and the other party does not like it and asks for divorce he or she is granted it.

(iv) The elevation to the ecclesiastical dignity: This refers to the theory that in church government supreme authority resides in a body of bishops. So if it so happens that a married person be elevated in the government of the church hierarchy to the highest rank of bishop divorce is immediately granted. There is reason to believe that this happens in extremely rare instances but when it does it furnishes acceptable grounds for divorce.

(v) The joining of a monastic order: This refers to the instant where one of the parties wishes to join a monastic order being under religious or other vows. The person honestly preferring to live in seclusion from the world and to be devoted to religion is granted a divorce.

2. The causes of divorce established by the civil legislation and accepted by the Church:

(i) High treason: This refers to the conviction of a person for attempting by overt or covert acts to overthrow the government of the state to which the offender owes allegiance, or

(in monarchies) to kill or personally injure the sovereign or his family, or to adhere to their enemies or still to betray any trust or confidence pertaining to the state affairs or to disclose, in violation of confidence government secrets.

(ii) Prolonged absence which in some instances really amounts to permanent desertion whether the whereabouts of the deserter are known or unknown. A minimum period of three years if necessary in this case. This is to be distinguished from neglect or wilful lack of support. In the latter case the husband continues to live in the conjugal unit but refuses to support his wife and children, if there are any, and deliberately fails to provide for their sustenance, thus providing acceptable grounds for divorce.

In connection with the prolonged absence it is to be noted that this covers also cases where one of the parties has to serve a sentence of imprisonment for several years. In reference to the wife she is considered a deserter if she abandons her husband and goes back to live with her parents and refuses to return to the marital dwelling without having a good reason for leaving it in the first place.

(iii) Incapacity for sexual intercourse which lasts a minimum of three whole years and is not subject to treatment and cure.

3. The following, from the Church's point of view, do not constitute grounds for divorce, and were strongly rejected by the canonists:-

Halitosis, physical or mental cruelty, sterility, epilepsy, incompatibility, melancholia, venereal diseases, skin diseases, paralysis, or any other illness, of the wife or the husband.

To sum up: divorce is distinguished from annulment. A marriage is annulled on grounds of fraud duress, usually on the grounds of pressure having been exerted by the girl's family, consanguinity and where one of the parties is under the legal marriage age.

Absolute divorce on several specific grounds including adultery, prolonged absence, disparity of worship, neglect to provide and apostasy (or the abandonment of one for another Christian Church by one party without a consent of the other), and impotency, has been legal in orthodox practice. The Orthodox church does not permit judicial separations but only absolute divorces. Divorce is not granted on the mutual consent of the parties. By and large, in order to obtain a divorce under the present system, one party must prove injury of a type permitted by the law. In some cases when one spouse sues the other for divorce, it is possible for the defendant to initiate a counter charge to the effect that the plaintiff has also been guilty of an offense that constitutes a ground for divorce. As divorce is a legal action, every divorce must therefore present to the court a legal cause. It is to be noted therefore that the true causes behind a divorce and the grounds for divorce are not necessarily the same. For the grounds for divorce may be considered from two related points of view: They are the

reasons alleged by a person seeking divorce on the basis of which he asserts that he has been injured and claims that a divorce should be granted; grounds are also the categories of reasons for which the law permits divorce and the court grants it. Therefore, and on the basis of the reasons given above and from a strictly legal standpoint, the court case is sometimes a farce because false reasons may be given for the action and valid defense suppressed.

The legal procedure to secure a divorce consists of one spouse suing the other for divorce before the spiritual court.

The religious courts investigate into and pass sentences concerning validity and dissolution of the marriage, divorce, separation, and many other cases. There are two types of religious courts: the religious district court and the court of appeal. The religious district court is presided over by the bishop of the bishopric at the center of each of the bishoprics of the Antioch Patriarchate; he acts as a judge and passes his sentences on behalf of the Orthodox Church of Antioch. In the bishoprics of Beirut, Tripoli, and Mount Lebanon, the court is composed of the bishop of the bishopric as president and two clergy men as members.<sup>17</sup> Should it be impossible to form a quorum in court the patriarch completes the quorum by appointing any member of the clergy to replace the absent member. Sentences passed in the district courts are subject to appeal. The court of appeal is composed of a bishop as president and two counsellors appointed by the Holy Synod and an attendant counsellor. The court of appeal holds its sessions at the Patriarch's

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<sup>17</sup>Article 130 of the 1952 Constitution for the Greek Orthodox in Beirut.

Residence. Special sessions may be convened in Lebanon to look into sentences passed in Lebanese courts. Orders passed in the court of the appeal in the presence of the appellant are final.<sup>18</sup>

The case is submitted in the place where the defendant is permanently residing or where he is living provided he did not move there as a trick in order to escape from his natural judges. However, it is almost always the case that a suit is submitted in the court of the bishopric where the marriage has taken place.

Suits are filed as soon as they arrive and are given serial numbers. The plaintiff and defendant may appear in person or they may appoint a lawyer. Religious courts pass their sentences unanimously or by majority vote. Only contested cases are referred to Damascus where the Patriarch of Antioch resides. When divorce is granted the government is notified through the directorate of statistics and personal affairs which enters the new information into its records. The court does not usually see the case immediately. The court tends to prolong the time between the sessions in the hope that the parties, having time to reconsider their own decisions, might change their minds and perhaps unite again before the decree becomes final. Only when the court is convinced that the marriage is so disorganized that the parties cannot and will not live together, is absolute divorce granted.

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<sup>18</sup>Articles 132, 136 and 140 of the same Constitution.



## CHAPTER IV

### SOCIOLOGICAL SIGNIFICANCE OF DIVORCE

#### I. Definition of Divorce

Divorce is defined as the legal dissolution of the marriage bonds which gives announcement that husband and wife have been unable to compose their marital difficulties.<sup>1</sup> It is a process of "unmarrying people who have been married",<sup>2</sup> and is the legal serving of their marriage ties.<sup>3,4</sup>

#### II. Sociological Significance

Sociologically, divorce is significant as an evidence of the extent of marital unhappiness and family disruption and family disorganization.<sup>5</sup> However, a distinction between the divorce rate and the marital unhappiness rate must be kept in mind. For while

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<sup>1</sup>Burgess & Lock, The Family, (New York: American Book), 1953, p.575.

<sup>2</sup>Baber, Ray E., Marriage and the Family, (New York: McGraw-Hill Book Company), 1953, P.443.

<sup>3</sup>Bowman, Henry, Marriage for Moderns, (New York: McGraw-Hill Book Company), 1954, p.769.

<sup>4</sup>Nimkoff, M.F., The Family, (Chicago: Houghton Mifflin), 1934, p.435.

<sup>5</sup>Burgess & Lock, op. cit., p.575.

divorce rates give a fair picture of family disintegration, they do not present a very accurate picture of marriage failure and marital unhappiness. Many couples may refrain from divorce even when a marriage has failed, they will continue to live together for a number of considerations.<sup>6</sup> Divorce, when it occurs it indicates the failure of a given marriage, but absence of divorce does not indicate its success, for indeed a marriage may be broken functionally as well as structurally.<sup>7</sup> Still however, and despite the fact that marital infelicity and divorce are not identical, divorce remains the most practical index of family disintegration for research purposes,<sup>8</sup> for on the one hand it represents extreme disorganization, terminating the marital functions, and on the other it requires legal action and records are ordinarily kept, a fact which makes the figures on divorce relatively satisfactory.

Another thing which makes divorce sociologically significant is the fact that it reflects the status of women as well as the position of women in the particular area. Reviewing the history of matrimonial institutions, it is noted that the trend of development in marriage laws generally represents a gradual restriction of the licence of men and an increase in the responsibilities imposed upon husband and fathers with penalties attached for failure to conform.

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<sup>6</sup>(a) Bowman, op. cit., p.473.

(b) Nimkoff, M.F., Marriage and the Family, (Boston: Hughton), 1947, p.624.

(c) Duval, E., & Hill, R., When You Marry, (D.C. Heath & Company), 1953, p.278.

(d) Baber, op. cit., pp.443-444.

<sup>7</sup>Burgess & Lock, op. cit., p.575.

<sup>8</sup>Ibid.

Divorce codes and practices are an index to the position of women.<sup>9</sup> With woman's advance to a position somewhat resembling equality with man, divorce practices have changed and the grounds for divorce have statistically increased with little attention to the matter of protecting the helpless female. The rise in the number of women as plaintives must have some significance too.

One more point about the sociological significance of divorce is the fact that it is a "barometer of social conditions".<sup>10</sup> Economic and social changes are closely related to family stability. The economic status of women is a factor in the rate. Economic depressions and economic boom times also have an effect on the divorce rate.

### III. Prevalence and Extent of Divorce

Of all the forms of family disruption, divorce is the one which has been perhaps most extensively studied and which has caused much comment. The rapid rise of divorce is a phenomenon which was observed in quite a number of countries. Nimkoff for instance, reports that the proportion of marriages ending in divorce in the United States has greatly increased during the last half century.<sup>11</sup> The increasingly high divorce rate has also received

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<sup>9</sup>Becker & Hill, op. cit., p.538.

<sup>10</sup>Ibid., p.540.

<sup>11</sup>Nimkoff, Marriage and the Family, p.625.

comments from such authors as Lindquist,<sup>12</sup> Burgess & Lock,<sup>13</sup> Baber<sup>14</sup> and Waller.<sup>15</sup> Zimmerman also states that the divorce rates have risen everywhere including Italy and Northern Europe.<sup>16</sup> In 1920 divorce rates in Russia were the highest in the world.<sup>17</sup>

According to Lundberg, Shrag and Larsen, divorce is by no means a modern social invention in the regulation of family affairs. There has never been a time in which there have not been divorces. The Church has always been against divorce, but despite that it has always been possible to get out of ill favoured marriages by the use of such things as nullification and legal separations.<sup>18</sup> At different times and in different societies, preliterate as well as modern there are rules in which an unfortunate marriage may be formally dissolved. One study of divorce practices in 271 preliterate societies found that only 4 per cent of the tribes failed to permit divorce under any circumstances, while 24 per cent allowed it for specified reasons, and 72 per cent granted it on the basis of mutual

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<sup>12</sup>Lindquist, Ruth, The Family in the Present Social Order, (Chapel Hill), 1931, p.22.

<sup>13</sup>Burgess & Lock, op. cit., p.575.

<sup>14</sup>Baber, op. cit., p.444.

<sup>15</sup>Waller, Willard, The Family, A Dynamic Interpretation, (New York: Dryden Press), 1951, p.502.

<sup>16</sup>Zimmerman, Carle, The Family of Tomorrow, (New York: Harper & Brothers), 1948, p.2.

<sup>17</sup>Baker, Hill, op. cit., p.551.

<sup>18</sup>Zimmerman, op. cit., p.213.

consent of the marital partners.<sup>19</sup>

Historically, different divorce systems have prevailed at various times. There have been three positions with respect to control over divorce. At one time and in some places the power has been vested in the economic head of the family. Whoever was the dominant member of the family male or female, had power of divorce over the other spouse.

Among the ancient Greeks, the Hebrews and early Romans divorce was neither a civil or a religious concern. The Hebrew man who wanted to divorce his wife had only to hand her a written statement reading "Be thou divorced from me". Among the Greeks the husband needed to declare the marriage null and void in the presence of witnesses and the Roman Patriarch pronounced the words of divorce before a council whose members were the male relatives of both houses.<sup>20</sup>

Control over divorce later became vested in the Church. After marriage has been lifted to the class of sacraments in (1161) no divorce has been permitted except in case of adultery. Third and last control over divorce has been reserved to the state in countries where civil marriages are common.<sup>21</sup>

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<sup>19</sup>Hobhouse, L.H., Wheeler, G.C., and Ginsberg, M., The Material Culture of Social Institutions of the Simpler Peoples, Chapman & Hall, 1930, Ch. 3.

<sup>20</sup>Nimkoff, Marriage and the Family, p.651.

<sup>21</sup>Ibid.

#### IV. Divorce and Human Values

Dissolving a marriage is costly to both partners and children, it is also disrupting from the standpoint of societal organization.<sup>22</sup> Society, therefore, has a definite stake in the stability of marriages it sanctions. Llewellyn identifies four social values to be gained by barriers too easy divorces:-

1. To thrust couples after wedding toward building wedlock;
2. To reinforce the values of monopoly allotment and to provide married men and women with a sense of security with their partners;
3. To afford protection to earned and vested rights between husband and wife; and finally
4. To increase the chance of procreation within a geremium stable enough to place and raise the progeny.

Mac Iver also sees that society has a stake in marriage permanence because of the reproductive function. He, however, sees danger in the notion that the state should coerce partners to remain married for their own good. He says that enforcement in matters where personality is intimately concerned is often a means of destroying the good it would enforce. MacIver concludes that the protection of child love, and the safeguarding of its future citizens affords the only clear ground on which the state - or any other organized body for that matter - can legitimately and reasonably

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<sup>22</sup> Waller & Hill, The Family, p.531.

claim to regulate marriage beyond all other contracts.<sup>23</sup> There is merit in establishing and maintaining some systems of rights and obligations yet it is impossible and undesirable to hold people together in all cases.<sup>24</sup> Such a scheme would admit opportunity for much injustice. Students of divorce such as Lichtenberger and Cohen feel that the dissolution of an unsatisfactory marriage is proper and desirable.<sup>25</sup>

However, since there are regulations concerning the relations between the sexes provisions for release from the responsibilities and obligations incurred by marriage are also found. Durkheim states that divorce is never granted except out of respect for a pre-existing state of customs. If the public consciousness had not gradually decided that the indissolubility of the conjugal bond is unreasonable no legislator would ever have thought of making it possible to break up.<sup>26</sup>

#### V. Causes of Divorce

The search for the causes of divorce has been a common quest especially that the divorce rates are increasing. The conclusions vary from simple moralistic theories to other complex sociological

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<sup>23</sup> Robert M. MacIver, Society, A text book in sociology, Reinhart, 1937, pp.230-231.

<sup>24</sup> Waller & Hill, op. cit., pp.531-532.

<sup>25</sup> Nimkoff, op. cit., pp.456-457.

<sup>26</sup> Durkheim, Emile, Suicide, (London: Routledge & Kegan), 1952, p.273.

and psychiatric ones:

A. The moralistic theory:- Moralistic theory revolves around the point that divorce takes place when one of the mates commits adultery - the unpardonable sin -.<sup>27</sup> The theory implies that divorce is a release given to an innocent party who was harmed by a unilateral action in the marriage relation.<sup>28</sup> It put a divorce case in line with criminal action where one partner is fundamentally guilty and another usually fundamentally innocent.

B. Economic factors and divorce:- Quite a number of studies have established the close relationship between low income and high divorce rates.<sup>29</sup> It is reported that divorces are disproportionately found in areas of high mobility, dense population, low home ownership, high delinquency and high proportion on relief which are also areas of low income.<sup>30</sup>

Similarly divorce varies by occupational groupings. According to a sample survey of the census bureau in 1949 proneness to divorce increases from an index of 67.7 for professional and semi-professional groups to 180.3 for nonfarm labourers and 254.7 for service workers. The same pattern was found true of a random sample of divorced couples

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<sup>27</sup> Waller & Hill, op. cit., p.506.

<sup>28</sup> Zimmerman, op. cit., p.45.

<sup>29</sup> Millis & Hill, op. cit., p.280.

<sup>30</sup> \_\_\_\_\_, William Goode, Economic Factors and Marital Stability, American Sociological Review No.6, vol.16, Dec. 1951, pp.803-812.



in Detroit by Goode. The marital hazards entailed by specific occupations are also to be singled out. Actors and travelling men have very high divorce rates; physicians, barbers, cigar operatives and bartenders rank along with actors and commercial travellers in the highest quartile group. Professors and lawyers with bankers and merchants are in the second quartile. Clergymen, farmers and mechanics are among the best matrimonial risks.<sup>31</sup>

C. Social change:- Related to the economic as a theory of divorce causation is the explanation provided by social change.<sup>32,33</sup> It is stated that the increase in divorce is a symptom of wide social changes in the family which in turn derive from certain broader changes in society. The strains to which the larger social order has been subjected are registered on the family which is the smallest social unit. The shifting of population from the influences of stable controlled rural life to the anonymity of the city accounts in part for family instability. One expression of social change has been the improved opportunities for women both in education and employment. Another is the taking over of specialized agencies some of the functions and things that were ordinarily done at home. The family was once the center of economic processes and religious processes and political processes. All this is very different today. The breakdown of neighbourhood controls, the declining size of the family,

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<sup>31</sup>Becker, Hill, op. cit., p.541.

<sup>32</sup>Waller & Hill, op. cit., p.506.

<sup>33</sup>Millis & Duval, op. cit., p.280.

the decline in the number of hours spent together and the increasing mobility of people have operated to make individual families more susceptible to disorganization. One way to test the theory that divorce is a function of social change is to observe the divorce rates during periods where social change reaches a maximum such as during wars and revolutions.

Such changes, however, operate on most marriages. The social change theory explains why there are more divorces than there used to be and why marriages in general are broken. It does not provide explanations why specific marriages are broken. Indeed it is not the purpose of this paper to answer the question why does this or that marriage end in divorce. But for clarity's sake a brief mention of some of the analytic interpretations will be presented.

D. A side of the explanation is to be found in studies of incompatible personalities. Divorce, says Zimmerman, in "The Family of Tomorrow", is partly symptomatic of the neurotic personality which is incapable of continuing family relations.<sup>34</sup> Bertillon, in the "Annales de Demographie Internationale" (Sept. 1882) presents a similar view. He published a study of divorce<sup>35</sup> in which he proved the proposition that the number of suicides in a country

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<sup>34</sup>Zimmerman, op. cit., p.3.

<sup>35</sup>Durkheim, op. cit., pp.262-269.

varies with that of divorces and separations. The explanation he presented is that both suicides and divorces depend on the same factor: the greater or less frequency of people with unstable equilibrium. There are actually, he says, more divorces in a country the more incompatible married couples it contains. The latter are recruited especially from among people of irregular lives, persons of poor character and intelligence whom this temperament predisposes to suicide. Folsom further believes that personality traits which lead toward divorce lead toward insanity and also crime.<sup>36</sup>

Durkheim however thinks that this explanation is unsatisfactory. One instead should seek the answer in studying the intrinsic nature of divorce. According to him the cause of the phenomenon is found in the state of marriage and not in the constitution of the family. Divorce implies a weakening of matrimonial regulation. Where it exists and especially where law and custom permit its excessive practice "marriage is nothing but a weakened simulacrum of itself, it is an inferior form of marriage."<sup>37</sup> Divorce produces a state of conjugal anomie which is a structure *Sui generis* in itself caused by a weakening of matrimonial regulation.

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<sup>36</sup>Folsom, Joseph Kirk, The Family, Its Sociology and Social Psychiatry, (New York: Wiley), 1934, p.380.

<sup>37</sup>Durkheim, op. cit., p.271.

E. Childlessness and divorce:- It has been observed that divorces fall disproportionately in the first years of marriage which are more likely also to be the childless years. The presence of children, it seems, is not necessarily a deterrent to divorce and childlessness is probably not **causally** but concomitantly related to divorce.<sup>38</sup> It is widely believed that the presence of children in a family acts as a deterrent to divorce. However, it is noted that the differential in the divorce rate between childless couples and those with children is not uniform through out married life. Rather divorce is more frequent among those without children in the early years of marriage and the differential diminishes rapidly thereafter.<sup>39</sup>

#### VI. Attitudes Toward Divorce

The attitudes of 130 groups of people toward divorce deserve special consideration. These are the ecclesiastical, the sociological and the public groups. In the first are the clergy and their followers. In the second will be found individuals who have given some study to the evolution of social ideas and have in consequence a scientific point of view in judging a social problem. In the third are to be found all others who neither represent the sociological nor the ecclesiastical groups.

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<sup>38</sup> Jackobson, Paul, "Differentials In Divorce By Duration of Marriage and Size of Family", American Sociological Review, April 1950, p.241.

<sup>39</sup> Ibid., p.243.

According to the ecclesiastical point of view divorce is an evil threatening the very foundations of the home and undermining the very substructure of society.<sup>40</sup> The general idea among this group is that divorce deals a blow to the sanctity of the marriage relation and destroys the purity of the home. Divorce according to them breaks a sacrament and therefore weakens the fight for decency.

From the standpoint of the sociological groups the conditions mentioned above precede instead of follow divorce. Divorce in other words is not a disease but a symptom, not a cause but an effect.<sup>41</sup> In the view of these people divorce can be best understood and evaluated in the light of the economic, religious, and ethical changes that have caused it.

From the standpoint of the general public, no one attitude prevails. A trend, however, has been observed. At first society held quite rigidly to the idea that divorce was a serious rupture of the social system and tried to limit these ruptures to cases in which one party was fundamentally guilty of violating family mores and another fundamentally innocent. In recent years this attitude toward divorce has changed radically coming as James Barnette recorded to be regarded as "an expected event..."<sup>42</sup> in many cases.

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<sup>40</sup>Goodsell, W., Problems of the Family, (New York: D. Appleton Century Co.), 1930, p.379.

<sup>41</sup>Ibid., p.280.

<sup>42</sup>Zimmerman, The Family of Tomorrow, p.198.

Barnette made a careful study in the trend in American divorce novels for the century preceding 1935.<sup>43</sup> In his work he noted a gradual increase in acceptance of divorce among the literate classes. The divorce was no longer regarded as a stained person.

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<sup>43</sup>Zimmerman, op. cit., p.46.

## CHAPTER V

### METHODOLOGY

This study restricted to the Greek Orthodox in Beirut was carried out in the city of Beirut. The data was obtained from the spiritual Court for the Greek Orthodox in Beirut and it consisted of divorce decrees officially documented and issued during three different periods in time: from 1933 to 1937, from 1943 to 1947 and from 1953 to 1957.

#### I. Collection of the Data

Copying the decrees was the only tool for collecting data. This, as might be expected, has required strenuous effort and much time.

The universe consists of the divorce decrees issued during the first, the second and the third time periods. The numbers of decrees in the three different time periods were in general small and in order to get a more inclusive and complete picture, the whole universe in each time period was taken.

The universe of the first five-year period consisted of 64 divorce decrees, that of the second period of 128 decrees and that of the third 121 decrees.

## II. Tabulation and Summarizing Process

Classification of the data in the divorce decree was by simple coding. The various classifications of the variables used had to be determined by careful reading of the content of the decree. Five of the characteristics used in the study were recorded in each decree but were not pre-classified. The sixth variable characteristic which is the duration of marriage was not always to be found explicitly included in the content of the decree. It had to be determined. In doing so knowledge of the children's age and of the type of the complaint had to be used. For this reason, and to avoid falling in error the interval selected was large enough. The only two categories used to classify the divorce decrees by duration of marriage were: 1) below ten years, and 2) ten years and over ten years. Almost all the decrees had to be thoroughly read beforehand in order to determine the items to be included in the code sheet. Then a preliminary code sheet was designed and submitted to a pretest. The pretest was conducted to ascertain whether the seven categories selected adequately exhaust the content of the divorce decree. Summary sheets were then prepared to handle the data.

The data included in this study is mainly qualitative and it was grouped according to the specified items of the divorce decree.

## III. Design for Description and Interpretation

This research sought information relevant to changing divorce



practices. The factors described are: who the plaintiff is, the grounds for divorce, presence or absence of children, duration of marriage and the verdict.

The analysis consists of comparison of the same variables for the three periods in time. Its purpose is to determine changes in the divorce patterns on the basis of information in the divorce decrees. Comparing the variables required the computations of ratios and percentage distributions. Comparison between the three distributions is presented in tabular form.

The method used for computing the divorce rate consisted of finding the ratio of divorces to marriages in a given year. This measure can be expressed in two ways: the number of divorces granted in a year per 100 marriages contracted in the same year or the number of marriages to one divorce in the same year. Both are the same ratio but expressed on a different base. The weakness of this divorce rate is that the divorces granted in a given year have little relation to the marriages begun in that same year, they include only a few who are married in that same year, most being those who have been married from one to perhaps thirty or more years. Furthermore, in times of economic depressions the marriage rate tends to fall considerably more than the divorce rate which increases the error in this method during such times. A more accurate ratio, such as the ratio of divorce to moving average of marriages, would have been of decided advantage in connection with the present study. Only this has one drawback. Neither the

Bureau of the Census nor (and the latest general census that was taken in Lebanon was in 1932) nor the Spiritual Court itself has detailed and complete figures on the number of marriages for each single year.

The statistical techniques used were: 1) rates, ratios and percentages. The percentages in the three time periods are compared so as to assess the degree and direction of change from 1933 to 1957, using the first time period as the point of origin. 2) The chi-square ( $\chi^2$ ), in order to determine whether the differences from one time period to another were significant and whether the relationships were too great to attribute to chance. The formula used to compute the chi-square was the following:-

$$\frac{(E - O)^2}{E} .$$

## CHAPTER VI

### PATTERNS OF CHANGE

#### I. Divorce Frequency Among the Greek Orthodox in Beirut

The extent of divorce among the Greek Orthodox in Beirut may be judged from the following table, which gives the number of divorces in relation to the number of marriages contracted in each year. The table does not show what segment of the Greek Orthodox population has, at one time or another, been involved in the divorce process. This would have been possible to show had there been statistics as to the number of the Greek Orthodox in Beirut. For this reason, the number of divorces is given in relation to the number of marriages concluded in each year.

TABLE I

NUMBER OF DIVORCES IN RELATION TO NUMBER OF  
MARRIAGES PERFORMED IN THE YEARS  
1933-1937, 1943-1947 & 1953-1957

Year	No. of Marriages	No. of Divorces	The No. of divorces granted in a year per 100 marriages in the same year	The No. of marriages to one divorce	
1933	176	10	5.67	17.60	18
1934	130	10	7.69	13.00	13
1935	128	16	12.50	8.00	8
1936	126	11	8.73	11.45	11
1937	148	17	11.40	8.70	9
Total	708	64	9.04	11.06	11
1943	193	24	13.46	8.04	8
1944	204	28	13.72	7.14	7
1945	197	27	13.70	7.29	7
1946	294	25	8.50	11.76	12
1947	189	24	12.69	7.87	8
Total	1077	128	11.80	8.41	8
1953	257	26	10.11	9.88	10
1954	261	21	8.04	12.43	12
1955	289	22	7.61	13.13	13
1956	303	25	8.25	12.12	12
1957	342	27	8.48	12.66	13
Total	1452	121	8.23	12.00	12

The above table shows that the movement of the divorce rate has not been even. There are years in which the number of divorces granted are fewer than in the year preceding. Comparison of the ratio between the divorces and the marriages of each time period shows that there has been an expansion of the divorce rate in the second period of 3% and a decline in the third period of about the same magnitude.

Further study of the figures for every single year in the five-year periods under consideration reveals a continuous increase in the number of divorces as well as a corresponding increase in the number of marriages performed.

In the first five-year period there was an average of 11.06 marriages to every divorce against averages of 8.41 and 12 marriages to every divorce in the second and third time periods respectively. It is found that while the first and third time periods had almost the same rates of divorce the second five-year period from 1943-1947 had the highest divorce rate. This is not altogether surprising for the second five-year period from 1943-1947 was a war period characterised by relatively higher heterogeneity and by a decline in various social controls.

## II. Marriage Annulment

At this point it is to be noted that while the actual rate of divorce has not continued to rise on through the third time period the meaning value of divorce has continued to undergo change. Prior

to the third time period many people sought annulment on grounds for divorce and were granted it. The practice of annulment which evades many of the embarrassing and difficult processes of divorce, is on the decrease.

The following table shows the extent to which annulment suits were brought by people on actual grounds for divorce in the three time periods under consideration.

TABLE II

NUMBER OF ANNULMENTS GRANTED ON GROUNDS  
FOR DIVORCE IN THE PERIODS  
1933-37, 1943-47 & 1953-57

	1933-1937		1943-1947		1953-1957	
	No.	%	No.	%	No.	%
Total cases	64	100	128	100	121	100
Divorce	32	50	80	62.50	89	73.55
Annulment	32	50	48	37.50	32	26.45

In theory annulment should happen primarily among youngsters under legal marriage age, and the common grounds for requesting it are fraud, duress or blood or spiritual<sup>1</sup> relation between the spouses. Before now a considerable number of annulment suits were brought by people who have been married for a number of years and who are

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<sup>1</sup>A relation arising from standing sponsor in baptism.

even the parents of children. Table II shows that this is still practised but much less than it used to be.

It is only natural that the more society disapproves of or frowns upon divorce, the more a person would want to evade the process of divorce. The decline in the number of annulment suits on grounds for divorce is accounted for in terms of the changing social situation. People have perhaps felt that the public opinion is now more friendly towards divorced persons. Attitudes towards marriage and divorce are in the mores; therefore, differences in the mores affect not only legislation but determine the attitudes of people toward divorce.

### III. Recipients of Divorces

Further study of the figures on divorce for the three periods in time as to who the plaintiff is reveals some interesting facts. Figures are presented in the following table:-

TABLE III

DIVORCES CLASSIFIED ACCORDING TO THE PARTY  
TO WHOM GRANTED FOR THE YEARS  
1933-37, 1943-47 & 1953-57

	1933-37		1943-47		1953-57	
	No.	%	No.	%	No.	%
Total divorce	64	100	128	100	121	100
Granted to Husband	31	48	55	43	43	35
Granted to Wife	30	47	68	53	78	65
Granted to Both	3	5	5	4	-	-

The above table shows that the percentage of divorces granted to the husband were 48 and to the wife 47. Ten years later the proportion of decrees in favour of the wife increased. The percentage of divorce granted to husband and wife were respectively 43 and 53. In the third five-year period two thirds of the divorce decrees for the Orthodox in Beirut have been granted to women. The percentage of divorce granted to husband and wife were 35 and 65 respectively. While the difference between the three time periods as to who the plaintiff is is not so significant, yet the small but steady increase in the proportion of divorce actions brought in by the wife suggests a trend toward unwillingness on the part of wives to submit to conditions in the marital relations which once they tolerated and a growing tendency to take action when maladjustment occurs. Wives have secured a majority of all the divorces granted in the second time period and the size of this majority has mounted on through the third time period. Some of the possible reasons for this tendency is that in this country as elsewhere perhaps, men enjoy greater freedom and therefore are more liable to commit mistakes which may furnish grounds for divorce. Furthermore, the law allows wives more legal grounds for divorce than it does husbands. Such a cause as neglect or wilful nonsupport can't be utilized by a husband. A charge, as cruelty is more applicable against males than against females, likewise with desertion, for men are known to be far greater offenders than are women as following tables clearly show.



But this has always been the case. Other factors therefore are probably more important reasons. Women in general tend to be more constrained by the mores in engaging in behavior which furnishes legal grounds for divorce. The fact that women were not the plaintiffs in the majority of cases during the earlier period does not mean that they were less constrained by the mores. On the contrary, there is reason to believe that they were even more so for they would not initiate divorce proceedings and would rather suffer and be spared the public disgrace that is entailed by a divorce suit. But the change in the meaning value of divorce coupled with a relative liberalization have given women in general a better chance to show their dissatisfaction with marriage.

#### IV. Grounds for Divorce

Further study of the figures of the total number of divorces among the Greek Orthodox in Beirut with respect to the causes for which they were granted and the percentage of decrees granted to husband and to wife for each cause reveals some very significant differences between the three time periods under consideration. The following table supplies the figures for the three time periods:-

TABLE IV

NUMBER OF TOTAL DIVORCES WITH RESPECT TO THE  
 CAUSES FOR WHICH THEY WERE GRANTED  
 FOR THE PERIODS IN TIME FROM  
 1933-37, 1943-47 & 1953-57

Cause	1933-1937		1943-1947		1953-1957	
	No.	%	No.	%	No.	%
All causes	64	100	128	100	121	100
Adultery	22	34	44	34	21	17
Desertion	11	17	20	16	11	9
Impotence	1	2	4	3	8	7
Neglect	5	8	28	22	22	18
Incompatibility	7	10	12	9	35	29
Cruelty	17	27	19	15	22	18
Insanity	1	2	1	1	2	2

A critical study of the above table shows that the outstanding causes of divorce for the first period, listed in order, have been adultery, cruelty and desertion. It is to be pointed out at this stage that cruelty, which ranked second among the different causes does not constitute a legal ground for divorce. Nevertheless, divorces have been granted on charges of cruelty a term covering

many forms of physical and mental suffering inflicted by one mate upon the other. Furthermore, incompatibility, a cause which also is not recognized as valid, ranks fourth among the important causes brought forward before the divorce court. The other single ground with an appreciable proportion of the total (8%) has been neglect or wilful insupport. Other miscellaneous grounds constituting together 4% of the total included impotency and insanity.

During the second time period the majority of divorces granted involved the grounds of adultery, neglect, desertion, cruelty and incompatibility listed in descending order of frequency.

In the third time period incompatibility was the grounds in 29% of the divorces. Neglect and cruelty shared the second rank among the most popular grounds for divorce with 18% for each of the total decrees granted. Adultery, once in the lead, accounted for only 17% of the total, desertion for 9%, impotency for 7% and insanity for 2%.

A sidelight comes through a study of the changing frequencies of the various grounds for divorce. The four grounds which accounted for the great bulk of divorces during the first period were adultery, cruelty, desertion and incompatibility. In the second period they were adultery, neglect, desertion, cruelty and incompatibility. While the proportion of divorces charging adultery has remained constant in the second period and with quite a wide lead over other causes, cruelty has proportionately decreased and neglect increased. Further changes in the frequency of grounds for divorce are still

to be found in the third time period. The proportion of divorces charging adultery has dropped to one half of its former level, cruelty regained its second rank while neglect remained constant and desertion proportionately decreased. Much more interesting still is the fact that incompatibility became the most popular ground for divorce. The table below shows more clearly the shifting in rank of the grounds from one period to another.

TABLE V

THE CHANGING FREQUENCY OF USE OF THE GROUNDS  
FOR DIVORCE IN THE PERIODS FROM  
1933-1937, 1943-1947 & 1953-1957

Time	Adultery		Cruelty		Desertion		Incompatibility		Neglect	
	%	Rank	%	Rank	%	Rank	%	Rank	%	Rank
1933-1937	34	1	27	2	17	3	10	4	8	5
1943-1947	34	1	15	4	16	3	9	5	22	2
1953-1957	17	4	18	2	9	5	29	1	18	2

The fluctuations in the frequencies and rank of the different grounds for divorce are to be accounted for in terms of the changes in the meaning value of divorce. The attitude of the people must have so changed to render divorce for incompatibility justifiable

where as before it was not regarded as such. The fact that the alleged cause might be chosen according to convenience rather than according to facts strengthens the above presented argument. Incompatibility has thus been allowed to fit itself among the categories of reasons on which divorce is allowable. It has become an unwritten law. Incompatibility as grounds for divorce emphasizes personality differences.

V. The Differences Between the Sexes as to the Most Popular Grounds for Divorce

Significant differences between man and woman as to the most popular alleged causes of divorce during each time period and other differences between the same sex in different time periods are revealed in table VI.

TABLE VI

THE TOTAL NUMBER OF DIVORCES WITH RESPECT TO THE CAUSES  
FOR WHICH THEY WERE GRANTED AND THE PERCENTAGE OF DECREES  
GRANTED TO THE HUSBAND AND TO THE WIFE IN EACH CASE FOR THE

YEARS 1933-1937, 1943-1947 & 1953-1957

C A U S E	1933-1937						1943-1947						1953-1957							
	Total Divorce		Granted to Husband		Granted to Wife		Total Divorce		Granted to Husband		Granted to Wife		Total Divorce		Granted to Husband		Granted to Wife			
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%		
All Causes	64	100	31	100	30	100	3	100	128	100	68	100	5	100	43	100	78	100	-	-
Adultery	22	34	22	71	-	-	-	-	44	34	38	69	6	8	15	35	6	8	-	-
Desertion	11	17	2	6	9	30	-	-	20	16	10	18	-	-	6	14	5	6	-	-
Impotency	1	2	-	-	1	3	-	-	4	3	-	-	1	20	-	-	8	10	-	-
Neglect	5	8	-	-	5	17	-	-	28	22	-	-	-	-	-	-	22	28	-	-
Incompatibility	7	10	4	13	-	-	3	100	12	9	4	7	4	80	15	35	20	26	-	-
Cruelty	17	27	3	10	14	47	-	-	19	15	2	4	17	25	6	14	16	21	-	-
Insanity	1	2	-	-	1	3	-	-	1	1	1	2	-	-	1	2	1	1	-	-

During the first time period adultery was the charge most frequently pressed by men and accounted for 71% of the divorces granted to husbands, while cruelty was the charge most frequently pressed by women and accounted for 47% of the total divorces granted to the wives. Adultery and incompatibility were practically non-existent as grounds where women were the plaintiffs. In the second time period, adultery remained the most popular alleged ground among men and maintained the lead with desertion coming next in order of frequency, incompatibility third and cruelty fourth. In the case of women cruelty, once in the lead, ranked second with 25% of the decrees. Neglect once fourth in rank, became the most prominent with 42% of the decrees granted to wives. The third important ground was desertion. Another noteworthy charge where women were concerned is that adultery and incompatibility appeared among the charges pressed by women with 8% and 6% respectively of the total decrees granted. During the third time period 28% of the divorces granted to wives involved the ground of neglect, 26% involved the ground of incompatibility and 21% that of cruelty. Adultery as the most popular ground among men maintained the first place but along with incompatibility. Proportionately however, adultery has dropped to approximately 1/2 of its former level: (from 71% to 35%).

The fact that adultery has been and is still the charge most pressed by men suggests that while the man is usually willing to do "the conventionally chivalrous<sup>2</sup> thing and let his wife press

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<sup>2</sup>Becker & Hill, op. cit., p.547.

the suit he will not be willing to do so in cases where the wife's conduct has been of a scandalous type i.e. adulterous, the gravest of all breaches of marital vows.

It is to be emphasized at this point that the tables do not necessarily really tell what they purport to tell but show which causes for divorce are becoming increasingly convenient for use in the court and justifiable from the point of view of the general public. The data disclose causes for which divorces were granted but these are not necessarily the actual causes which induced the divorce action. Everything has undergone change: religious interpretations, the conditions of social life and the economic order, but above them all the meaning value of things. The changes that have taken place have had an effect in changing the public attitude toward divorce. Formerly it was strongly held that marriage is an institution ordained by God and can only be dissolved for the scriptural cause of adultery. Divorce then threatened the integrity of the marriage institution. Today the public opinion holds that this code must be altered to correspond to the humanitarian feelings which revolve around human welfare and happiness. This growing tendency in the public opinion along with other changes in the economic and social order have accelerated the trend from causal toward non-causal divorce. Once unhappy wives had to put up with intolerable wrongs and to accept marriage as their only vocation. Now under transformed conditions, they bring actions to break marriage bonds and for incompatibility too. The



divorcee is not necessarily a stained person any more, but a human being with a right to the fullest development of which he or she is capable. This basic change in the meaning value of divorce has had the most important effect in making it possible for the wife to secure divorce for wrongs to herself. This is evidenced by the fact that during the third time period wives have secured about two-thirds of the divorce decrees on grounds other than adultery which is the scriptural cause for divorce.

#### VI. The Idea of Punishment

During the first time period considerable number of the decrees contained sentences declaring one of the parties (the defendant almost invariably) guilty and the other innocent. In the second time period the number of the decrees containing such sentences dropped by a significant amount. 8% of the decrees secured by husbands on the ground of adultery declared the wife guilty, while just in one single case (0.8%) brought forward by the wife was the husband declared guilty and deprived of the right of remarrying. During the third time period such declarations were practically non-existent and instead there appeared other sentences to the effect that while divorce is granted it is to allow each of the parties a chance to rebuild his or her own life in a way to make them both happy and content. The following table shows the extent to which the idea of punishment had prevailed:-

TABLE VII

DIVORCES CLASSIFIED ACCORDING TO VERDICT  
FOR THE YEARS 1933-1937, 1943-1947 & 1953-1957

	1933-1937		1943-1947		1953-1957	
	No.	%	No.	%	No.	%
A Guilty Party	23	36	25	24	0	0
Nothing to this Effect	41	64	103	76	121	100
T o t a l	64	100	128	100	121	100

The above table suggests that formerly, the idea of punishment still prevailed. A divorce case was like any other crime case where one is fundamentally guilty and another innocent. The figures for the third time period indicate that divorce is now viewed as a social rather than as a legal matter. The dissolution of an unsatisfactory marriage is regarded proper and even desirable.

#### VII. Divorce and the Presence or Absence of Children

The classification of divorces according to whether or not children were reported as affected by the decree yields some significant results. Below is a table showing the classification of decrees according to the presence or absence of children in the three periods of time:-

TABLE VIII

CLASSIFICATION OF DIVORCES ACCORDING TO  
 WHETHER OR NOT CHILDREN WERE REPORTED FOR THE YEARS  
 1933-1937, 1943-1947 & 1953-1957

	1933-1937		1943-1947		1953-1957	
	No.	%	No.	%	No.	%
Children Not Reported	50	78	80	62.5	77	64
Children Reported	14	22	48	37.5	44	36
Total	64	100	128	100	121	100

From 1933 to 1937, 22% of the parties seeking divorce reported the existence of children and 78% reported no children. A comparison of these percentages with the corresponding percentages for the five-year period from 1943-1947 shows that the percentage reporting children has risen and the percentage reporting no children has fallen to 62.5%. For the third time period the percentage of the divorces granted to childless couples was 64 and 36 to couples with children.

In view of the belief that the existence of children tends to make marriage more permanent, it is a striking fact that the percentage of decrees granted to people with children has been increasing. Probably children once acted as deterrents to divorce but not to the same extent today and anyway not in so powerful a degree as might be supposed.

Significant differences are further found between the three periods in time with respect to the grounds on which divorce was granted to couples with and without children. Table IX shows the grounds on the basis of which couples who reported children and those who did not have filed divorce suits.

TABLE IX

DIVORCE AND THE PRESENCE OR ABSENCE OF CHILDREN WITH RESPECT TO THE CAUSES FOR WHICH DIVORCE WAS GRANTED FOR THE PERIODS

1933-1937, 1943-1947 & from 1953-1957

C A U S E	1933-1937				1943-1947				1953-1957			
	Total Divorce	Granted to Childless Couples	Granted to Couples with Children	Total Divorce	Granted to Childless Couples	Granted to Couples with Children	Total Divorce	Granted to Childless Couples	Granted to Couples with Children	Total Divorce	Granted to Childless Couples	Granted to Couples with Children
	No. %	No. %	No. %	No. %	No. %	No. %	No. %	No. %	No. %	No. %	No. %	No. %
All Causes	64 100	50 100	14 100	128 100	80 100	48 100	121 100	77 100	44 100	21 17	13 16.5	8 18
Adultery	22 34	15 30	7 50	44 34	30 37.5	14 29	21 17	13 16.5	8 18	11 9	5 6.5	6 14
Desertion	11 17	8 16	3 21	20 16	14 17.5	6 13	11 9	5 6.5	6 14	8 7	8 10	- -
Impotency	1 2	1 2	- -	4 3	4 5	- -	22 18	14 18	8 18	22 18	14 18	8 18
Neglect	5 8	5 10	- -	28 22	17 21	11 23	35 29	24 31	11 25	22 18	12 17	10 23
Incompatibility	7 10	7 14	- -	12 9	7 9	5 10	22 18	24 31	11 25	22 18	12 17	10 23
Cruelty	17 27	13 26	4 29	19 15	8 10	11 23	2 2	1 1	1 2	2 2	1 1	1 2
Insanity	1 2	1 2	- -	1 1	- -	1 2	2 2	1 1	1 2	2 2	1 1	1 2

Adultery, desertion and cruelty were the only grounds upon which couples who had children sought divorce in the first time period. Adultery accounted for 50% of the total. The table also shows that ten years later the grounds upon which couples had sought divorce became more numerous. The proportion of divorces charging adultery has decreased while the proportions of suits on the basis of neglect and incompatibility have increased. During the third time period further differences are yet observed. Incompatibility gained popularity as grounds for divorce among couples reporting children while adultery lost in popularity. Incompatibility accounted for 25% of the total number of decrees granted to couples with children and was the leading cause. The reason (among others perhaps) for this tendency is that the persons seeking divorce in the third time period felt that their wanting a divorce in spite of the presence of children could be justified on the belief that parents had as much right to happiness and well being as children and that putting an end to an unsuccessful marriage was far better for the children than raising them in a house in which disagreements and conflict are the main features.

Formerly, people did not feel the same. Divorce cases which involved children had to be based on really serious grounds in order to be justified. The charge had to be the unpardonable sin and it was, in 50% of the cases.

The difference between men and women plaintiffs in cases where the children were reported is revealed in Table X. The table

shows that during the first period children were reported in 23% of the cases where the divorce was granted to the wife and again in 23% of the cases where the husband received the decree. In the second time period the proportions of both women and men plaintiffs with children have risen but more in the case of the former. Women and men plaintiffs received 43% and 34.5% respectively of the total cases. During the third time period the proportion of divorce granted to men with children has continued to rise while that of the divorce granted to women with children has dropped but not to its former level. Theoretically the father is expected to be more reluctant than the mother to bring an action for divorce because this might cost him the society of his children for only in those instances where the mother is indeed and hopelessly an unfit guardian does the court assign minors to the husband. In spite of this children were reported more frequently in cases where the divorce was granted to the husband than in cases where the wife received the decree during the third time period.

TABLE X

DIVORCES CLASSIFIED ACCORDING TO THE PRESENCE  
OR ABSENCE OF CHILDREN AND PARTY TO WHOM  
GRANTED FOR THE PERIODS  
1933-1937, 1943-1947 & 1953-1957

		1933-1937		1943-1947		1953-1957	
		No.	%	No.	%	No.	%
Women Plaintiffs	Total Cases	30	100	68	100	78	100
	With Children	7	23	29	43	24	31
	Without Children	23	77	39	57	54	69
Men Plaintiffs	Total Cases	31	100	55	100	43	100
	With Children	7	23	19	34.5	20	46
	Without Children	24	77	36	65.5	23	54



Further differences between the sexes with regard to divorce and the presence or absence of children are presented in Table XI, in which is given the number of divorces granted to men and to women classified according to whether or not children were reported with respect to the causes for which they have been granted.

TABLE XI

DIVORCES CLASSIFIED ACCORDING TO CAUSE, PARTY TO WHOM GRANTED  
AND WHETHER OR NOT CHILDREN WERE REPORTED FOR THE PERIODS  
1933-1937, 1943-1947 & 1953-1957

Causes	1933-1937						1943-1947						1953-1957					
	Women			Men			Women			Men			Women			Men		
	Total	With Children	Without Children	Total	With Children	Without Children	Total	With Children	Without Children	Total	With Children	Without Children	Total	With Children	Without Children	Total	With Children	Without Children
	No. %	No. %	No. %	No. %	No. %	No. %	No. %	No. %	No. %	No. %	No. %	No. %	No. %	No. %	No. %	No. %	No. %	No. %
All Causes	30 100	7 100	23 100	31 100	7 100	24 100	68 100	29 100	39 100	55 100	19 100	36 100	78 100	24 100	54 100	43 100	20 100	23 100
Adultery	0 0	0 0	0 0	22 71	6 86	16 67	6 8	1 3	5 13	38 69	13 69	25 69	6 8	3 13	3 6	15 35	5 25	10 43
Desertion	9 30	5 71	7 30	2 6	1 14	1 4	10 15	3 10	7 18	10 18	2 10	8 22	5 6	1 4	4 7	6 14	5 25	1 4
Impotency	1 3	0 0	1 4	0 0	0 0	- -	3 4	0 -	3 8	- -	- -	- -	8 10	- -	8 15	- -	- -	- -
Neglect	5 17	0 0	5 21	0 10	2 2	- -	28 42	11 38	17 43	- -	- -	- -	22 28	8 33	14 26	- -	- -	- -
Incompatibility	0 0	0 0	0 0	4 13	0 -	4 17	4 6	2 7	2 5	4 7	3 16	1 3	20 26	6 25	14 26	15 35	5 25	10 44
Cruelty	14 47	2 29	9 39	3 10	0 -	3 12	17 25	12 42	5 13	2 4	- 0	2 6	16 21	6 25	10 18	6 14	4 20	2 9
Insanity	1 3	0 0	1 4	0 0	0 -	- -	- -	- -	- -	1 2	1 5	- -	1 1	- -	1 2	1 2	1 5	- -

TABLE XI

DIVORCES CLASSIFIED ACCORDING TO CAUSE, PARTY TO WHOM GRANTED  
AND WHETHER OR NOT CHILDREN WERE REPORTED FOR THE PERIODS  
1933-1937, 1943-1947 & 1953-1957

Causes	1933-1937						1943-1947						1953-1957																							
	Women			Men			Women			Men			Women			Men																				
	Total	With Children	Without Children	Total	With Children	Without Children	Total	With Children	Without Children	Total	With Children	Without Children	Total	With Children	Without Children	Total	With Children	Without Children																		
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%																		
All Causes	30	100	7	100	23	100	31	100	7	100	24	100	68	100	29	100	39	100	55	100	12	100	36	100	78	100	24	100	54	100	43	100	20	100	23	100
Adultery	0	0	0	0	22	71	6	86	16	67	6	8	1	3	5	13	38	69	17	69	25	69	6	8	3	13	3	6	15	35	5	25	10	43		
Desertion	9	30	5	71	7	30	2	6	1	14	1	4	10	15	3	10	7	18	10	18	8	22	5	6	1	4	4	7	6	14	5	25	1	4		
Impotency	1	3	0	0	1	4	0	0	0	0	-	-	3	4	0	-	3	8	-	-	-	-	8	10	-	-	8	15	-	-	-	-	-	-		
Neglect	5	17	0	0	5	21	0	10	2	2	-	-	28	42	11	38	17	43	-	-	-	-	22	28	8	33	14	26	-	-	-	-	-	-		
Incompatibility	0	0	0	0	0	0	4	13	0	-	4	17	4	6	2	7	2	5	4	7	3	16	1	3	20	26	6	25	14	26	15	35	5	25	10	44
Cruelty	14	47	2	29	9	39	3	10	0	-	3	12	17	25	12	42	5	13	2	4	0	0	2	6	16	21	6	25	10	18	6	14	4	20	2	9
Insanity	1	3	0	0	1	4	0	0	0	-	-	-	-	-	-	-	-	-	-	-	1	2	1	5	-	-	1	2	1	2	1	5	-	-		

Causes	1953-1957											
	Women			Men								
	Total	With Children	Without Children	Total	With Children	Without Children						
	No.	%	No.	%	No.	%						
All Causes	78	100	24	100	54	100	43	100	20	100	23	100
Adultery	6	8	3	13	3	6	15	35	5	25	10	43
Desertion	5	6	1	4	4	7	6	14	5	25	1	4
Impotency	8	10	-	-	8	15	-	-	-	-	-	-
Neglect	22	28	8	33	14	26	-	-	-	-	-	-
Incompatibility	20	26	6	25	14	26	15	35	5	25	10	44
Cruelty	16	21	6	25	10	18	6	14	4	20	2	9
Insanity	1	1	-	-	1	2	1	2	1	5	-	-

The above table shows that desertion and cruelty were the only charges pressed by women with children in the first time period, while the only two charges pressed by men were adultery and desertion.

During the second time period the number of grounds on the basis of which divorce has been granted to plaintiffs with children has increased. Wives who reported children filed divorce suits against husbands on the grounds of cruelty, neglect, desertion, adultery and incompatibility. This might be attributed to a number of factors. Due to higher and better education and more liberalization, unhappy wives started to realize that normal, healthy and happy surroundings were better than the society of a cruel father or one who was unwilling to support them.

Likewise, with the number of grounds for which divorce has been granted to men. The number of grounds on the basis of which divorce procedures have been initiated by husbands reporting children, increased by one and that was incompatibility. Divorce, might in all probability cost fathers the society of their children, yet they filed more divorce suits and on an increasing number of grounds, especially that their behaviour could be justified.

During the third time period the ground on which men with children sought divorce increased by one and that was cruelty. Husbands who would have felt it humiliating to sue wives for desertion ten or twenty years ago did not feel any more ashamed to charge wives with cruelty to them.

VIII. Divorce and Duration of Marriage

The data presented below answer the question of how long have those who secure divorce been married. It is observed that

TABLE XII

CLASSIFICATION OF DIVORCES ACCORDING TO  
THE DURATION OF MARRIAGE FOR THE PERIODS  
1933-1937, 1943-1947 & from 1953-1957

	1933-1937		1943-1947		1953-1957	
	No.	%	No.	%	No.	%
Total Divorce	64	100	128	100	121	100
Granted to married couples who have been married for less than 10 years	57	89	109	85	101	84
Granted to couples who have been married for 10 years & more	7	11	19	15	20	16

the only two categories are wider than a suggestive analysis would have required. The reason for selecting such wide categories has been given earlier in this paper. The  $\chi^2$  test showed no significant differences between the three periods in time with regard to the duration of marriage. Between 1953 and 1957, 16% of the divorces were granted to couples who have been married for over 10 years.

The figure is almost the same as the corresponding percentage for the period of 1943 to 1947 but represents a slight increase over the corresponding percentage for the period 1933 to 1937. A general idea is nevertheless gained from looking at the tables. Approximately five-sixths of all the divorces granted in the three periods in time were among couples who have been married less than 10 years. There is thus a concentration of divorces among those who have not been married very long. Although the only two categories selected for classification are rather too wide, yet there is reason to believe that the trend seems to be for divorces to occur during the first few years of marriage. Moreover, the tables show that a slight proportion of the total divorces in the three periods in time did go to couples married for more than 10 years. This suggests that even a long wedded life is not necessarily a guarantee against disruptions which might eventually come. The question of mutual adjustment in marriage is not apparently settled once and for ever.

Significant differences are, however, found from one time period to another in the divorces classified by duration of marriage with respect to the grounds for which they were granted. Table XIII supplies the necessary data. A glance at the figures shows that the most important cause for divorce among couples who have been married for over 10 years in the first time period, is desertion. This is quite possibly due to the fact that when one party is a deserter anyway, the other might as well secure a divorce and be freed of the bonds that bind him alone. In the second time period

TABLE XIII

DIVORCE AND THE DURATION OF MARRIAGE WITH RESPECT TO THE GROUNDS  
ON WHICH THEY WERE GRANTED FOR THE PERIODS IN TIME FROM

1933-1937, 1943-1947 & from 1953-1957

C A U S E S	1933-1937				1943-1947				1953-1957			
	Total Divorces	Duration Below 10 years	Duration 10 years & over	Total Divorces	Duration Below 10 years	Duration 10 years & over	Total Divorces	Duration Below 10 years	Duration 10 years & over	Total Divorces	Duration Below 10 years	Duration 10 years & over
	No. %	No. %	No. %	No. %	No. %	No. %	No. %	No. %	No. %	No. %	No. %	No. %
All Causes	64 100	57 100	7 100	128 100	109 100	19 100	121 100	101 100	20 100	21 17	8 8	2 2
Adultery	22 34	21 37	1 14	44 34	40 36	4 21	21 17	17 17	4 20	11 9	8 8	3 15
Desertion	11 17	7 12	4 57	20 16	13 12	7 36	11 9	8 8	3 15	1 2	1 2	1 1
Impotency	1 2	1 2	- -	4 13	4 4	- -	8 7	8 8	- -	5 8	5 9	7 10
Neglect	5 8	5 9	- -	28 22	26 24	2 11	22 18	15 15	7 35	7 10	7 12	2 10
Incompatibility	7 10	7 12	- -	12 9	10 9	2 11	35 29	33 32	2 10	17 27	16 28	22 18
Cruelty	17 27	16 28	1 14	19 15	15 14	4 21	22 18	19 19	3 15	1 2	- -	1 1
Insanity	1 2	- -	1 14	1 1	1 1	- -	2 2	1 1	1 5			

while desertion remained the leading ground on which couples who have been married for more than 10 years secured a divorce, adultery and cruelty came next in frequency. In the third time period a greater number of grounds on which people whose marriages have lasted for 10 years and over, is observed. The outstanding cause however, has changed. 35% of the total divorces granted to couples who have been married for more than 10 years, have been granted on the ground of neglect of duty or willful lack of support. It is also interesting to note that while no decrees were granted for incompatibility in the first time period among couples who have been married for over 10 years, its share rose to 11% and 10% of the total in the second and third periods respectively. The proportion of divorces charging desertion in this category has dropped while that of other grounds have risen.

How long have those men and women plaintiffs who secure divorces been married? The data presented below in Table XIV answer this question.



TABLE XIV

DIVORCES CLASSIFIED ACCORDING TO DURATION OF MARRIAGE  
AND PARTY TO WHOM GRANTED FOR THE PERIODS  
1933-1937, 1943-1947 & 1953-1957

		1933-1937		1943-1947		1953-1957	
		No.	%	No.	%	No.	%
Women Plaintiffs	Total Cases	30	100	68	100	78	100
	Duration Below 10 years	26	87	57	84	65	83
	Duration of 10 years & above	4	13	11	16	13	17
Men Plaintiffs	Total Causes	31	100	55	100	43	100
	Duration Below 10 years	28	90	47	86	36	84
	Duration of 10 years & above	3	10	8	14	7	16

Surprisingly enough all through the time periods under study the proportion of women who have been married for more than 10 years and who have filed divorce suits, has been slightly greater than that of the men.

During the first time period, of the total divorces granted

in each case, 13% and 10% were respectively granted to women and to men whose marriage has lasted for at least 10 years. The proportions in each case have slightly but steadily increased throughout the second and third periods.

Further differences between the sexes with regard to divorce classified by duration of marriage is shown in Table XV.



TABLE XV

DIVORCES CLASSIFIED ACCORDING TO CAUSE, PARTY TO WHOM GRANTED  
AND DURATION OF MARRIAGE FOR THE YEARS  
1933-1937, 1943-1947 & from 1953-1957

CAUSE	1933-1937						1943-1947						1953-1957					
	Women			Men			Women			Men			Women			Men		
	Total Divorces	Duration Below 10 yrs	Duration 10 yrs & over	Total Divorces	Duration below 10 yrs	Duration 10 yrs & over	Total Divorces	Duration below 10 yrs	Duration 10 yrs & over	Total Divorces	Duration below 10 yrs	Duration 10 yrs & over	Total Divorces	Duration below 10 yrs	Duration 10 yrs & over	Total Divorces	Duration below 10 yrs	Duration 10 yrs & over
No. %	No. %	No. %	No. %	No. %	No. %	No. %	No. %	No. %	No. %	No. %	No. %	No. %	No. %	No. %	No. %	No. %	No. %	No. %
All Causes	30 100	26 100	4 100	31 100	28 100	3 100	68 100	57 100	11 100	55 100	47 100	8 100	78 100	65 100	13 100	43 100	36 100	7 100
Adultery	- -	- -	- -	22 71	21 75	1 33	6 8	6 10	- -	38 69	34 73	4 50	6 8	4 6	2 15	15 35	13 36	2 29
Desertion	9 30	7 27	2 50	2 6	- -	2 67	10 15	5 9	5 46	10 18	8 17	2 25	5 6	3 5	2 15	6 14	5 14	1 14
Impotency	1 3	1 4	- -	- -	- -	- -	3 4	3 5	- -	- -	- -	- -	8 10	8 12	- -	- -	- -	- -
Neglect	5 17	5 19	- -	- -	- -	- -	28 42	26 46	2 18	- -	- -	- -	22 28	15 23	7 54	- -	- -	- -
Incompatibility	- -	- -	- -	4 13	4 14	- -	4 6	4 7	- -	4 7	2 4	2 25	20 26	19 29	1 8	15 35	14 39	1 14
Cruelty	14 47	13 50	1 25	3 10	3 11	- -	17 25	13 23	4 36	2 4	2 4	- -	16 21	15 23	1 8	6 14	4 11	2 29
Insanity	1 3	- -	1 25	- -	- -	- -	- -	- -	- -	1 2	1 2	- -	1 1	1 2	- -	1 2	- -	1 14

During the first time period the women plaintiffs who initiated divorce procedures after ten years of marriage did so on the only ground of desertion and cruelty. During the second time period women filed divorce suits on the same grounds plus one: neglect or wilful lack of support. During the third time period divorce suits were filed on more grounds. 15% of the total decrees were granted to women on the grounds of adultery, while 8% were granted on the ground of incompatibility. Neglect, desertion and cruelty were other convenient grounds for use in the courts.

As to the men plaintiffs, during the first time period men who have been married for 10 years and more sued wives on the two grounds of desertion and adultery. During the second time period incompatibility as grounds for divorce was used in 25% of the cases where the plaintiff was the husband whose marriage had lasted for over ten years. During the third time period 29% of the men did not hesitate to bring forth divorce suits on the ground of cruelty. Other grounds used were adultery, desertion, incompatibility and insanity.

The above differences in the behavior of men and women from one period in time to another suggests differences in the meaning value of divorce as well as changing public attitudes toward divorce as a phenomenon and the divorcee as a person. Twenty or ten years ago a person unhappy in his marriage and who had been married for over 10 years had either to put up with unsatisfactory conditions in his or her married life or if a divorce suit should be filed,

the ground should be the scriptural cause of divorce or another which is more or less justifiable from the point of view of the public. And indeed the grounds which are justifiable from the public point of view and consequently are convenient for use in the courts, have been increasing, hence the greater variety of the grounds used by the plaintiffs to secure divorce.

The relationship between presence or absence of children and duration of marriage is shown below:-

TABLE XVI

RELATIONSHIP BETWEEN DURATION OF MARRIAGE AND CHILDREN  
FOR THE YEARS 1933-1937, 1943-1947 & 1953-1957

	1933-1937		1943-1947		1953-1957	
	Below 10 yrs.	10 yrs. & above	Below 10 yrs.	10 yrs. and above	Below 10 yrs.	10 yrs & above
Children Reported	12	2	40	8	35	9
Children Not Reported	45	5	69	11	66	11
Total	57	7	109	19	101	20

The figures show that there has been a slight increase from one period to another, in the number of people who have been married for over ten years and who had children and who filed divorce suits. Statistically, the figures might not be significant but nevertheless the slight but steady rise in the number of divorce cases in which children were reported in marriages which have lasted for over ten years, suggests a more favourable attitude toward divorce.

## CHAPTER VII

### CONCLUSION AND IMPLICATIONS FOR FURTHER RESEARCH

The basic hypotheses behind this study have been presented in an earlier chapter. The changing divorce rates and practices have been taken as indices of social change. It is known that in this community, divorce has been a possible but a disapproved of solution for marital conflict. Of course among some classes of the community it is still disapproved strongly, but as this study has demonstrated, this attitude is changing.

An analysis of the values relating to divorce, that are prevalent in the different classes in the community would supplement the study and would be helpful in giving a more complete picture of the problem of divorce. For divorce as a phenomenon is strongly tied to sets of strong value patterns relating to the family and to marital conflict.

The purpose of the study was mainly to give an answer as to whether there is a change in the basic divorce patterns among the Greek Orthodox in Beirut, and if there is whether this change is indeed a change from 'causal' to 'non causal' divorce.

The inferred changes were presented in hypotheses forms. It has been hypothesized that a greater proportion of women plaintiffs, or an increase in the number of divorces granted to women, from one period to another, would be an indication of movement from causal to non-causal divorce. This hypothesis has been borne out. The reason behind this hypothesis is that it is generally accepted that the divorcee is rejected by society. This proposition is made particularly about female divorcees. It is very possible that much of the rejection is on a relatively abstract and ideal level. In other words, society might disapprove of divorce and even of the divorcee in general, but does this disapproval or rejection cover a concrete situation in which the divorcee is involved? Further research is needed to find out whether the rejection is reflected in social interaction with the divorcee and here also further research is indeed on the differences among various strata and groups of the community with regard to this matter.

Another hypothesis that was made concerns the divorce rate in general. This hypothesis was partly confirmed. It was found, that the highest divorce rate occurred during the second time period which was a war period. This illustrates that social change reaches its maximum height during periods of social upheavals and changes in specific social and family practices are accelerated by other changes in the broader social order.

Another hypothesis which this study has confirmed concerns the grounds on which divorce was granted. It was hypothesized that



if it is generally true that if a trend from casual toward non-casual divorce exists, a decline in the frequency of adultery as grounds alleged and a corresponding rise in the proportion of suits filed on the ground of incompatibility would be observed. The assumption behind this hypothesis is that incompatibility, used as grounds for divorce, suggests a change both in the attitude of the court members as well as a change in the attitude of the general public toward divorce. Idealistically, divorce is a release given to an innocent party harmed by a unilateral action in the marriage relation and this action had to be really serious such as the scriptural cause for divorce which is adultery.

In line with this hypothesis is another, referring to the absence or presence, in the divorce decrees, of such sentences which declare one party as fundamentally guilty and the other fundamentally innocent. It was hypothesized that the absence of condemning statements in the divorce decree would indicate a movement in the direction of non-causal divorce and would differentiate the divorce case from a criminal action in which the guilty are supposed to be prosecuted and the innocent to be freed.

Another hypothesis which was supported by the study concerns divorce and whether or not children were reported. It was assumed that a greater proportion of divorces occurring among couples with children indicates a trend toward non-casual divorce. For as was stated earlier, the divorce is rejected by society, and this is a statement that is generally made and accepted. This proportion is

frequently extended to the children involved in the divorce. Undoubtedly, this extension is correct but its extent and meaning would have to be found out in further research. The parents aware of this tendency, would be expected to put up with inconveniences in the marital relation, for the sake of the children. So in a way and for this reason among others, the presence of children would be more likely to act as a deterrent to divorce when the strain involved is reflected in the personal stress of the individual, and most vulnerable of all members involved in the divorce process are the children.

Another hypothesis is that divorce is much more likely to occur among couples who have been married for a relatively fewer number of years. And therefore people who have been married for a relatively longer period of time, would in a traditionalistic society, think several times more, before filing a divorce suit. The greater proportion of divorces occurring among people who have been married for a period which exceeds ten years, indicates therefore a movement in the general direction of non-causal divorce. An assumption is made that divorce is essentially an act of irrationality, and spouses who are serious, mature and rational people would not get divorces. The emphasis on rationality is particularly important. And it is an assumption in our culture that one should be rational and that adequate knowledge and a rational attitude would solve most problems. People who divorce were believed to be neurotics. This notion needs not be stated so explicitly but

nevertheless it takes the form of couching much of the discussion of the divorcee in terms of immature personalities. A trend toward non-casual divorce is characterized by a new meaning value of divorce. Divorce is not regarded as a serious rupture of the social system sought by neurotic people, but as an expected event and a possible solution for marital conflict.

The foregoing study has tried to determine whether divorce is changing from one end of a continuum to another. The ends of the continuum are causal and non-causal divorce. In reality, it is understood that a completely causal or non-causal divorce is an abstraction. But in general a conservative attitude toward divorce goes hand in hand with casual divorce. The conservative attitude tends to impose rigid requirements upon the candidates of divorce . With conservative attitudes, divorce is allowed only for adultery and other serious matters such as desertion. Cruelty is not recognized as an allowable basis for divorce, neither is incompatibility, but nevertheless the present study showed that both have become two of the most common grounds on which divorces are actually granted, an evidence of a movement of divorce as an act, in the general direction of non-causal divorce. At the present time there is a growing feeling that the dissolution of an unsatisfactory marriage is proper and highly desirable. As has been hinted earlier, the attitudes toward divorce are in the mores and therefore differences and therefore changes in the mores affect both legislation and the attitudes of people toward divorce. Twenty or ten years ago the court was not supposed to

entertain any suit which did not involve a serious breach of the marital vows and a real contest. Likewise with the plaintiffs. They were not expected to file divorce petitions unless the breach was a serious one. But the meaning value of divorce has so changed so as to affect the interpretations of legislation concerning divorce as well, as the attitude of the general public toward the problem of divorce.

Most of the hypotheses in the foregoing study were supported by the findings. The findings positively suggest that divorce, in the nineteen thirties involved much greater disgrace than in the nineteen fifties. Religious sanctions were stronger and ethical standards more uniform. Divorce, though always justifiable in extreme cases, was considered as an affront to God and to man. A divorce lost social status. This is no more exactly the same today for the scientific attitude toward the problem of divorce has become more prevalent in the different strata of the community.

## APPENDIX

The Appendix for this study consists of three parts. The data for the study is presented in Part A.

### A. Presentation of Data

All the data for this study is presented in a summary form in this appendix. There is also the divorce decrees code sheet.

The data consists of the divorce decrees issued in three periods in time from 1933 to 1937 and from 1943 to 1947 and from 1953 to 1957.

In part B the personal status regulations issued by the patriarchate of Antioch at a meeting in Damascus on April 2, 1952 concerning the dissolution of marriage, are presented.

Part C consists of the data classified by the different variables used in this study and presented in tabular form with the  $\chi^2$  computations.

## DIVORCE DECREES CODE SHEET

<u>Code No.</u>	<u>Class</u>	<u>Characteristic</u>
1	A D	<u>Case</u> Annulment Divorce
2	H W B	<u>Plaintiff</u> Husband Wife Both
3	A <sub>1</sub> A <sub>3</sub> D I N Inc C In	<u>Grounds for divorce</u> Adultery Disobedience Desertion Impotency Neglect - wilful lack of support Incompatibility Cruelty Insanity
4	D.G. Y	<u>Verdict</u> Defendant guilty Nothing to that effect
5	R N	<u>Children</u> Children reported Children not reported
6	- +	<u>Duration</u> Below ten years Ten years and above.

## THE DATA FOR THE YEARS 1933-1937 (INCLUSIVE)

Code No.	1	2	3	4	5	6
1	D	H	A <sub>1</sub>	D.G.	N	-
2	A	H	A <sub>1</sub>	D.G.	N	-
3	A	H	D	Y	N	+
4	A	H	A <sub>3</sub>	D.G.	N	-
5	A	H	A <sub>3</sub>	D.G.	N	-
6	D	H	A <sub>1</sub>	D.G.	N	-
7	D	H	A <sub>1</sub>	D.G.	N	-
8	A	W	C	Y	N	-
9	D	W	C	Y	R	-
10	A	B	Inc	Y	N	-
1	A	H	A <sub>3</sub>	D.G.	R	-
2	D	H	A <sub>1</sub>	D.G.	N	+
3	D	H	C	Y	N	-
4	A	H	Inc	Y	N	-
5	D	H	A <sub>1</sub>	D.G.	N	-
6	D	H	Inc	Y	N	-
7	A	W	C	Y	N	-
8	A	W	C	Y	N	-
9	D	W	N	Y	N	-
10	D	W	N	Y	N	-

Code No.	1	2	3	4	5	6
1	A	H	A <sub>1</sub>	D.G.	R	-
2	D	H	D	Y	R	+
3	D	H	A <sub>1</sub>	D.G.	N	-
4	A	H	A <sub>1</sub>	D.G.	R	-
5	A	H	C	Y	N	-
6	D	H	A <sub>1</sub>	D.G.	N	-
7	A	H	C	Y	N	-
8	D	W	D	Y	N	+
9	A	W	C	Y	N	-
10	D	W	D	Y	N	-
11	D	W	C	Y	R	-
12	A	W	C	Y	N	-
13	A	W	D	Y	N	-
14	D	W	C	Y	N	-
15	A	B	Inc	Y	N	-
16	A	B	Inc	Y	N	-
1	D	H	A <sub>1</sub>	D.G.	R	-
2	D	H	A <sub>1</sub>	D.G.	N	-
3	D	H	Inc	Y	N	-
4	A	W	N	Y	N	-
5	A	W	D	D.G.	R	-
6	A	W	N	Y	N	-
7	D	W	In	Y	N	+



Code No.	1	2	3	4	5	6
8	D	W	I	Y	N	-
9	A	W	C	Y	N	-
10	A	W	N	Y	N	-
11	A	W	C	Y	N	-
1	A	H	Inc	Y	N	-
2	D	H	A <sub>1</sub>	D.G.	N	-
3	D	H	A <sub>1</sub>	D.G.	N	-
4	D	H	A <sub>1</sub>	D.G.	N	-
5	A	H	A <sub>1</sub>	D.G.	N	-
6	A	H	A <sub>1</sub>	Y	N	-
7	D	H	A <sub>1</sub>	D.G.	R	-
8	D	H	A <sub>1</sub>	D.G.	R	-
9	A	W	D	Y	N	-
10	D	W	C	Y	R	-
11	A	W	C	Y	N	-
12	D	W	D	D.G.	N	-
13	A	W	D	Y	N	-
14	A	W	C	Y	R	-
15	D	W	D	Y	N	+
16	D	W	C	Y	R	+
17	D	W	D	Y	R	-

64

A=32, D=32

H=31, W=30, B=3

A<sub>1</sub>=19, A<sub>3</sub>=3  
D=11, C=17  
Inc =7, N=5  
In=1, I=1D.G. = 23  
Y = 41

N=50, R=14

+ = 7, - = 54

## THE DATA FOR THE YEARS 1943-1947 (INCLUSIVE)

Code No.	1	2	3	4	5	6
1	A	H	C	Y	N	-
2	D	H	A <sub>1</sub>	D.G.	R	-
3	D	H	A <sub>1</sub>	D.G.	R	-
4	A	H	A <sub>1</sub>	D.G.	N	-
5	A	H	Inc	Y	R	-
6	A	H	A <sub>1</sub>	Y	R	-
7	A	H	A <sub>1</sub>	Y	R	-
8	A	H	In	Y	R	-
9	A	H	A <sub>1</sub>	Y	N	-
10	A	H	A <sub>1</sub>	D.G.	N	-
11	A	H	A <sub>1</sub>	D.G.	N	-
12	A	W	C	Y	R	-
13	D	W	A <sub>1</sub>	Y	R	-
14	A	W	N	Y	N	-
15	A	W	N	Y	N	-
16	D	W	A <sub>1</sub>	D.G.	R	-
17	A	W	C	Y	R	+
18	D	W	D	Y	N	+
19	A	W	C	Y	R	-
20	A	W	N	Y	R	-
21	D	W	N	Y	N	-
22	A	W	C	Y	N	-
23	A	W	N	Y	R	-
24	A	B	Inc	Y	N	-

Code No.	1	2	3	4	5	6
1	D	H	A <sub>1</sub>	D.G.	N	-
2	A	H	A <sub>1</sub>	D.G.	N	-
3	A	H	A <sub>1</sub>	D.G.	N	-
4	A	H	A <sub>1</sub>	D.G.	R	-
5	D	H	D	Y	N	-
6	A	H	Inc	Y	N	-
7	D	H	A <sub>1</sub>	Y	N	-
8	D	H	Inc	Y	R	+
9	A	H	A <sub>1</sub>	D.G.	N	-
10	D	H	A <sub>1</sub>	D.G.	N	-
11	D	H	A <sub>1</sub>	D.G.	R	-
12	D	H	D	Y	N	+
13	D	H	D	Y	N	-
14	D	H	A <sub>1</sub>	Y	N	-
15	D	H	A <sub>1</sub>	D.G.	N	-
16	A	W	N	Y	N	-
17	D	W	I	Y	N	-
18	D	W	Inc	Y	N	-
19	A	W	N	Y	N	-
20	D	W	N	Y	R	-
21	D	W	D	Y	R	+
22	A	W	C	Y	N	+
23	A	W	C	Y	R	-
24	D	W	N	Y	N	-

Code No.	1	2	3	4	5	6
25	A	W	N	Y	N	-
26	D	W	Inc	Y	R	-
27	A	W	C	Y	N	-
28	A	B	Inc	Y	N	-
1	D	H	D	Y	N	-
2	D	H	D	Y	N	-
3	A	H	D	Y	N	-
4	A	H	A <sub>1</sub>	D.G.	N	-
5	A	H	A <sub>1</sub>	D.G.	R	-
6	A	H	A <sub>3</sub>	Y	N	+
7	D	H	A <sub>1</sub>	D.G.	R	-
8	D	H	A <sub>1</sub>	Y	N	-
9	A	H	D	Y	R	-
10	D	H	A <sub>1</sub>	Y	N	-
11	D	H	A <sub>1</sub>	D.G.	R	-
12	D	H	A <sub>1</sub>	D.G.	N	-
13	D	W	A <sub>1</sub>	D.G.	N	-
14	D	W	C	Y	N	-
15	D	W	I	Y	N	-
16	A	W	C	Y	R	+
17	D	W	C	Y	R	-
18	A	W	Inc	Y	R	-
19	D	W	A <sub>1</sub>	Y	N	-
20	A	W	N	Y	R	-

Code No.	1	2	3	4	5	6
21	D	W	D	Y	R	-
22	D	W	D	Y	N	-
23	A	W	I	Y	N	-
24	D	W	N	Y	N	-
25	D	B	I	Y	N	-
26	D	B	Inc	Y	N	-
27	D	B	Inc	Y	N	-
1	D	H	A <sub>1</sub>	D.G.	R	-
2	D	H	D	Y	N	+
3	D	H	A <sub>1</sub>	D.G.	R	-
4	D	H	A <sub>1</sub>	D.G.	R	-
5	D	H	Inc	Y	R	+
6	D	H	A <sub>1</sub>	Y	N	-
7	D	H	A <sub>1</sub>	Y	N	-
8	D	W	N	Y	N	-
9	D	W	N	Y	N	-
10	A	W	C	Y	R	+
11	A	W	C	Y	R	-
12	D	W	N	Y	R	-
13	D	W	N	Y	N	-
14	A	W	N	Y	N	-
15	A	W	C	Y	N	-
16	A	W	N	Y	R	+
17	D	W	N	Y	R	-
18	D	W	N	Y	N	+

Code No.	1	2	3	4	5	6
19	D	W	N	Y	R	-
20	D	W	C	Y	R	-
21	D	W	C	Y	R	-
22	D	W	N	Y	R	-
23	D	W	D	Y	N	-
24	D	W	D	Y	N	+
25	D	W	D	Y	N	+
1	D	H	D	Y	R	-
2	D	H	A <sub>1</sub>	Y	N	+
3	A	H	A <sub>1</sub>	D.G.	R	+
4	D	H	D	Y	N	-
5	D	H	A <sub>1</sub>	D.G.	N	-
6	D	H	A <sub>3</sub>	Y	N	-
7	D	H	A <sub>3</sub>	Y	N	-
8	D	H	A <sub>3</sub>	Y	N	+
9	A	H	C	Y	N	-
10	D	H	A <sub>3</sub>	Y	N	-
11	D	W	N	Y	N	-
12	D	W	D	Y	N	-
13	D	W	N	Y	R	-
14	D	W	D	Y	R	-
15	D	W	A <sub>1</sub>	Y	N	-
16	D	W	D	Y	N	+
17	A	W	C	Y	N	-
18	D	W	N	Y	R	-

Code No.	1	2	3	4	5	6
19	D	W	Inc	Y	N	-
20	A	W	N	Y	N	-
21	D	W	N	Y	N	-
22	D	W	A <sub>1</sub>	Y	N	-
23	D	W	N	Y	N	-
24	D	W	C	Y	R	-
128	A=48, D=80	W=68, H=55 B=5	A <sub>1</sub> =39, Inc = 12 A <sub>3</sub> =5, In = 1 D =20, C = 19 I = 4, N = 28	Y = 103 D.G.= 25	R=48, N=80	+ =19, - =109

## THE DATA FOR THE YEARS 1953-1957 (INCLUSIVE)

Code No.	1	2	3	4	5	6
1	A	H	In	Y	R	+
2	D	H	C	Y	N	+
3	D	H	A <sub>1</sub>	Y	N	-
4	D	H	A <sub>3</sub>	Y	R	-
5	D	H	Inc	Y	N	-
6	D	H	Inc	Y	N	-
7	D	H	D	Y	R	-
8	D	H	A <sub>1</sub>	Y	R	-
9	D	H	A <sub>1</sub>	Y	N	-
10	D	H	Inc	Y	R	-
11	D	W	C	Y	R	-
12	D	W	I	Y	N	-
13	A	W	N	Y	N	-
14	D	W	C	Y	N	-
15	A	W	Inc	Y	R	-
16	D	W	N	Y	R	+
17	D	W	Inc	Y	N	+
18	D	W	Inc	Y	N	-
19	D	W	C	Y	N	-
20	<b>D</b>	W	C	Y	R	-
21	D	W	I	Y	N	-
22	D	W	N	Y	N	-
23	D	W	Inc	Y	R	-
24	A	W	Inc	Y	N	-



Code No.	1	2	3	4	5	6
25	D	W	Inc	Y	N	-
26	D	W	Inc	Y	R	-
1	D	H	Inc	Y	R	-
2	D	H	A <sub>1</sub>	Y	N	-
3	D	H	D	Y	R	-
4	A	H	Inc	Y	R	-
5	D	H	A <sub>1</sub>	Y	R	-
6	D	H	Inc	Y	R	-
7	A	H	Inc	Y	N	-
8	D	H	Inc	Y	N	-
9	D	H	A <sub>3</sub>	Y	N	-
10	D	W	C	Y	N	-
11	D	W	N	Y	N	-
12	A	W	Inc	Y	N	-
13	D	W	N	Y	R	-
14	A	W	N	Y	N	+
15	D	W	N	Y	N	-
16	D	W	N	Y	R	+
17	A	W	N	Y	N	-
18	A	W	D	Y	N	-
19	A	W	D	Y	N	+
20	D	W	C	Y	R	+
21	D	W	Inc	Y	N	-

Code No.	1	2	3	4	5	6
1	A	H	A <sub>3</sub>	Y	N	+
2	A	H	A <sub>3</sub>	Y	N	-
3	D	H	D	Y	R	-
4	D	H	D	Y	N	-
5	A	H	Inc	Y	N	-
6	D	H	D	Y	R	+
7	A	H	A <sub>3</sub>	Y	N	-
8	D	H	Inc	Y	N	-
9	D	H	Inc	Y	N	-
10	D	H	A <sub>1</sub>	Y	R	-
11	D	H	C	Y	R	-
12	A	W	I	Y	N	-
13	D	W	N	Y	N	-
14	A	W	A <sub>1</sub>	Y	N	+
15	D	W	I	Y	N	-
16	A	W	D	Y	N	-
17	D	W	Inc	Y	N	-
18	A	W	Inc	Y	N	-
19	D	W	C	Y	N	-
20	D	W	Inc	Y	R	-
21	D	W	Inc	Y	R	-
22	A	W	Inc	Y	N	-
1	D	H	C	Y	R	+
2	A	H	Inc	Y	N	+

Code No.	1	2	3	4	5	6
3	A	H	D	Y	R	-
4	A	H	Inc	Y	R	-
5	A	H	A <sub>3</sub>	Y	N	-
6	A	H	C	Y	R	-
7	A	W	In	Y	N	-
8	D	W	N	Y	N	-
9	D	W	Inc	Y	N	+
10	D	W	N	Y	R	-
11	D	W	N	Y	N	+
12	D	W	N	Y	R	+
13	A	W	Inc	Y	R	-
14	D	W	D	Y	N	+
15	D	W	I	Y	N	-
16	A	W	C	Y	N	-
17	D	W	N	Y	R	-
18	D	W	Inc	Y	N	-
19	D	W	I	Y	N	-
20	D	W	C	Y	N	-
21	D	W	N	Y	N	-
22	D	W	A <sub>1</sub>	Y	N	-
23	D	W	A <sub>1</sub>	Y	R	+
24	A	W	C	Y	R	-
25	D	W	A <sub>1</sub>	Y	N	-

Code No.	1	2	3	4	5	6
1	D	H	A <sub>3</sub>	Y	N	-
2	D	H	C	Y	N	+
3	D	H	A <sub>3</sub>	Y	N	-
4	D	H	A <sub>1</sub>	Y	R	-
5	D	H	Inc	Y	N	-
6	A	H	C	Y	R	-
7	D	H	Inc	Y	N	-
8	D	W	A <sub>1</sub>	Y	R	-
9	D	W	N	Y	N	+
10	D	W	C	Y	N	-
11	D	W	C	Y	N	-
12	D	W	Inc	Y	N	-
13	D	W	C	Y	R	-
14	A	W	I	Y	N	-
15	D	W	N	Y	N	-
16	A	W	C	Y	N	-
17	D	W	C	Y	R	-
18	D	W	I	Y	N	-
19	D	W	N	Y	R	+
20	D	W	N	Y	N	-
21	D	W	Inc	Y	N	-
22	D	W	D	Y	R	-
23	D	W	A <sub>1</sub>	Y	N	-
24	D	W	N	Y	N	-

Code No.	1	2	3	4	5	6
25	D	W	Inc	Y	N	-
26	D	W	N	Y	R	-
27	D	W	C	Y	R	-
121	A=32, d=89	H=43, W=78 B=0	A <sub>1</sub> =13, A <sub>3</sub> =8 Inc =35, N=22 D =11, C=22 I = 8, In=2	Y=121, D.G.=0	N=77, R=44	+ =20, - = 101

## B. Personal Status Regulations

The Greek Orthodox Patriarchate of Antioch and the East, passed by the Holy Synod of Antioch, at a meeting convened at the Patriarch's Residence in Damascus on April 2, 1952, concerning the dissolution of marriage.

### PART V: DISSOLUTION OF THE MARRIAGE

Article 66: The bonds of marriage are dissolved either by death or by annulment or by invalidity or by divorce in accordance with an order from the Church Court concerned.

Article 67: Marriage is regarded invalid under the following circumstances:-

- a) Bigamy or polygamy.
- b) Violation of the text of the basic Church constitutions such as in cases of marriage between relatives.
- c) The marriage ceremony being performed by a priest who does not belong to the same denomination.

Article 68: The marriage is dissolved on application by the husband or wife and by order of the court in the following instances:-

- a) If the husband or wife is converted.
- b) If one of them tries to kill the other.
- c) If one of them becomes incurably insane.
- d) If one of them has been sentenced for a period not less than three years to prison.
- e) If one of them neglects the other for three consecutive years and the court can get them to resume a married life.

f) If one of the spouses chooses to enter a convent or monastery.

g) If the man remains impotent for three consecutive years beginning with the marriage day or three medical experts decide that he will remain impotent.

h) If the marriage is brought on by coercion or misrepresentation.

Article 69: Divorce cannot take place on mutual agreement.

Article 70: Divorce proceedings can be started for adultery or what is considered adultery.

Article 71: The husband may start divorce proceedings against his wife in the following cases:-

a) If he, on the first wedding day, finds that she is not a virgin unless he had known before. He must report the matter immediately to the religious courts and prove his claim.

b) If the wife uses contraceptive measures against the husband's will.

c) If she goes in company with objectionable people against the husband's wish.

d) If the wife spends the night in a suspicious house without her husband's consent, unless she has been driven out from the house by her husband.

e) If the court orders her to join her husband and she refuses and does not give a legitimate excuse.

Article 72: The wife may start divorce procedure on the following grounds:-

a) If the husband forces her to commit adultery.

b) If he accuses her of adultery without being able to get evidence to prove his claim.

Article 73: Divorce can not be granted with stipulations.

Article 74: Divorced couples may reunite if no legitimate obstacles arise... .

Article 75: Neither of the divorced persons may remarry until the final divorce papers have been obtained. A year should elapse in the case of the guilty party and permission must be granted by the spiritual head.

Article 76: No divorce suits shall be considered after the husband or the wife openly announced his or her forgiveness of the other; that is if the cause of the divorce has taken place before the date of forgiveness.

Article 78: Divorce suits are dropped when the husband or wife dies.



C.  $\chi^2$  Computations

THE NUMBER OF ANNULMENTS GRANTED  
ON THE GROUNDS FOR DIVORCE

	1933-37	1943-47	1953-57	Total
Divorce	32	80	89	201
Annulment	32	48	32	112
	64	128	121	

$$\chi^2 = 10.35$$

$$df = 2$$

$$\text{Sig} = < .01$$

DIVORCES CLASSIFIED ACCORDING TO  
PARTY TO WHOM GRANTED

	1933-37	1943-47	1953-57	Total
To husband	31	55	43	129
To wife	30	68	78	176
To both	3	5	-	-
	64	128	121	313

$$\chi^2 = 7.23$$

$$df = 4$$

$$\text{Sig} = .05$$

DIVORCES CLASSIFIED ACCORDING TO THE  
CAUSES FOR WHICH THEY WERE GRANTED

	1933-37	1943-47	1953-57	Total
Adultery	23	48	29	100
Desertion	11	20	11	42
Neglect	5	28	22	55
Incompatibility	7	12	35	54
Cruelty	18	20	24	62
Total	64	128	121	313

$$\chi^2 = 30.89$$

$$n = 4, 2 = 8 = df$$

$$Sig = .001$$

DIVORCES CLASSIFIED ACCORDING TO THE VERDICT

	1933-37	1943-47	1953-57	Total
Guilty Party	23	25	-	48
Nothing to this Effect	41	103	121	144
Total	64	128	121	192

$$\chi^2 = 6.09$$

$$df = 1$$

$$Sig = < .02$$

CLASSIFICATION OF DIVORCE ACCORDING TO  
WHETHER OR NOT CHILDREN WERE REPORTED

	1933-37	1943-47	1953-57	Total
Children Not Reported	50	80	77	207
Children Reported	14	48	44	106
Total	64	128	121	313

$$\chi^2 = 6.32$$

$$df = 2$$

$$\text{Sig} = < .05$$

CLASSIFICATION OF DIVORCES ACCORDING TO  
THE DURATION OF MARRIAGE

	1933-37	1943-47	1953-57	Total
Below 10 years	57	109	101	267
Ten years and over	7	19	20	46
Total	64	128	121	313

$$\chi^2 = .98$$

$$df = 2$$

$$\text{Sig} = \text{N.S.}$$

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