

DIVORCE CUSTOMS IN THE KANDYAN KINGDOM

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In the social system operating in the medieval Sinhalese Kingdom of the central highlands of Sri Lanka, parental interference limited the choice of marriage partners considerably. The freedom thus lost, however, appears to have been somewhat counterbalanced by the ease with which a divorce could be effected. There were neither special ceremonies nor official divorce proceedings in this connection, and at the mere wish of either party a marriage could be dissolved. In this connection, a 17th century eye witness Robert Knox states: '..... their marriages are but of little force or validity. For if they disagree and dislike one the other, they part without disgrace.'¹ Queyroz, the Portuguese writer of about the same period makes a similar observation '..... in order to separate, each one's wish is sufficient, who taking what was brought to the household may go back and marry at pleasure.'² This evidence is corroborated by Heydt: '..... when they cannot live with content together, they separate themselves, and the man seeks another wife and the wife another husband, until they find such as content them both.'³

These references make it clear that if the pair failed to satisfy one another's needs separation automatically followed. Yet they do not afford us much information regarding the main grounds on which divorce was permissible in Kandyan times. 'Answers given by some of the best-informed Caudian Priests, to Questions put to them by Governor Falk, in the year 1769, respecting the ancient Laws and Customs of their Country', are more useful in that respect.

According to that source a husband could obtain a divorce for any of the following reasons, namely: '.... that his wife, failing in the respect and reverence due to a husband, has spoken to him in an unbecoming manner; or that being void of attachment to him, she has bestowed upon another that affection and regard to which he was entitled; or that she maintains an intercourse with a gallant, and lavishes upon him the earnings of her husband.'⁴ The same source states that a wife could obtain a divorce for the following faults on the part of the husband: 'If, being destitute of love and affection

1. Robert Knox, *An Historical Relation of Ceylon*, ed. James Ryan, London, 1911, p. 149.
2. Fernao Do Queyroz, *The Temporal and Spiritual Conquest of Ceylon*, Translated into English by Fr. S. G. Perera, Book I, Colombo, 1930, p. 91.
3. Johann Wolfgang Heydt: *Ceylon*, Translated into English by Raven Hart, Colombo 1952, p. 135.
4. Answers given by some of the best-informed Caudian Priests, to questions put to them by Governor Falk in the year 1769, respecting the ancient Laws and Customs of their Country in Anthony Bertolacci's *A view of the Agricultural, Commercial and Financial Interests of Ceylon*, London, 1817, Appendix A, pp. 468, 469.