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## **The interplay and clash of religious norms and Swedish divorce laws**

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## **Abstract**

This thesis aims to explore the interplay and clash of religious norms and Swedish divorce laws and the role of migration in shaping these processes. The case of Sweden deserves particular attention in this respect, as it has been more open than other EU countries in terms of accepting refugees and asylum seekers over the last two decades. This policy certainly has implications for cultural diversity in Sweden, since each newly arrived immigrant brings his or her interpretations and perceptions of 'law' to their receiving society. These tendencies can be more discerned in cases of divorce, since immigrant communities try to follow their own traditions and religious norms in regulating family relations.

I will use the qualitative case study of the experiences of immigrant communities in Stockholm, Sweden. Accordingly, by qualitatively studying how immigrants comply with, avoid or maneuver around the formal Swedish divorce laws and the alternative (to the formal law) strategies and techniques that they utilize, this thesis will explore the mutually transforming interactions between plural legal cultures in Stockholm and how they are experienced in immigrant communities' everyday life and family relations.

The theoretical framework of legal pluralism and gendered geographical of power will be applied to be able to analyze the data from the interviews. Legal pluralism provides the tools to understand which different bodies of law and norms are involved in a divorce process in immigration communities, and gendered geographical of power provides the tools to understand and explain gender and power relations in immigration communities in cases of divorce.

The data from the interviews illustrate that religious communities have their own set of rules/norms regarding divorce and they operate as a competing source of legal authority regarding divorce cases. The data from the interviews also illustrate that religious communities are based on patriarchal traditions and that they are guardians of patriarchal society. Their patriarchal norms are they source of inequality, and the female gender is convinced from an early age that she is subordinate to the male gender as illustrated from the data in the interviews, both the male and female gender act according to the philosophy of a patriarchal tradition in religious communities.

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## 1. Introduction

The difficult part of studying EU is to define and explore the sub-cultural differences that exist in every member-state, e.g. differences such as social class, the level of education, gender, age, religion, ideology or ethnicity (Örücü, 2010). From this perspective, socio-legal studies play an important role in creating understanding on how law and society influence each other (Nelken 1997. p. 115). There is a widespread belief that the global migratory processes have led to emergence of multicultural, multifaith and multiethnic communities in Europe. In this regard, we can no longer talk of the existence of common European values, norms, beliefs/religion and values (Dobbernack and Modood, 2011; Dohse and Gold 2013; Örücü, 2010; Sweibel 2008; Bodirsky 2009).

The European integration process has been combined with identity negotiation and geopolitical reorganization between and within the member-states (Dobbernack and Modood, 2011; Dohse and Gold 2013). Therefore, the question of immigrant communities and the “cultural baggage“ (e.g. traditions, religion, morality) that they bring to their host countries comes as an additional layer of cultural diversity and complexity for the member-states (Dobbernack and Modood, 2011; Dohse and Gold 2013; Antokolskaia, 2010; Zupan and Puljko, 2010). Once they arrive in their host countries, immigrants have to adapt to new socio-legal environment, but at the same time they are bounded by the religious norms and customs of their origin societies, leading to creation of a ‘transnational social space’ in which immigrants have to with different, often contrasting set of values and norms. These processes are especially visible in cases of marriage and divorce. It is suggested that the identity of a person as a member of his or her religious community is bound up with that community's norms in matters such as marriage and divorce (Nichols 2011). And persons whom are believers will feel a strong duty to follow the norms of their immediate community rather than overarching state norms if there is a conflict (ibid).

Every religion has it owns view on divorce, for example in traditional Muslim law, a couple is divorced if a husband states that he wishes to divorce his wife in the presence of two witnesses, and in the contrarily the husband must grant the wife a divorce (Meierding, 1992; Jänterä-Jareborg, 2013). Among orthodox Jews the right to a divorce is primarily the husband’s privilege. In the culture of the orthodox Jews, the husband must approve to grant the divorce in order for the wife to obtain the Get, so called bill of divorce (Meierding, 1992;

Jänterä-Jareborg, 2013). If a husband rejects to grant the Get to the wife, then she is unable to remarry (Meierding, 1992; Jänterä-Jareborg, 2013). Contrarily, if a wife rejects to grant the Get to her husband, he is still able to remarry. In Christian catholic and orthodox belief, divorce is recognized as a sin, marriage is recognized as religious bound that should not be broken between the spouses (Meierding, 1992; Jänterä-Jareborg, 2013; Harding 2011; Welstead, 2012).

The case of Sweden deserves particular attention in this respect, as it has been more open than other EU countries in terms of accepting refugees and asylum seekers over the last two decades. This policy certainly has implications for cultural diversity in Sweden, since each newly arrived immigrant brings his or her interpretations and perceptions of ‘law‘ to their receiving society. These tendencies can be more discerned in cases of divorce, since immigrant communities try to follow their own traditions and religious norms in regulating family relations. Accordingly, this thesis aims to explore the interplay and clash of religious norms and Swedish divorce laws and the role of migration in shaping these processes. The following main research questions and three sub-questions that are investigated are asked to better understand the impact the legal diversity has on EU citizens and how culture and religion influence law. The case study of immigrant communities in Stockholm is used to exemplify these processes.

*Main research question:*

*In which ways are members of immigrant communities in Sweden influenced by religious norms and values in relation to divorce?*

*Sub-questions*

- 1) *How do religious norms and structures influence the actions and behavior of individuals belonging to different religious communities in Sweden in relation to divorce?*
- 2) *How do individuals belonging to different religious communities comply with, avoid or maneuver around Swedish divorce laws?*
- 3) *How do religious norms influence the gender and power relations in immigration communities in relation to divorce?*

The questions will be studied and analyzing through conducting qualitative interviews with religious knowledgeable representatives and individuals who belong to different social and ethnic groups.<sup>1</sup> More specifically, I will use the qualitative case study of the experiences of immigrant communities in Stockholm, Sweden. Accordingly, by qualitatively studying how immigrants comply with, avoid or maneuver around the formal Swedish divorce laws and the alternative (to the formal law) strategies and techniques that they utilize, this thesis will explore the mutually transforming interactions between plural legal cultures in Stockholm and how they are experienced in immigrant communities' everyday life and family relations.

## **1.2 Literature review**

There are a range of studies regarding multiculturalism and the impact it has on politics and law in society. Such studies mainly come from the fields of sociology, legal science, anthropological and gender studies (Roald 2010; Jänträ-Jareborg 2013; Goldring 1996; Darvishpour 2012; Liversage 2012; Timmerman 2006). The interest in interplay between religious norms and state law regarding divorce and the role of migration in shaping these processes has received relatively less scholarly attention. This is especially true for Swedish context.

In study by Darvishpour (2012) and Liversage (2012) their assumption is that the power in the relationship between the genders changes upon immigration to Sweden and Denmark. The wife gains more power in the Nordic countries of Sweden and Denmark. This gives the wife the opportunity to explore her possibilities in ways she could not do in state of origin. Their new freedom causes conflicts in their marriage and the wife has the freedom to decide to exit the marriage. Western norms are assumed to give the wife equality in marriage. Ahmadi (2001) describes in her work which is based on Iranian women in Sweden, that they rediscover themselves in the Swedish society. They become more self-confident, they feel more protect by law and therefore equal to their husbands and men in general in society. The new found courage opens their mind on deciding over their own future without the intervention over their husbands. A key assumption in Timmerman (2006) is that young educated Muslim women with Turkish ancestry in Belgium use Islam to claim equal rights for men and women. According to Timmerman (2006) the young women interpret Islam using

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<sup>1</sup> These issues will be more thoroughly explained in the methodology chapter.

more feminist interpretations so they can distance themselves from the patriarchal traditions, claiming that their parents and their previous generations of Muslims have misinterpreted Islam. The study of Timmerman (2006), Ahamdi (2001), Liversage (2012) and Darvishpour (2012) indicates that women from religious communities question their community's norms and their own identity in that community. Beck-Gernsheim (2007) acknowledges in her study that young women from religious communities such as Muslim community in Western-Europe try to break the patriarchal traditions that their parents and previous generation has created. Glick Schiller (1999) argues that when immigrant female try to renegotiate their identity transnationally, they often identify themselves to their reinforced traditional status which is the status system operative in their state of origin. The national identity is linked to the gender status system even if it subordinates the female. Therefore it's believed that transnational actions often are linked with the loss of the nation-state, and can surely support it and in doing so also reaffirm asymmetrical gender relations. Also the work of Goldring (1996) indicates that the patriarchal norms of a state of origin may be transferred onto a transnational perspective and transnational practice when the state itself is a principal agent. Goldring (1996) work even indicates that male dominance doesn't only include to higher level, it also extends to gender relations operative in the family levels. The female is subordinate in all levels, and it creates a patriarchal transitional political sphere from the level of households to the highest level of political decision-making.

Other scholars such as Roald (2010) and Jänträ-Jareborg (2013) focus on the legal aspect, their study display that Swedish law and religious communities in Sweden have different views regarding divorce. According to the authors the differences between State law and religious norms can cause difficulties for the individuals who belong to different religious communities. Jänträ-Jareborg (2013) claims that the risk of them clashing is regarded as unavoidable and which will put the individual in a difficult situation. Other legal studies such as Nichols (2011) question if the individuals who belonging to different religious communities should be able to choose between State law and religious norms regarding marriage and divorce and if the State should be obligated to respect the norms of the religious communities.

The studies of Ahamdi (2001), Liversage (2012) and Darvishpour (2012) lacks to explain the factor/factors which create the inequality between the genders which they assume exist in Turkish and Iranian communities in Sweden and Denmark. To be able to understand why

Iranian and Turkish wife decide to divorce their husbands, there is a need to understand the source of the inequality that exists in such sub-communities. Beck-Gernsheim (2007) and Timmerman touch the subject of patriarchal traditions as factor that causes rebellion from the female gender that belong in religious communities, but lack the firsthand source from religious scholars in the religious community to be able draw correct conclusion. The problem with legal studies of Roald (2010) and Jäntera-Jareborg (2013) is that they do not really capture the full picture. They narrow their studies to the legal perspective through books and legal cases, and miss out the importance of actually speaking to the leaders of the religious communities, they lack fieldwork, and their studies are more unidirectional. In my perspective I believe that Nichols (2011) have interesting sets of questions which are important and valuable to the field, because the question lead to nutrition debates on legal pluralism. Glick Schiller (1999) and Goldring (1996) works are important from a feminism perspective, but their work is mostly based on multiple social factors which affect the female's position in society. The focus of this thesis is the impact religious communities have on individuals in case of divorce.

The difference between my thesis and previous works is that I also seek firsthand information regarding religion from religious representatives. This gives me a better understanding of the religious norms regarding divorce. Secondly I seek information from individuals whom belong to religious communities and whom are affected by the views of their community. It gives me the opportunity to collect data from both sides of the field, and in firsthand understand in which way the interplay of religious norms and Swedish divorce laws affect people with immigrant background. As I mentioned earlier, there are not much studies regarding divorce issues within religious communities in Sweden, my hope is that my thesis in some way can contribute so others can continue research about the subject in the future.

## **2. Theory**

I have chosen to use the concept of legal pluralism and gender geographies of power. The theory of legal pluralism acknowledges that there are more legal systems in a certain society than the nation's own legal system, the theory acknowledges that all functional existing sub-societies in a nation have their own set of norms which sometimes act as a competing source of authority in their own sub-community in the nation (Engle Merry. 1988. p. 870, 873 and 877-878; Tamanaha. 2000, p. 297; John Griffiths, 1986 p. 5). In my thesis my focus is the relationship between Swedish divorce law (Äktenskapsbalk) and the set of norms that exists in religious communities in relation to divorce. I will also use the concept gendered geographies of power, which is a theory that acknowledges that creation of what is known as "masculinity" and "femininity", is not natural but instead a creation from man, it explains that the creation of gender relation has the purpose to create inequality/imbalance in society between the genders (Mahler & Pessar. 2010, p. 447). The theory will be used to create an understanding on the impact religious norms and state law has on the genders regarding individual rights and privileges in relation to divorce.

### **2.1 Legal pluralism**

The theory of legal pluralism is based on the assumption that a nation has a pluralistic legal system, the assumption is based on that every sub-society such as religious communities in a nation have their own set of norms which are different from the laws applied by the nation (Engle Merry. 1988, p. 870 & 877; Tamanaha. 2000, p. 297-298; Berman. 2009, p. 226). Diversity that exists are based on religious and cultural variety, in juristic logic the diversity becomes more clear when the sub-societies have different independent non-governmental institutions which actively apply their own set of norms parallel to the nation law as a competing source of authority (Engle Merry. 1988, p. 871; Tamanaha. 2000, p. 314-315; Griffiths, 1986 p. 5-8; Berman. 2009, p. 226-227). The diversity creates a complex legal problem, especially when it comes to determining such things as which sub-society a person belongs to and which legal system should be applied in a case of conflict such as in cases of divorce (Engle Merry. 1988, p. 871; Tamanaha. 2000, p. 314-315; Griffiths, 1986 p. 5-8). According to scholars in socio-legal studies there are numerous sets of norms and legal systems and several non-governmental institutions which apply their own set of norms in cases of

resolving matters of conflict, and also act as sources for coordination of behavior in their own sub-group (Tamanaha. 2000, p. 312; Griffiths, 1986 p. 9 & 15-16; Berman. 2009, p. 227). The people whom are inhabited in a certain sub-social group determine the legal norms through their own rationality, it is assumed that religion and religious scripts have a vital influence when people create and apply their legal system and that individuals who belong to religious communities are influenced by the religious set of norms (Tamanaha. 2000, p. 314). Norms are created through social interaction, and mutually acknowledged as legal norms in practice in the social arena, such as private and family relations, it is acknowledged as law when it becomes a common set of norms in their social group (Tamanaha. 2000, p. 316; Griffiths, 1986 p. 9 & 15-16).

Sub-societies such as religious communities often acknowledge their own set of norms as customary law, which often is not the same law which is acknowledged by the nation's legal system (Tamanaha. 2000, p. 316). In theocratic nations the religious set of norms are recognized as the law of the nation, in secularized nations religious set of norms are separate from the nation's legal system, in secularized nations the religious set of norms function as a competing source of legal system and authority for the people who belong to their community (Tamanaha. 2000, p. 318). Non-governmental institutions/authorities in religious communities affect the view of their population through indoctrinate their set of norms from an early age; their influence can be through creating social pressure on the individuals who belong to their community and through it sustaining their control over the individuals who belong to their community (Berman. 2009, p. 229).

The concept of legal pluralism has evolved from being theory which focused on the interaction between colonized nation and the nation which was the colonizer, today the focus of the theory has changed to the interaction between the nation and the sub-groups which exists in the nation, such as religious communities and immigrant groups (Teubner. 1991, p. 1456). The increasing immigration has resulted in that nations are facing a massive pluralization of different immigrant groups who belong to different religious and cultural sub-societies which is creating a complex legal order (ibid).

## 2.2 Gendered Geographies of Power

The theory of gendered geographies of power focus on explaining the concept behind the creation of what is known as "masculinity" and "femininity", the theory is helpful to be able to understand and analyze the myth of male and female gender roles in society (Mahler & Pessar. 2010, p. 442). The vital conclusion from the theory is that "masculinity" and "femininity" are not constructed by nature and therefore minimizing the norms that are created and sustained through patriarchal tradition (ibid). The theory gives me the opportunity to analyze the relationship between the spouses in religious communities from gender perspective.

Male and female are indoctrinated from early age to acknowledge the appropriate definition of what is a male and female task in society as a natural predetermined set of norms. In fact the gender roles are created by man, and have the purpose to create and sustain social differences and inequality between the genders (Mahler & Pessar. 2010, p. 442: Hopkins. 2009, p. 3: Silvey. 2004, p. 492). The definition of the gender roles are not created by nature; the roles are created by human and their social construction and are sustained through social process and those who have authority in the social arena, the patriarchal norms are sustained through everyday social encounters and social institutions (Mahler & Pessar. 2010, p. 442: Hopkins. 2009, p. 3: Silvey. 2004, p. 492). Male and female are indoctrinated on their roles in society in several important sectors, such as family and economy and the nation's social structure is created according to the gender principles, the principles reflect patriarchal norms and create hierarchies of power and privileges for the male gender in society (Mahler & Pessar. 2010, p. 443). Geographical location plays a vital role; individuals can be born in certain locations which provide different level of advantages and disadvantages in society (Mahler & Pessar. 2010, p. 446). But they are several important aspects which play an important role in creating hierarchies of class, such factors as nationality and religion, gender is connected to multiple levels which affect a person or a group in a certain social geographical location (ibid: Silvey. 2004, p. 492-493). As explained above, several factors creates a person's identity, and shape the way a person think and act in the social society (ibid: Silvey. 2004, p. 492-493).

The patriarchal society and hierarchy structure are more observable in religious communities, in such communities a patriarchal gender relation is sustained and reinforced by the male

gender through generations; this makes it possible for the male gender to sustain the gender relation between the genders (Hopkins. 2009, p. 3-4). The observation of religious communities is vital to be able to understand the construction of a patriarchal society and the gender principles regarding the terms of "masculinity" and "femininity", the observation visualize on how the male gender are empowered in society over the female gender (ibid). The patriarchal hierarchy structure is acknowledged as a religious creation, which indoctrinates what is proper male and female role and privilege in society (ibid). In religious communities the female must often in cases of marriage give up her liberties and become a subordinate to her husband (Robina. 2015, p.596). There are placed in a hierarchically organized relationship where they are regarded as subordinates to the husband and his family, they do not have the opportunity to decide for themselves, their lives are prearranged by others (ibid).

The theories of legal pluralism and gendered geographical of power are relevant to my thesis and can be combined in this thesis because my main focus is to study if religious communities have competing source of legal authority in cases of divorce in immigration communities, and in the process understand and explain how do religious norms influence the gender and power relations in immigration communities.

### **3. Methodology**

In my thesis I have chosen a qualitative approach in order to examine the differences between Swedish law and social religious communities regarding divorce. In the thesis I will conduct semi-structured interviews with six individuals who belong to different religious communities and three different religious representatives. The Guideline of a semi-structured interview commonly consists of a thematically constructed interview-guide, which gives me the possibility to enter deeply into the subject and creating discussions about the questions that the interviewer brings up (May 2001, Galetta 2013).

#### **3.1 The interview participants**

The interview participants were carefully chosen through a purposive sampling method. The selection method is a non-random way of including a certain category of persons or cases in the sample of a project. It's based on that the researcher assumes that certain individuals will have significant information and viewpoints to share with regards to the research. The method is based on the researcher's theoretical understanding of the subject (Robinson 2014, Oliver 2006). Through my understanding of the research topic, I acknowledged that vital information was to be found through religious knowledgeable representatives. Thereby I contacted the Mosque, Catholic Church, and the Synagogue in Stockholm, to be able to get in touch with the right people. I informed them about my research topic and questions and that participation was anonymous. In that way I received contact information from the religious institutions on which religious knowledgeable representatives I should contact about my research topic and questions. The individuals whom belong to different social communities I relocated through my social network. I send out interview guide and appendix to people I know and asked if they know someone who been in a situation which touches the research topic and questions. Through my social network I received contact information to individuals who my contacts assumed could be interesting for the research.

#### **3.2 Data-collection**

Before the interviews I sent out the interview guidelines and appendix to the participants for consent, and booked dates for an interview. I also described the purpose and aim of the study and what I wanted to discuss with them, and I also informed that they would be completely anonymous. Presenting the respondents names and positions in my thesis could in some

aspects have been an advantage and it could have been given the study more explicit legitimacy. But because of the sensitivity of the topic and the questions, I decided that an anonymous status of participant's is the best solution for their own good. Anonymity status gives the participants the opportunity to speak freely their mind regarding the subject without worrying that they might say something that did not generally would say if their identity would be revealed. It is more likely that the discussion will be flowing without any restrictions when the participants are guaranteed anonymity.

### **3.2.1 Designing the interview-guide**

For the interviews I had an interview-guide as a basis for each interview to be able to discuss similar topics in all interviews. But the interview-guide was only a foundation and not a precise questionnaire, it was only used as a guideline and each interview is unique due to the flowing features of the conversations. The most importing thing is that the inquiries in the interview give the participant the possibility to express how they are experiencing the issue and to give the interview structure. The designs of the inquiries need to be open and not too precise since it can hinder the result of unconventional ideas and approaches that might ascend throughout the collection of empirical data. The most important thing with a qualitative method is focusing on the experiences of the individual whom is being interviewed, and also the important fact that the interviewer should not conduct research with predeterminations regarding the issue (Bryman 2011, Ayres 2008). When designing inquire is important for the researcher to ask him or her most important questions, which is, what do I need to know to answer my research question? When doing this, the researcher needs to create a picture of what the interviewees might find important in relation to the research questions or themes in the research (Bryman 2011, p. 419).

### **3.3 Data-analysis**

The data from the interviews will be analyzed through the uses of the qualitative content analysis; the method of content analysis gives me the possibility to work through the data from the interviews to be able to reach my aim and to be able to answer my research questions (Graneheim & Lundman 2004; Lundman & Graneheim, 2012). In my thesis I will use abduction form of content analysis which is a combination of deduction and induction content analysis, this give me the possibility to combine me theoretical framework to the data from

the interviews and to be able to analysis the answers given by the religious representatives and the individuals who belong to different religious communities (Alevsson & Sköldberg, 1994). The main focus of a qualitative content analysis gives me the opportunity to be able to grasp knowledge and understanding about the main issue through the data which the participants give in the interviews, and in this study I will focus on analyzing the answers I receive from the interviews (Graneheim & Lundman 2004; Lundman & Graneheim, 2012). The data from the interviews where written down directly at each interview session, and the participant where able to go through the answers and give his or hers approval. After collecting the data from the interviews, I had multiple reading sessions on the data from the interviews to be able to grasp the data from the interviews, it is important to understand the material to be able analyze it, and content analysis method provides the tools (ibid).

### **3.4 Ethical consideration**

As mentioned earlier because of the sensitivity of the topic and the questions, I decided that an anonymous status of participants is the best solution for the participants. To be able to create an anonymous status, I decided not to reveal such thing as age, if the participants have children. The description of the interviews will mainly focus on data regarding the aim of the thesis. The reason for this as I mentioned earlier I used my social network to get in touch with participants, and by revealing such thing as age and number of children I risk exposing the participants true identity. Regarding the representatives from the religious communities, I will only mention which community they represent, by exposing their title and the timeframe of their experience they risk being exposed. I promised all participants that the interviews are anonymous and therefore I will exclude unnecessary details which could risk exposing their true identity. The most important data is their knowledge regarding the religions the represent and their life experience.

### **3.5 Reliability and validity**

When it comes to “reliability and validity”, qualitative researchers argue that they are more vital criteria that qualitative research can be grounded in (Bryman 2011, Given & Saumure 2008). They argue that the issue of trustworthiness is better suited for measuring “reliability and validity”, of a qualitative research (ibid). In my case I will base my research according to criteria’s of trustworthiness. My description will focus on my findings through my fieldwork

on collecting data from interviews from the participants who belong to different religious communities (ibid). The fieldwork through my interviews gives me the possibility to collect a great deal of data regarding the aim of the thesis, which will give me the opportunity to provide a rich and full description (ibid). I will enter my research without any pre-conclusion and personal values (ibid). It is important to point out that my conclusion is not a complete version of the social arena, but is one of many studies which through fieldwork illustrate a thinkable version of the social arena.

## **4. Swedish divorce law – Äktenskapsbalk**

Before I present the interviews in chapter 5, I will start with explaining the Swedish divorce law. In this chapter I will present the most important part of Swedish divorce law which is vital for the aim of the research.

### **4.1 Äktenskapsbalk**

Swedish divorce law acknowledge the individual right and liberty of both genders, both of the spouses have the right to initiate a divorce process and be granted a divorce without any hinder from the counterpart (Chap. 5, 1-2§). In cases where only one of the spouses demands a divorce, then there is mandatory rethinking timeframe for the spouse who initiate the divorce, after that timeframe a divorce is granted, the mandatory timeframe is six month (Chap. 5, 2-3§). In cases where the spouses have lived separately for at least two years, a mandatory rethinking period is not obligatory (Chap. 5, 4§). The mandatory rethinking period is always obligatory in cases where the spouses have children under the age of 16 (Chap. 5, 1§)

As explained above Swedish divorce law is not structured to create inequality in gender relations, the Swedish divorce law is not structured in way which empowers one gender over the other. The Swedish divorce law is structured in way which gives the both genders equal power in a relationship. There is no hierarchy structure in the Swedish divorce law; both the male and the female gender are regarded as equal in a divorce process. They have equal rights and privileges in divorce process.

## **5. Interviews with religious representatives and individuals from different religions**

The interviews will be presented individually; the reason for this is that it gives me the possibility to present vital data from each case separately. The interviews with religious representatives will be presented first and then the interviews with the individuals who belong to different religious communities will follow.

### **5.1 Interviews with religious representatives**

In this section I will present the interviews with religious representatives, as mentioned earlier in the chapter I will present them separately. The motivation for presenting them separately is to be able to provide as much vital data as possible from each interview.

#### *Interview subject called Isaac*

Isaac works at a synagogue, and is a representative of the Jewish community.

Isaac says that a marriage is considered as holy bound/contract between the husband and the wife and a divorce/termination of the contract is regarded as a tragedy and an unholy act. Isaac says that the Get is required for Jewish marriage to be dissolved. Isaac also says that before a Get can be granted the spouses need to be divorced by Swedish divorce law first, this is important requirement.

If the ex-spouses want to marry somebody new they are not able to have a Jewish marriage ceremony without a fulfilled bill of divorce (Get). A marriage is not regarded as dissolved until a Get is granted and exchanged between the ex-spouses. When a Get is granted then couple are officially divorced by Jewish custom, Isaac then gives a certificate as proof to both of the ex-spouses, the certificate attests that the couple has drawn up a Get which has been accepted and that each of them can remarry according to Jewish custom.

The biggest difference between Swedish divorce law and the Jewish custom is the bill of divorce the Get, according to Isaac. He says that in Swedish law the spouses are more equals in the process of a divorce, but in the Jewish process the husband still has more power than the wife. The husband is the one that can initiate divorce in Jewish custom and the husband

can only be forced to grant the wife a divorce if a religious jury tells him to. Isaac says that he has never had a case where the husband has denied his wife a divorce. Usually the spouses have both decided that the marriage is dysfunctional and want to dissolve it. Isaac says that usually it takes time to grant a Get, because the Synagogue and he sometimes have more prioritized matters. But he is not able to recall that a Get has not been granted in a divorce case that he has been involved in. Isaac says that is better to grant a divorce, then let spouses go on in a marriage with bitterness and resentment, divorce is sometime inescapable and part of life which should be accepted.

*Interview subject called Wissam*

Wissam works in a Mosque and is a representative of the Muslim community.

Wissam says that a marriage is seen upon as glories and wonderful contract between a man and a women, he says that divorce is regarded as terrible and truly regarded as last option for spouses. Wissam says that divorce is permitted in Islam, but the Mosque advises spouses to try to make the marriage work, the Mosque doesn't advocate spouses to divorce. Wissam says that in Islam divorce is called Talaq. The husband is the one which has the primarily given right to divorce. The husband is required to contact the wife's family and establish a meeting regarding negotiating the divorce and the price that the husband needs to pay to the family of the wife. Usually such agreement could be pre-negotiated before the marriage. Wissam says that the Mosque requires that the spouses already divorced by Swedish law and have a certificate that proves that they no longer are regarded as married by Swedish law. Wissam says that the Shari`ah do not give the wife the wright to initiate a divorce to her husband. He says that the reason for this is that the husband is the one that has all the economical obligations of the family and also under the period of iddah the husband must support his ex-wife financially. He explains that the iddah is the period after the divorce, in this period of time the husband can regret the divorce and take his wife back. The timeframe of iddah depends, if the wife is pregnant the timeframe is during the all nine month of the pregnancy, until the child is born. If the wife is not pregnant, the timeframe is three menstruation cycles. If the wife do not menstruate, then the timeframe is three month.

He explains that the wife can divorce her husband, but to be able to do so the husband has to grant the right of a divorce to his wife, this can pre-negotiated before the marriage or while

they still are spouses. Wissam says that the Mosque do not advocate husbands to grant their wives divorce. He says that marital issues are between the husband and his wife. Wissam says that the Mosque will provide the spouses religious guidance in time of difficulties. Wissam says that a Swedish divorce certificate is not a guarantee that a Muslim divorce can be granted, the husband plays an important role, in the process of Muslim divorce. The Imam according to Wissam follows the Shari`ah and needs the husbands approval to grant a divorce. Wissam do not want to speak about specific cases or cases where the Mosque has been cut in the middle of the spouses. He wants to point out that it is important to know that the Mosque is not the institutes which do not grant divorces, the Mosque is the institute that usually gets cut between spouses in an infected marriage without any possibility to affect the husbands mind.

*Interview subject called Jonas*

Jonas works in the Catholic Parish and is the representative of the Christian Catholic community.

He says that he shares the Catholic Churches beliefs regarding divorce, and that divorce should be regarded as a last option, he do not like to use the word divorce, instead he calls it annulment of marriage. Jonas says that in Catholic Church a marriage is regarded as a holy act, where husband and wife are joined by God. In real Catholic belief divorce is not possible, the marriage is sacramental and should not be dissolved. Is not required to be divorced according to Swedish law before the spouses start an annulment process, the Church is regarded to be the institute that have the right to dissolve a sacramental marriage. He says that in cases of divorce, there is an annulment process, the process involves investigation and determination whether or not a sacramental marriage is regarded as valid or not. If the marriage is regarded not to be sacramental, then the Church will grant the annulment.

Both of the spouses have the right to ask for an annulment, so the initiation right is given to both the husband and the wife. He says in cases of violent behavior from one of the spouses, as exempla the husband is violent against the wife, then the Church permits the spouses to separate and live apart, but the spouses are still regarded to be married in the eyes of the Church. The separation is regarded as complete when the annulment of the marriage is granted from the Church. He says that an annulment process is longer then the Swedish

divorce process, usually the annulment process takes a year if not longer then so. He says it takes time to determine if a marriage is not sacramental and an annulment can be granted. He says that if you are Catholic and be granted to be married in the Catholic Church, then your marriage is regarded as sacramental. He says that this mean´s even when you have divorced according to Swedish divorce law, the ex-spouses are still regarded as married in the eye of the Catholic Church. He says that ex-spouses are not able to marry in the Catholic Church until the annulment to the previous marriage is granted. If the ex-spouses decide to marry new persons before the annulment is granted, then the new marriage is considered to be adultery in the eye of the Catholic Church, which is regarded as a state of mortal sin.

## **5.2 Interviews with individuals from different religions**

In this section I will present the interviews with the individuals from different religious communities, as mentioned earlier in the chapter I will present them separately. The motivation for presenting them separately is to be able to provide as much vital data as possible from each interview.

### *Interview subject called Maryam*

Maryam is from Iranian and of Muslim ancestry. Her views on divorce are mixed, she believes that marriage should be chariest and that divorce should be regarded as a last resort when the marriage no longer is fruitful and functional. She says that she married her husband in Iran, and that the reason for the marriage was not love, it was more an adult decision which I and other Iranian´s who grown up in Sweden may not be able to understand. In time she says that she and her husband grow apart.

In time she decided to talk to her husband about the future and the possibility of divorce. Her husband did not want a divorce, and after a time they decided to move apart. Maryam decided to seek divorce and the couple divorced according to Swedish law. The spouses are according to Maryam only divorced according to Swedish law but not Iranian law, this because her ex-husband refugees Maryam a divorce according to Iranian Muslim custom. Swedish divorce is not valid according to Iranian national law, which means that Maryam is still married to her ex-husband in Iran according to Muslim custom. Maryam is now remarried to her new spouse whom she meet in Stockholm, their marriage is illegal in Iran. In Iran her new marriage is

regarded as being unfaithful to her ex-husband and she risks harsh punishment if she returns to Iran. To be able to have a legitimate divorce according to Iranian law, Maryam and her ex-husband need to get an approval and a divorce certificate from a Mosque and then give a copy of the certificate to the Iranian embassy in Stockholm. Without the legitimate certificate from the Mosque she is still regarded as married to her ex-husband in Iran. Because of this Maryam is not able to visit her family in Iran, she risk getting imprisoned and not be able to return back to Sweden.

Maryam says it is important to highlight that Iranian divorce law requires the consensus between the spouses to divorce, if the situation was the other way around and her husband was the one demanding a divorce and Maryam was the one refusing then her husband would be in the same situation which Maryam is in today. Maryam says that the husband is the one that has the right to initiate the divorce, but the according to Iranian law the wife must also consent to the divorce. She says that her family supported her through all of the process specially her dad whom also tried to talk sense to Maryam's ex-husband. Most of her friends were also friends of her ex-husband, some supported and still support Maryam, and others have sided with her ex-husband.

#### *Interview subject called Jessica and Jacob*

Jessica and Jacob are both from Jewish ancestry and married according to Jewish custom. The interview will only be conducted in the assumption if they would divorce in the future and process they will need to go through.

According to the spouses in case of divorce they would need to go through a Jewish divorce to be able to have new Jewish wedding again if they meet someone new with Jewish ancestry. Spouses point out that it is important to know that in Jewish tradition a divorce is the last way out from a marriage and that divorce is seen upon as one of the biggest tragedy in life. In case of a divorce beside a divorce according to Swedish law, the spouses need to go through a divorce according to Jewish custom to be formally divorced according to Jewish faith. According to the spouses Jacob needs to initiate the divorce or grant Jessica the right to a divorce, Jessica says this is the difference between Swedish law and Jewish custom. Jessica says that the husband is the one that has the right to divorce in Jewish custom.

Jessica and Jacob point out that they know Jewish couples who have divorced without any complications, the timeframe may take a bit longer than the Swedish divorce process. Jessica and Jacob do not think that they will ever get divorced, but if that day comes when their marriage is not working anymore and they have a consensus on seeking a divorce, then they do not see any hindrances to have a divorce according to Jewish custom. They do not believe that their family and friends would look upon them differently if they one day decided to divorce. None of their friends who have had a divorce has been alienated or lost friends because of a divorce. They do not believe that their family would alienate or treat them differently in case of divorce.

*Interview subject called Nick*

Nick is from Italian Christian Catholic ancestry. Nick believes that divorce should be regarded as a last option. He says that in Italian Christian Catholic faith a divorce is regarded as a sin, he has no history of divorce in his own family. Nick tells that he and his wife have had marital problems the past two years. His family is divided between his own Italian family and his wife's Swedish family. He tells that his wife's family is more liberal when it comes to divorce, but they have recommended that the spouses should try to make things work out. He says that he has spoken to his own family about the marital problems and that his family has reminded him that all spouses have problems and the most important thing is to deal with the problems as husband and wife. He says that they have pointed out that a marriage is regarded as a holy bond between a husband and wife. They have also recommended him that he and his wife should seek guidance from a Priest, that spiritual guidance may help them through the rough times.

He thinks that his Christian Catholic faith has had an impact on the process, he believes that he and his wife may have already been divorced if he did not have his faith. Nick says that he does not know how his Italian family will react if he and his wife divorced, but he also says that he does not take that into account if he and his wife decide to take a divorce as a final option. But his belief is that his family and his faith have had an impact, since the couple still is trying to work things out. He thinks that if they do decide to divorce, then the application regarding seeking divorce should be approved by them both and not only by one of them. Nick says that they married in Swedish Protestant Church which is more liberal, and that he and his wife would only need to focus on a divorce according to Swedish law and do not have to go through the Catholic annulment process.

*Interview subject called Shima*

Shima is of Iranian Muslim ancestry. Shima says that her current view on divorce is shaped on the bases of the divorce she went through. Today she acknowledge divorce as a privileged right for spouses whom marriage is no longer working and both of the spouses are unhappy and the family life is exposed to constant argument. Both of the spouses have Iranian ancestry, and both had communicated with their family and friends about their marital situation. She says that both sides where very understanding and only told them to be rational in their decision. Shima says that both families were supporting in the process and that they also helped a lot when it came to divorce by Iranian law and Muslim custom. But she wants to point out that it is important to know that the support came from their Iranian family in Sweden. She says that her family in Iran was mostly against the thought of a divorce and tried to talk to her parents in Sweden. Mostly they blamed Shima's parents for being loose handed in her upbringing.

Shima says that she and her husband underwent two divorces. The first divorce was according to Swedish law and Shima says it was the easier process. After their divorce was approved by Swedish law, the spouses contacted the Mosque in Stockholm to be able to divorce according to Muslim custom. She says that the waiting time was long and that the process may have been smoother if they had pursued religious guidance, but she points out that the decision on religious marriage was only in respect to their parents and had nothing to do with the ex-spouses beliefs. One year after their Swedish divorce the ex-spouses where given a time to get divorced by Muslim custom, they received approval and a divorce certificate from the Mosque and then give a copy of the certificate to the Iranian embassy in Stockholm. She says that her ex-husband was very supporting under the process and she knows that there are other Iranian women that are not so fortunate in their cases when it comes to divorcing their husband.

*Interview subject called Sara*

Sara is from Somalian Muslim ancestry. Sara says that divorce is something which should be regarded as an acceptable option when a marriage collapses. Sara's opinion is that it should not matter which religion/faith or culture you come from or belong to, divorce should be acceptable if a marriage no longer is functional. Sara says that her family and her ex-husband's family where against the thought of a divorce. Even more her ex-husband did not

even want to talk about the subject. Sara says that she married her ex-husband according to Muslim custom at an early age, he was a friend to her family. She says as time went on she grew more and more unhappy. She could not do the things her friends did, like travel with them. For her the situation was not acceptable, and she says that if not for her family she would have divorced her ex-husband earlier than she did. She says that her friends were the ones who supported her, and that she moved in with her friends.

She says that the husband in a marriage is the one with the power. She says that Muslim custom does not give the husband and the wife equal rights when it comes to divorce, the husband is the one privileged with the right to divorce the wife. She says that the biggest difference between Muslim custom and Swedish law regarding divorce is that the husband and the wife have equal rights in Swedish divorce law, the wife has equal rights to seek a divorce. She says that she does not see her Muslim marriage to her ex-husband as a legitimate marriage. In present time she says that her relationship to her parents still is a constraint.

#### *Interview subject called Suad*

Suad is of Somali Muslim ancestry. Suad believes that divorce should be an individual right, she does not believe that a person should be forced to stay in a marriage. She says that Swedish divorce law provided her the opportunity to leave her marriage behind. Suad says that the Swedish divorce law is based on equal rights for the husband and the wife to make an individual decision.

She says that she believes that the Muslim community gives the husband power over his wife. She says that in Islam only the husband has the right to divorce, and that she as a woman and wife is not regarded as an equal. Suad says that when she wanted to leave her husband and asked for a divorce, he did not grant her the right. She says that the husband must grant the wife the right to divorce before the Mosque can grant the spouses a Muslim divorce.

She says that even if she is regarded as a divorced woman and single and free to remarry by Swedish law, she is still regarded as married to her ex-husband in the eyes of the Muslim community. Suad says that her life has become complicated because of this, most of her friends and family members she shares with her ex-husband, many of them have sided with her ex-husband. When she spoke to her parents about divorce, they tried to talk her out of it. They pointed out that most of their friends were Muslims and also were good friends with

her ex-husband and his family, and that a divorce would harm their friendship. Suad says they were also afraid of what their friends and rest of the family would feel about Suad. She says that her Swedish friends and some of her closest Muslim friends supported her, and pushed her to make the decision which felt right for her and not for her family.

In present time she is divorce only according to Swedish law. Suad believes that her ex-husband is a good man. She says in time he may even grant her a divorce by Muslim custom, for her it is important to also be regarded as divorced in the eyes of Muslim community. It is important for her not be regarded as unfaithful in the eyes of her family and friends. Her hope is in the future to build up the bonds to her family.

## **6. Analysis**

In this chapter I will use my theoretical approach to analyze my empirical data from the interviews. The theoretical approach of legal pluralism and gendered geographies of power will be used separately to create a better understanding.

### **6.1 Interplay, clash, and coexistence of multiple forms of normative ordering: Religious norms vis-a-vis Swedish divorce law**

As the works of Engle Merry (1988), Tamanaha (2000) Berman (2009) explains, legal pluralism defines a situation in which two or more legal systems coexist in the same social field in a nation. Swedish community is no exception when it comes to dealing with non-state norms which affect everyday life of Swedish society and sub-communities. The data from the interviews illustrates that the religious communities in Stockholm practice their own set of norms regarding divorce. The authors also acknowledge that the differences between state law and religious communities sometimes can co-exist and in other cases clash. According to the answers in the interviews both the Muslim community and the Christian Catholic community have strong views regarding divorce; both communities strongly follow their own set of norms which conflicts with Swedish divorce law. The Jewish community has in theory religious norms that in script should conflict with Swedish divorce law, but according to the interviews the Jewish community has been able to adapt their divorce process to the Swedish divorce process. In practice the Jewish community has adjusted their divorce process to the Swedish legal norms and they both co-exists without any conflict. The authors acknowledge that the condition creates variety of complex legal problems, especially when it comes to deciding when a sub-group's law/norms apply to a particular matter or conflict, such as a divorce case. The interviews illustrate that both the Muslim community and the Jewish community demand that the spouses already are divorced according to Swedish law before starting a religious divorce process. While the Jewish community according to the interviews has not had any problems following through a religious divorce after a Swedish divorce been approved, the Muslim community has had cases where a religious divorce has not been approved. The Catholic Church still acknowledges them-self as the sovereign power when it comes to dissolving a sacramental marriage through an annulment process. The Catholic Church do not regard a divorce according to Swedish law as legitimate annulment of sacramental marriage, and the ex-spouses are still regarded as married in the eyes of the

Church. The views of the Catholic Church stand out as a separate and occasionally competing source of legal authority regarding divorce cases. As demonstrated by the interviews all three religious communities operate and are competing source of legal authority regarding divorce cases, all three communities have different views regarding divorce which they apply in different grades in their religious communities. But in case of the Muslim community and the Christian Catholic community the interviews illustrate that religious leaders mobilize social pressure to sustain their religious norms regarding divorce.

## **6.2 ‘Gendered Geographies of Power’ observed within immigrant communities in Stockholm, Sweden**

As the works of Mahler & Pessar (2010), Hopkins (2009), Silvey (2004) and Robina (2015) explains that gender inequality is created by humans, is a creation which causes social differences and hierarchy structure. As the interviews illustrated the religious communities in Stockholm have their foundation in a patriarchal tradition, which has been passed on from generation to generation and reinforced by the young male in the religious communities. The patriarchal tradition and norms are assumed being the creation of the religious communities. The data from the interviews do not provide the answer on the creation of the patriarchal society, but it illustrates that the norms regarding divorce in religious communities in Stockholm are based on patriarchal norms. The interviews illustrate that the divorce process in the religious communities in Stockholm creates inequality in balance between the husband and the wife, the husband is empowered and the wife is seen upon as sub-ordinate to the husband. It creates a situation of control over the opposed gender, the wife becomes depended on the decision-making of the husband. Both the Muslim community and the Jewish community are based on patriarchal norms regarding divorce process according to the interviews, even if the Jewish community in practice has not had any problems in cases regarding divorce. Both communities give the husband the right to initiate a divorce and also demand that the wife is granted a divorce by her husband. As the authors in the theory acknowledged the process puts the wife in vulnerable position where she is not able to decide her own destiny. The data from the interviews illustrates that the Muslim community also in practice applies patriarchal norms in their divorce process; the wife is not guaranteed a divorce without the husbands’ approval. The wife’s future is controlled by her husband’s decision. Under such religious circumstances and hierarchy structure on marriage, the female must give up the comforting familiarity of her own making to go and live a life where she has

no liberty to decide for herself. The interviews illustrates that they are females that find themselves under such circumstances, the result often comes to being stigmatized by their religious community after going through a divorce or even thinking of a divorce. The patriarchal norms shape the identity of person, it shapes, discipline, and position people and the way they think and act in society. The interviews illustrate that the religious communities in Stockholm integrate their members to think and act according to their norms regarding the issue of divorce, even if their tradition/norms undermines the liberty of the female gender. In opposite to Swedish law regarding divorce, none of the religious communities in this thesis gives the wife the liberty to decide for herself if she wants to stay in marriage or not. The Catholic Church demands good reasons to approve an annulment of a sacramental marriage, the process is long and the Catholic Church most approve if the wife can be granted to live separately under the annulment process.

As explained above the data from the interviews illustrate that all three religious communities operate as competing source of legal authority in cases of divorce. In the Muslim and Catholic community the interviews illustrated that representatives of the religious communities mobilize social pressure to sustain their norms regarding divorce. The religious communities in Stockholm are in present time the guardians of a patriarchal structured society, the data from the interview illustrated that immigrant women who belong to religious communities are subordinates to their husbands and more or less powerless in case of religious divorce. The patriarchal norms in the religious communities create an imbalance in gender and power relations between the male and female in relation to divorce.

## 7. Discussion

The data from the interviews illustrate that religious communities in Stockholm preserve their religious norms and tradition; they practice their own set of norms separate and occasionally as a competing source of legal authority regarding cases of divorce. As Goldring (1996) and Glick Schiller (1999) described often immigrants seek themselves to the community where they can relate to their national identity, such scenario transform the norms of state of origin to transnational. The members of religious communities are more or less bound to follow the norms of their religious community. As Darvishpour (2012), Liversage (2012), Ahmadi (2001), Timmerman (2006) and Beck-Gernsheim (2007) acknowledge is that female belonging to communities where power is imbalanced in a marriage find solutions in their new state. What they do not discuss on the depth is the importance of religion as a factor of conflict between their old norms and their new view on life and relationship. Religion is an important factor, which the data from the interviews illustrated. Religious communities affect people's thinking and how they act in society; they shape the identity of their population through their norms and teaching. As illustrated in the interviews with Maryam, Suad and Sarah, they searched for equality in their relationships, their new way of thinking caused conflicts in their marriage, and in their community because their new way of thinking was different from the norms of their religious society. Their search on identity and belonging in their new society changed their views regarding their marital status, marriages they regarded in their mind being based on inequality. They question the patriarchal norms of their community and their own identity in that community, and decided that a divorce was the only way out. As mentioned earlier the norms of the religious communities are based on patriarchal tradition, every individual seeks equal rights in society, the individuals from the interviews are not unique in that sense only ordinary women and individuals who have been cut between their traditional religious community and the legal framework of their new society.

Roald (2010) and Jänträ-Jareborg (2013) have in their legal works provided data on the subject of clash between religious norms and Swedish law regarding divorce, data from the interviews illustrated that the Muslim community has had difficulties in assimilating to the Swedish divorce law and process. Religious communities in Stockholm have their own set of norms regarding divorce which is dissimilar to the Swedish law regarding divorce, and in cases of divorce the religious norms and the Swedish law clashes. The Catholic Church has excluded Swedish divorce law and process, they have their own set of norms and process

which function as a competing source of legal authority regarding cases of divorce. The Jewish community has in practice according to the interviews not experienced any difficulties co-existing with Swedish law regarding cases of divorce.

As the data from the interviews illustrated religious non-governmental institutions do have a large influence in the actions and behavior of individuals belonging to different religious communities in Stockholm in relation to divorce, the function as competing source of legal authority in their religious community. They also influence the gender and power relations in their religious community; they preserve a patriarchal tradition which scales the power in the favor of the husband in cases of divorce.

## 8. Conclusion

*In which ways are members of immigrant communities in Sweden influenced by religious norms and values in relation to divorce?*

The religious norms regarding divorce are based on patriarchal norms; the female is more or less regarded as a subject which is owned by her husband. The husband is the one privileged with initiation right to a divorce; the wife is dependent on her husband's decision regarding the outcome of a divorce process. The patriarchal norms creates imbalance between the genders which oppress the wife's liberties in a divorce process. According to the data from the interviews the Muslim community still both in theory and practice has a divorce process which reflects patriarchal tradition. The Jewish community has in theory patriarchal norms regarding divorce, but in practice the data from the interviews indicate that the Jewish community more or less has assimilated to Swedish divorce process. The Catholic Church more or less stands out as the only community that still do not allow divorce, they have an annulment process in which both spouses can initiate the process. The process can be initiated as example if the husband is violence or if the spouses because of different reasons indicate that their marriage should not be regarded as sacramental. In the Muslim community the wife is put in a vulnerable position where she is excluded and stigmatized in her religious community, such as in the case of Maryam, Suad and Sarah. The Jewish community has more or less assimilated their divorce process in practice to the Swedish divorce process, which all three interview subject's appear to agree upon. The Christian Catholic annulment process is time taking and affects the spouses emotionally under a long period of time, and there is a possibility of being stigmatized such as the case of Nick.

*Sub-questions*

*How do religious norms and structures influence the actions and behavior of individuals belonging to different religious communities in Sweden in relation to divorce?*

As the data from the interviews illustrated the religious norms influence the actions and behavior of individuals belonging to immigrant communities. The preserve patriarchal traditions and doing so through mobilizing pressure to sustain their control, which cases of Maryam, Sara and Suad illustrated. The wife's who chose to question their identity in their community risk to be stigmatized by their religious community. The female gender is

convinced from an early age that she is subordinate to the male gender as illustrated from the data in the interviews, both the male and female gender act according to the philosophy of a patriarchal society.

*How do individuals belonging to different religious communities comply with, avoid or maneuver around Swedish divorce laws?*

Both Muslim and Jewish divorce process requires that the spouses already are divorced according to Swedish divorce law. The difference between the Jewish community and the Muslim community in Stockholm is that Swedish divorces do not guarantee the wife a divorce according to Muslim custom in the Muslim community. The reason for this is that the Muslim community in practice still follows patriarchal norms, whereas the Jewish community in practice is more secular regarding their divorce process according to the interviews. The Mosque puts the blame on the husband in cases where the wife has not been granted a divorce according to Muslim custom. In their eyes the Mosque is not able to force the husband to divorce his wife. The Catholic Church do not acknowledge Swedish divorce law, a sacramental marriage can only be annulled through the Catholic Church according to the interview with Jones. Even if the spouses are regarded as divorced according to Swedish law, they are still regarded as spouses in the eye of the Catholic Church and the Catholic community.

*How do religious norms influence the gender and power relations in immigration communities in relation to divorce?*

As illustrated in the analyses of the interviews, the Muslim community views on divorce is both in theory and practice based on patriarchal norms, and the wife is more or less regarded as the property of the husband. The husband is the one privileged with the right to initiate and grant a divorce to his wife. The interviews indicate that religious norms regarding divorce in the Muslim community creates inequality between the genders and the wife is more or less powerless in a divorce process. Wife's who seek divorce usually are stigmatized and excluded in their community as the cases of Maryam, Suad and Sarah indicates.

The Jewish community just like the Muslim community has based their views regarding divorce on patriarchal norms in theory. But in practice they acknowledge a divorce according to Swedish law and there has not been any case according to the interviews where the wife

has not been granted a divorce according to Jewish custom. The Synagogue can also force a husband to grant his wife a divorce, which is a big difference to the Muslim community where the Imam and the Mosque do not force a husband to grant his wife a divorce.

The annulment process of the Catholic Church is based on many different factors which provide the wife the possibility to leave her husband; such has physical and psychological abuse. But the process itself is long and puts the female in an abusive relationship in vulnerable position.

As the data from the interviews illustrate the religious communities in Stockholm act as the guardians of a patriarchal society, they have their own set of norms regarding divorce. Their views are based on the philosophy of patriarchal traditions. Both male and female gender is indoctrinated from an early age on what is an appropriate and acceptable masculine and feminine behavior in society. The data from interviews illustrated that their patriarchal norms operate as a competing source of legal authority regarding divorce cases, which causes difficulty for immigrant women belonging to religious communities in cases of divorce. They risk being stigmatized and excluded from their community. The Swedish law regarding divorce may guard the female her liberty and equality in Swedish society, but it do not guarantee the immigrant woman her equality in her religious immigrant community. Swedish divorce law has not been able to grasp the difficulties which has arisen through increasing cultural diversity in Sweden over the last two decades. Even if Swedish society has come a long way on equality between the genders, the immigrant religious communities in Sweden still grasp to a patriarchal society. There is a need for further research and awareness on the issue, as the cases in this thesis illustrated individuals in religious immigrant societies are still living in social communities were they are not viewed as equals, they are regarded as subordinates to their husbands. The teachings of the religious communities creates imbalance of gender and power relation and indoctrinates the female to believe that she should be subordinate to her husband.

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### **Legal document**

Äktenskapsbalk (1987:230) Chap. 5, 1-4§

## **Appendix 1 – interview guide religious representatives**

Participant is anonymous, name and personal information from participant will not be disclosed.

Only information needed from the participant is age, gender and title.

### **Question about participant:**

- Age?
- Gender?
- Title/roll in xxxxxxxxxxxxxx and what task/assignments do you have?
- For how long have you been working at the xxxxxxxxxxxxxx?
- Theological our any form of academic education?

### **Questions regarding the main theme:**

- What is divorce?
- Who in xxxxxxxx grants the spouses divorce?
- How often do people contact none-state institutes/religious institutes regarding divorce?
- Are they many cases where spouse´s whom are considering divorce seek guidance from the xxxxxxxxxxxxxx?
- Have the husband and wife in marriage equal rights regarding divorce in XXXXXX?
  - If the rights between the spouses in case of divorce are not equal, please explain in what way they differ?
- Is there an obligated timeframe of reconsideration in XXXXXXXX belief before a divorce is granted from the xxxxxxxxxxxxxx?
- In your thought what are the main differences between Swedish divorce law and the structure of divorce in XXXXXXXX?

## **Appendix 2 – interview guide with individuals from different religions**

Participant is anonymous, name and personal information from participant will not be disclosed.

Only information needed from the participant is age, gender, ethnicity, religion and marital status.

### **Question about participant:**

- Age?
- Gender?
- Ethnicity and religion?
- Are you married?

### **Questions regarding the main theme:**

- What is divorce?
- Have you or a family member experienced divorce?
  - In case of divorce did you or your family member follow through the regular Swedish structure of divorce or did the religious structure have an impact on the process?
- Did you or your family member seek religious guidance during the process?
- In your views do you believe that religious view on divorce has an impact on spouses whom seek divorce in Sweden?
- Which is less completed way divorce
- How much autonomy do you have
- Is there any social stigma in your family and social group when it comes to divorce?
- Who usually initiate divorce and how hard is it to initiate a divorce?
- What are legitimate reasons for divorce according to the Swedish law and the religion?