

## DIVORCE IN CHRISTIAN MARRIAGE: CHILDREN AS THE MAJOR VICTIMS

Ibe, Julian Chukwuemeka, PhD  
Albertine Institute, Fayit – Kafanchan  
[frjulianibe@gmail.com](mailto:frjulianibe@gmail.com)

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### Abstract

*This work attempts to address a social problem that is eating deeply into the Church – the problem of divorce. The rate of marital breakups is becoming a cause of concern to anyone who cares about family life. Given that the family is the smallest unit of the society and marriage is the institution upon which family life is built, it is only natural that the growing rate of marital breakups in Nigeria should be a major cause of alarm. This is even more heartbreaking when a lot of these broken marriages are Christian marriages. Sadly, children, who constitute the most vulnerable members of society, are the major victims of failed marriages. The study begins with an introduction and then defines some relevant concepts. It discusses the concepts of marriage and divorce and exposes the Church's teachings on divorce from Scriptures to Magisterial teachings. It reveals some of the causes of divorce and then focuses on children as the major victims of divorce. Finally it makes recommendations and concludes.*

**Keywords:** Children, Christian marriage, divorce.

### Introduction

Human societies have units which are very peculiar to it. One of such is the institution called marriage. Every race and culture have her marriage custom and practice, some are closely similar while others are different, though the essence of this union tends to be similar in all cultures. These unions, which in the beginning often have an expectation of a life-long relationship, sometimes have a contrary ending with its attendant effects on the human society. In some cases, there is a temporary separation while in some other cases the marriage ends in divorce. In the case of divorce, the effects are on the partners, the wider community and the children. This paper is an attempt to look into the causes of divorce and the effects on children. The paper is not focused on any particular tribe because the issue of divorce, its causes and effects on children is global and is not limited to a particular tribe or geographical sphere. In this paper, attention will be given to explain what marriage is as a precursor to divorce, divorce from the scriptures and the effects of divorce on children before pointing out some

recommendation on what should be done to ameliorate some of these effects on children in particular, and the human society in general.

### **Clarification of Terms**

#### **Christian Marriage**

Marriage is from the Latin word '*mater*' meaning (mother), and '*monium*' meaning (occupation), formulating the word "*Matrismunus*", which was translated into "the occupation of the mother". The use of the word "mater" stemmed from the belief that the infant depended more on the mother than on the father.<sup>1</sup> Marriage is defined as a legal union between a man and woman to become husband and wife.<sup>2</sup> According to Hildebrand, "Marriage is the closest and the most intimate of all earthly unions which is more than any other, one person gives himself or herself to another without reservation, where the other, in his complete personality is the object of love and where mutual love is in a specific theme, that is to say, the love relationship".<sup>3</sup> Marriage in Christian understanding is a sacred institution because it was founded by God at creation of human couple. God gave them a regulation and an order, which established the permanency of Marriage today. According to Canon 1055, "Christian Marriage is a covenant by which a man and a woman establish between themselves a partnership of their whole life, and which of its own very nature is ordered to the well-being of the spouses and to the Procreation of children and upbringing of children".<sup>4</sup>

#### **Divorce**

According to Pastoral Guide, divorce is properly called breaking the marriage bond with the right to remarry.<sup>5</sup> The Catechism of the Catholic Church sees divorce as "A grave offence against the natural law. It claims to break the contract, to which the spouses freely consented, to live with each other till death"<sup>6</sup>. According to the Encyclopedia Britannica, "Divorce is the act by which a valid marriage is dissolved usually freeing the parties to remarry".<sup>7</sup>

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<sup>1</sup> Rosas, Roberto. *Matrimonial Consent in Canon Law Juridical Aspects*, Vol. XLIII, Puerto Rico, 2009, 421.

<sup>2</sup> *Oxford Advanced Learners Dictionary*. 7<sup>th</sup> Edition, Oxford: Oxford University Press, 2000, 5904.

<sup>3</sup> V.D. Hildebrand, *Marriage the Mystery of faithful love*, New York: Sophia Press 1985, 2.

<sup>4</sup> *Code of Canon Law*, Bangalore: Theological Publications in India, 2013, 1055.

<sup>5</sup> Thomas Pazhayampallil, *Pastoral Guide: Fourth Revised Edition*, Vol. II Sacraments and Bioethics, (India: Bangalore, KristuJyoti publications, 2012), 833.

<sup>6</sup> *Catechism of the Catholic Church*, Revised edition, Washington, DC: United States Catholic Conference, 2002, 2384.

<sup>7</sup> 'Divorce' - *Encyclopedia Britannica*: <https://www.britannica.com/dictionary/divorce>. Accessed 20/10/2022

## **Child Abuse**

Child abuse is any action, behaviour and gestures by another person adult or child that causes considerable damage to a child. It can be physical, sexual or emotional, but can just as often be about a lack of affection, care and attention. The World Health Organization (WHO) defines child abuse and neglect, or child maltreatment, as all forms of physical or emotional ill-treatment, sexual abuse, neglect or neglectful action, or commercial or other mistreatment ensuing in definite or possible harm to the child's health, continued existence, growth or self-esteem in the circumstance of a relationship of accountability, trust or authority.<sup>8</sup>

## **Concept of Marriage and Divorce**

Without marriage there is no divorce. It is one of the most important and basic societal institutions. Particularly in Africa when a person is up to a marriageable age but still remains single, it is seen as anomalous. Marriage is a universal social institution that defines a mating relationship for the founding of a family and binds it for the procreation and rearing of progeny.<sup>9</sup> Furthermore, marriage has as its purpose not merely procreation, but also on education of children.<sup>10</sup> Canon 1055 describes Christian marriage as a covenant by which a man and a woman establish between themselves a partnership of the whole life. By its very nature, it is ordered by God for the wellbeing of the spouses, and for the procreation and education of children. It also states that this covenant between baptized persons has been raised by Christ to the dignity of a sacrament.<sup>11</sup> Since the second Vatican Council, Christian Marriage has been described as both a covenant and a contract. Hence the characteristics of Christian Marriage are: it is a partnership of the whole of life; it is indissoluble; it is ordered by God for the good of the spouses and for the procreation and education of children; it is monogamous that is one man and one woman; it excludes the marriage of two persons of the same gender; and when both of the spouses are baptized, it is a sacrament<sup>12</sup>.

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<sup>8</sup> World Health Organization (WHO), *World report on violence and health*, Geneva: World Health Organization, 2002, 24

<sup>9</sup> *New Catholic Encyclopedia*, Vol. IX, New York, San Francisco: McGraw-Hill book company, 1966, 258.

<sup>10</sup> Karl H. Peschke, *Christian Ethics: Moral Theology in the Light of Vatican II*, Vol. II: Special Moral Theology Revised Edition, India: Bangalore, Theological Publication, 1999, 470.

<sup>11</sup> *Code of Canon Law*, 1055

<sup>12</sup> Austin Flannery, Second Vatican Council, *Constitution on the Sacred Liturgy, Sacrosanctum Concilium*, 4 December 1963, The Conciliar and Post Conciliar Documents, Mumbai: St. Paul's, 2010, 23

Marriage is also seen as a vocation. In a common expression, a vocation implies regular or appropriate employment or calling or profession, however, those who marry enter a way or state that entails a specific call to holiness and to a supernatural function in the mystical body of Christ. In the Christian concept, marriage is the vocation of the baptized man and woman to that state consecrated by the sacrament of matrimony in which one can attain sanctity and save his or her soul.<sup>13</sup> The Catechism of the Catholic Church explains, "That the vocation to marriage is written into the very nature of man and woman they came from the hand of the creator"<sup>14</sup>. The Second Vatican Council cautioned that "it is not a question of you save 'your soul and I will save mine' when the two become one in marriage, but rather we will be saved together".<sup>15</sup>

*Familiaris Consortio*, states that, "Christian marriage is a covenant of love"<sup>16</sup>. The word covenant comes from the Latin word '*fidere*' or '*convenire*' which means to trust, to have faith in, to trust oneself to another. It also signifies partnership, communion and love. It is a relationship of mutual trust and fidelity hence it does not deal with things but with people. On a juridical level, Covenant clearly describes what results from the exchange of consent which the spouses exchange between themselves during the celebration of marriage.<sup>17</sup> Thus the spouses enter the covenant with a specific purpose, the creation of the most intimate communion of the whole of life. The marriage covenant has been raised by Christ to the dignity of a sacrament. As a visible sign instituted by Christ, matrimony gives sacramental grace to the spouses to enable them fulfill their marital commitment. In essence, a sacrament is a means of Sanctification, an instrument of holiness, a way of becoming saints together. In other words, when a man and a woman are joined together in marriage and they are living with the presence of Christ among them, they become an instrument of holiness for themselves and for their children. In short, they become a living church, and a domestic church.<sup>18</sup>

St. Paul compares the love relationship that unites husband and wife in marriage to Christ's love for his Church (Ephesians 5:28-29). St. Paul shows that as sacrament, marriage is a living sign of the union of Christ

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<sup>13</sup>*New Catholic Encyclopedia*, Vol. IX, 265.

<sup>14</sup>*Catechism of the Catholic Church*, 1603.

<sup>15</sup>Second Vatican Council, *Gaudium et Spes*. 49.

<sup>16</sup>Pope John Paul II. *Encyclical Letter; Familiaris Consortio*, Nairobi: Pauline Publications, 2009, 21

<sup>17</sup>*Ibid*, 22.

<sup>18</sup>*Ibid*, 21.

and his Church (Ephesians 5:26-27, 31-33). The Catechism of the Catholic Church pointed this out when it says: “Christian marriage in its turn becomes an efficacious sign, the sacrament of the covenant of Christ and the Church. Since it signifies and communicates grace, marriage between baptized persons is a true sacrament of the New Covenant”.<sup>19</sup>

Divorce (also known as dissolution of marriage) is the process of terminating a marriage or marital union, and it usually entails the canceling or reorganizing of the legal duties and responsibilities of marriage, thus dissolving the bonds of matrimony between a married couple under the rule of law of the particular country or state.<sup>20</sup> Divorce laws vary considerably around the world, but in most countries, divorce requires the sanction of a court or other authority in a legal process, which may involve issues of distribution of property, child custody, alimony (spousal support), child visitation or access, parenting time, child support, and division of debt. In most countries, monogamy is required by law, so divorce allows each former partner to marry another person. Divorce is different from annulment, which declares the marriage null and void, with legal separation or “*dejure*” separation (a legal process by which a married couple may formalize a “*defacto*” separation while remaining legally married) or with “*defacto*” separation (a process where the spouses informally stop cohabiting).<sup>21</sup>

The only countries that do not allow divorce are the Philippines and the Vatican City. In the Philippines, divorce for non-Muslim Filipinos is not legal unless the husband or wife is an undocumented immigrant and satisfies certain conditions. The Vatican City is a state ruled by the head of the Catholic Church, a religion that does not allow for divorce. Countries that have relatively recently legalized divorce are Italy (1970), Portugal (1975, although from 1910 to 1940 it was possible both for the civil and religious marriage), Brazil (1977), Spain (1981), Argentina (1987), Paraguay (1991), Colombia (1991; from 1976 was allowed only for non-Catholics).<sup>22</sup>

### **Church Teachings on Divorce**

Let us look at what the Church teaches about divorce. Since scripture is the primary source of Church teachings, we shall begin with divorce in

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<sup>19</sup> *Catechism of the Catholic Church*, 1617.

<sup>20</sup> Divorce: <https://en.m.wikipedia.org/wiki/Divorce>, accessed 25/05/2023.

<sup>21</sup> *Ibid.*

<sup>22</sup> *Ibid.*

the Bible, examining what the Old Testament and New Testament have to say about divorce.

### **The Old Testament**

If polygamy was at best a compromise of the monogamous ideal, however much it may have been capable of justification in particular instances, it does not seem that divorce was in principle ever recognized as compromising the ideal at all. Divorce was the means of rectifying mistakes, the second chance, when something had gone wrong, to guarantee the preservation of those values that had led to the establishment of marriage in the first place. It worked one-sidedly, however, since only the husband could dissolve a marriage by divorce; however, probably at all times and in the majority of cases the aggrieved wife could through the influence of family or clan or other pressures force her offending husband to pronounce the words of divorce.<sup>23</sup> Divorce was the directed way of restoring religious purity (Ezra 9; Nehemiah 13:23-31) as well as domestic tranquility (Sir. 25:26). Because it presupposed some kind of defect (not necessarily moral) on the part of the divorcee, the Law of Holiness prescribed as “wives to the priesthood the divorced woman along with the harlot” (Lev 21:7). It would seem, too, that divorce came to be employed more and more as an encouragement to (female) sexual purity, as the text just mentioned itself might suggest. By the time of the *Mishna* it had become rabbinical opinion that a husband was obliged to divorce a willfully adulterous wife.<sup>24</sup>

Certainly, the prophets who figure Israel as Yahweh's bride likewise picture her as divorced for her faithlessness (Hos. 2:4-15; Jer. 3:1-5; Is. 50:1). This is not to say, of course, that divorce did not also become a serious abuse, inimical (harm) to the very ideals that it imperfectly upheld. Such cognizance as the religious law of the Old Testament talks of divorce as an existing institution relatively unexamined in itself, it talks in order to discourage the hasty and indiscriminate use of divorce which custom made possible and which was evidently a chronic problem. The so-called divorce law of Deut. 24:1-4 has as its point of legislative concern the “abomination” caused in Israel by a man's taking back as his wife a woman who after divorce has subsequently been the wife of another man; therefore “her first husband who repudiated her

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<sup>23</sup>‘Divorce’ <http://ejournals.bc.edu/indix.php/ctsa/article/download/2631/2279>, accessed 10.05.2023

<sup>24</sup>Ibid

may not take her back as his wife now that she has been defiled". As she (the woman guilty of adultery) is what was the substantive cause of this "abomination" is not made clear, Deut. 24:1-4 is phrased as a casuistic proposition, the apodosis of which is reached only in verse 4. The rest of the passage is protasis, not directly under discussion though presupposed by it. Therefore, divorce itself is neither the issue, nor the reason for it in the husband's having found faithlessness (Deut. 24:1) in his wife ("something unseemly": the same expression in Deut. 23:15), nor, finally, the fact that he must give his divorced wife a bill of divorce. However, these latter details are not irrelevant. They are rightly seen as reflecting Deuteronomy's enlightened attitude to divorce, since only a divorce that has been based on some cause and that has been rightly ratified in written form (the woman's protection against subsequent imputation of adultery) does Deuteronomy judge to be lawful.<sup>25</sup> But it would seem to be evident enough that the Deuteronomic Code, in transmitting this prohibition, invokes an ancient taboo to justify further its complication of the divorce process. To some degree, therefore, Deuteronomy discourages divorce.<sup>26</sup> This impression is strengthened when we compare the other laws of Deut. 22:13-19 (inhibiting a man from divorcing a wife whose premarital virtue he has falsely called into question) and Deut. 22:28f. (denying the right of divorce to the man who has raped a virgin whom he has subsequently married). These provisions, too, made some small attempt to redress the balances in a system of double standards by preventing the male institution of divorce from becoming an absolute. The other religious laws which mention divorce, are the Law of Holiness of Lev. 21:7:14 (cf. Ez. 44:22) and Lev. 22:13, and Num. 30:10 in the Priestly Code, which do so only in passing and without comment.<sup>27</sup>

### **The New Testament**

The Jewish controversies on the question of divorce, gave occasion for Jesus to deal with this subject explicitly, and to oppose strongly the indulgence of the Jewish scribes on this point. His sayings on the question are reported in Matt. 5:31, Lk. 16:18 and 1 Cor. 7:10, as well as in a discussion recorded by Mk. 10:2-12 and Matt. 19:3-9. The way the discussion between Jesus and the Pharisees went left Jesus annulling the right to divorce granted by Moses, which was established only because of the "hardness of heart" of the Jews. Jesus brought two earlier scriptural passages into the field against the Mosaic dispensation

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<sup>25</sup> Ibid

<sup>26</sup> Ibid

<sup>27</sup> Ibid

allowing a bill of divorce. By the book of Genesis woman is assigned equality of dignity with man. "Male and female he created them" (Gen 1:27). And they shall become one flesh (Gen 2:24). The husband and his wife form a new community and becomes so completely one with her that they cannot be separated again. Jesus' words signify the rejection of any kind of real divorce. Yet does not the Gospel itself allow an exception, formulated in the "fornication clause at Matthew 5:32 and 19:9 "I say to you that man who divorce his wife, except on grounds of unchastely (*porneia*), makes her an adulteress; and whoever marries a divorced woman commits adultery". The interpretation of the clause is a rather difficult problem. But it is not possible to nullify Jesus' fundamental rejection of divorce by the above clause. Mark, Luke and Paul note nothing on this exception. It is not conceivable that they would have omitted so important a pronouncement. How then is the fornication clause to be interpreted?

Scholars have made many different attempts at its explanation. Two theories are more widely held. According to the one, the term '*porneia*' in the clause refers, as in Acts 15:20.29, to marriages between blood relations which were forbidden by the Old Testament (cf. Lev 18:6ff) and therefore considered illegal by the Jews as well as by the early Church, while they were often regarded lawful among the gentiles (e.g. marriages between uncle and niece). Such marriages, which could sometimes be found among applicants for baptism, had to be dissolved. This gave the impression of a divorce to the Gentiles, and the Matthean redaction is an attempt to meet this problem.<sup>28</sup> It causes wonder however that the early Church should have applied the Mosaic law in the particular case so strictly, and this all the more since the Jews themselves in the case of proselytes usually did not insist on the application of these impediments.<sup>29</sup> According to the other interpretation, the clause expresses a real exception to the basic prohibition of divorce. *Porneia* then is translated by fornication or adultery. This interpretation has been frequent among Protestants and Orthodox exegetes and is being accepted more and more today also by Catholic authors. "Most exegetes (among them also Catholics) today incline towards a real exception in the case of adultery by the wife".<sup>30</sup>

Jesus' radical rejection of divorce is not questioned in this latter theory, but is seen as expressing an ideal, not an absolute law. This opinion

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<sup>28</sup> Karl H. Peschke, *Christian Ethics: Moral Theology in the Light of Vatican II*, Vol. II: Special Moral Theology Revised Edition, Bangalore: Theological Publication, 1999, 480-481.

<sup>29</sup> Ibid, 481.

<sup>30</sup> Ibid, 481.

finds support in the fact that Matt. 5:31 falls within the Sermon on the Mount, where Christ in radical formulations calls to an ever surpassing perfection, but does not mean to lay down laws for literal observation. There are many apodictic statements in the sermon which the Church has taken as ideals and not as precepts (e.g. the teachings on oaths and on non-violence). Hence Christ's insistence on the indissolubility of marriage possibly likewise constitutes an ideal to be seriously pursued rather than a law to be literally enforced. In summary, the mind of Christ is plain: the ideal among Christian spouses ought to be a faithfulness which has Christian need of divorce. On the other hand, the early Church seems to have taken into account also the concrete conditions of the world limited by inescapable imperfections and made adjustments to that. Here the exception granted by Paul should also be recalled, in the case of a non-Christian who wishes to separate from a partner turned Christian. In this case, he writes, the Christian is "not bound", i.e., according to common interpretation, not bound to remain single (1 Cor. 7:12-16).

### **Magisterial Teachings on Divorce**

The great majority of the Fathers of the Church uphold the absolute indissolubility of marriage. Yet there are also some who advocate exceptions in difficult cases. They usually quote the fornication clause of Matthew in support of their opinion. The attitude of the supreme Magisterium is characterized by the abiding conviction that the marriage bond is indissoluble.<sup>31</sup> The teaching of the Roman Pontiffs and general Councils is consistent and practically unanimous: no remarriage is possible after divorce. The Catholic Church has defended the absolute indissolubility of marriage even at the price of great sacrifices and sufferings. A particularly prominent example is the firm attitude of the Roman authorities to King Henry VIII of England, who caused the Anglican schism because the Pope would not comply with his petition for dissolution of his first marriage. The Catholic doctrine of indissolubility is stated unambiguously by the Council of Trent. But it is important to note that the Council Fathers consciously avoided condemning the practice of the Eastern Churches in matters of divorce. According to these Churches there is likewise no valid sacramental marriage in the lifetime of the first partner. But the second marriage is tolerated and reception of the sacraments permitted. The Tridentine decision therefore simply says that the Church has not erred in not allowing remarriage after divorce.<sup>32</sup>

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<sup>31</sup> Catechism of the Catholic Church, 2382

<sup>32</sup> Karl H Peschke, *Christian Ethics: Moral Theology in the Light of Vatican II*, 482

Vatican II again proclaims indissolubility of marriage of some suggestions favoring divorce in difficult cases. “By that human act whereby spouses mutually bestow and accept each other, a relationship arises which by divine will and in the eyes society too is a lasting one. For the good of spouses and their offspring as well as of society, the existence of this sacred bond no longer depends on human decision alone”. The goods of matrimony argue for an unbreakable oneness between the spouses<sup>33</sup>. The Code of Canon Law further specifies that a Sacramental marriage of Christians which has been consummated by the conjugal act cannot be dissolved by any human power, nor by any cause except by death.<sup>34</sup> However a non-consummated sacramental marriage can be dissolved by a just cause.<sup>35</sup> Moreover a legitimate marriage between non-baptized persons, even though it has been consummated, can be dissolved in favor of the faith by virtue of the Pauline privilege.<sup>36</sup> This privilege is based on the already mentioned text of 1 Cor. 7:12-16. Let divorce not be confused for ‘annulment’, a declaration by a Church tribunal that a marriage thought to be valid according to Church law, actually fell short of at least one essential element required for a valid binding union.<sup>37</sup>

Today there are numerous Catholics in many countries who have recourse to civil divorce and contract new civil unions. In fidelity to the words of Jesus Christ “Whoever Divorces his wife and marries another, commits adultery against her; and if she divorces her husband and marries another, she commits adultery” (Mk 10, 11-12). The Church maintains that a new union cannot be recognized as valid, if the first marriage was. If the divorced are remarried civilly, they find themselves in a situation that objectively contravenes God’s law. Consequently, they cannot receive Eucharistic communion as long as this situation persists. For the same reason, they cannot exercise certain ecclesial responsibilities.<sup>38</sup> The Church, however, permits ‘separation’ in the case where living together has proven to be of grave danger of body or soul to one or both parties, or even to the children.<sup>39</sup>

## Causes of Divorce

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<sup>33</sup>Austin Flannery, Second Vatican Council, *Pastoral Constitution, Gaudium et Spes*, 48

<sup>34</sup>*Code of Canon Law*, 1141

<sup>35</sup>Ibid, 1142

<sup>36</sup>Ibid, 114

<sup>37</sup>Cf. Canon 1671-1716.

<sup>38</sup>Ibid. 1651

<sup>39</sup>Ibid. 1153.

It is axiomatic that, there is no smoke without fire. The same is applicable to divorce. Religionists, economists, anthropologists, medical scientists, sociologists, etc., have all proffered one reason or the other as cause(s) for divorce. In this segment of this presentation, we will attempt looking at some of these causes from a broader perspective.

**Religious reasons:** Religion is expected to give stability to the society but sometimes, the contrary is the reality. Religion sometimes can cause divorce. Etim E. Okon points out that “religion which ought to be a pillar of the society sometimes becomes caterpillar where the society is destroyed”.<sup>40</sup> This can be seen in the role religion plays in the issue of divorce. A change of denomination or religion by a partner may cause instability in the family which may result in divorce. In this way, one of the causes of divorce can be religion. Apart from the above reasons, sometime self-acclaimed prophets or men/women of God to prophesy to a partner that the ill-fortune befalling him or her is because of the spouse or a member of the spouse’s family, and that the best bet out of the predicament is divorce. Religion in this way also can spark up divorce.

**Economic reasons:** This seems to be one of the major causes of divorce. Lack of money can often cause marital problems to flare into filing for a divorce. A married couple facing financial difficulties is often under a lot of stress, which in turn can lead to constant arguing and lack of communications. Couples who do not see eye to eye on spending habits or marriages where one spouse has and controls the finances of the home can face marital strains that can culminate in divorce. Wasteful management of economic resources by a spouse (mostly wives, though some husbands may be also involved) may lead to the other spouse seeking divorce. This is also possible in marriages where a husband, who is the bread winner, is perceived to be irresponsible with his funds thereby failing in his duty to provide for his household.

**Domestic violence:** Domestic and gender based violence accounts for many of the divorce cases. In cases where violence is meted out on the woman (or as recently observed, the man) in marriage, by either the spouse or in-laws, it may lead to divorce, especially in this age of gender equality and equity.<sup>41</sup> The violence can be physical, sexual, verbal, economic, emotional, etc.

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<sup>40</sup> Okon, E. E, *The Sociological Imagination of Religion*. In O. E. Etim (Ed.), *Readings in the Scientific Study of Religion*, Calabar: University of Calabar Press, 2011, 230

<sup>41</sup> Eyo, U. E. *Jesus and Women in Johannine Gospel: A Paradigm Shift in an Androcentric Culture and*

**Sexual incompatibility:** Edet A. Ukpong opines that, “incompatibility in sexual matters or unwillingness of a spouse to perform the sexual act for a long period of time this may lead to the other spouse filing for and obtaining divorce. Such is often referred to in the court as ‘denial of conjugal rights’”.<sup>42</sup> The lack of sexual satisfaction has been identified as a major cause of marital infidelity and divorce as a result.

**Extramarital affairs:** This is mainly on the part of the wife. Africa which is polygamous in nature does not often frown at husbands having extramarital sexual affairs, but when it involves a wife, it is always treated with disdain and can lead to divorce. However, many modern women are beginning to resent this lopsided attitude towards infidelity and some women have been known to file for divorce due to the infidelity of their husbands, especially when it results in children outside wedlock. Recent DNA revelations have also shown that some women have been guilty of children outside wedlock too. This has resulted in some broken homes.

**Medical reasons:** Health matters such as impotency with resultant childlessness, on the part of either the wife or husband, protracted illness, insanity, HIV/AIDS, etc., may lead to divorce. Infertility in particular, coupled with family or societal pressure can lead to divorce.

**Addiction:** People can become addicted to substances, behaviors or even other people. Whether it is drugs, gambling, pornography or alcohol, addiction can wreck a person’s life. As a person’s addiction gains more control, they often find themselves in danger of losing employment, friends, and even their marriage. From observations, addicts often exhibit behaviors that are incompatible with their marriage such as lying, stealing, and betrayal of marital trust.

**Unrealized expectations:** Prior to marriage, a spouse may have had certain expectation(s) which are later not met after marriage. A lot of people come into marriage with different expectations. Some people want spouses who will meet their economic, social, religious, or academic needs. When such expectations are not met, the marriage

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*the Implications for the Efik People.* Calabar: Unpublished Ph.D. Thesis submitted to the Department of Religious and Cultural Studies, University of Calabar, 2016, 131.

<sup>42</sup> Ukpong, E. A. *Marriage and the Family among the Akwa Ibom People: Anthropological Perspectives.* Uyo: Impact Impression Enterprise, 2014, 190.

bond may be threatened and this may end in divorce. Generally, reasons for divorce vary. Some reasons may be very insignificant or even petty, while others are not. What may be significant to a couple seeking divorce may be insignificant to another couple. Whatever the case may be, divorce is not pleasant at its end point, this is because of the attendant consequences it has on the society.

### **Children as the Victims of Divorce in Christian Marriage**

Divorce affects all strata of family and society, because marriage is a social contract. Therefore anything that affects the marital bond must advertently or inadvertently affect the society. However, since the focus of this paper is the effects of divorce on children, we will limit our work to it. The following are some of the effects of divorce on children:

**Problems of adjustment:** The children will confront questions from their peers, particularly when they are in primary or nursery school, about why they have only one parent. They will have to adjust to a change in primary relationships, and possibly to restricted interaction with one of the parents (mostly the father). Apart from this, “they have to cope with parental conflict, which may continue after the divorce and with attempts by each parent to gain the child’s loyalty and affection at the expense of the other parent”.<sup>43</sup> It is not surprising then, that children whose parents are divorced are prone to both emotional and physical problems. Those whose parents divorced when they were young adults tend to find the experience painful and disillusioning, and they have a difficult time adjusting to the dissolution of the marriage bond between their parents.

**Psychological problems:** Divorce tends to affect the children of divorced parents psychologically. Sometimes the children feel withdrawn when they are with their peers, especially when their peers are discussing about their own parents and family life. It is not surprising that children from broken homes tend to develop an inferiority complex. They may even carry this psychological problem into their own marriages.

**Object of abuse by parents/others:** Sometimes, divorced parents vent their anger on their children in the absence of their divorced spouse. They transfer aggression to their children. This, more often than not, affects the children’s self-esteem who may also become objects of abuse and ridicule by the larger society. Therefore instead of having parental

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<sup>43</sup> Lauer, R. H. *Social Problems and the Quality of Life*, Iowa: Wm. C. Brown Communications, Inc, 1995, 251.

warmth which is expected of a growing child, these children end up having abuses. Also such children become easy prey to sex predators who pretend to offer solace to them.

**Hatred towards one parent:** Sometimes children from divorced marriages tend to develop hatred towards one of the parents whom they feel was the cause of the divorce. This is usually based on the information they received, especially when the divorce happened when they were very young. Often, the parent who claims possession of the children, fill their minds with one-sided stories that demonize the other parent. It may take a lot of maturity to unlearn these negative mindsets.

**Lack of balanced training:** Children are normally expected to be trained by both parents – each supplying what may be deficient in the life of the other parent. In the case of divorce, the children will only be trained by one parent. Single parenthood has its own flaws which are easily transferred to the children.

**Prone to social problems:** Lauer rightly points out that children from divorced marriages are prone to social problems which exposes them to vices which are inimical to their lives and that of the society. Thus, they may be lured into sexual vices, illicit drugs, alcoholism, gambling, fraud, robbery, kidnapping, etc. Even though children from unbroken homes may also be involved in these vices, Lauer maintains that the rate is more among children from divorced homes.<sup>44</sup> Children from divorced homes may use the visit of one parent as a cover to go out and perpetuate evil. This may increase their propensity to social problems.

**Economic challenges:** Though children from both non-divorced and divorced homes may suffer economically, but studies show that children from divorced homes suffer more economically. This affects their education as well as other endeavors in life.<sup>45</sup>

**Starting of life all over again:** It is worthy of note that divorce may have positive effects on children, especially in a bad marriage. In unions where parents, quarrel and fight at the slightest provocation even to the point of attracting neighbours, fighting naked in the public and before their children, a breakdown of such marriage may be helpful to enable the children start their lives all over again. It has rightly been pointed

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<sup>44</sup> Lauer, R. H. *Social Problems and the Quality of Life*, 444

<sup>45</sup> “Divorce: Causes and Effects on Children”, <https://www.researchgate.net/publication/337773612>, accessed 22.01.2023.

out that, "Divorce can have a positive outcome by freeing individuals from painful and difficult marriages".<sup>46</sup> A high-conflict home can have negative effects on all members of the family (children inclusive). Children may respond to this type of environment with depressing anger, troubles in school, etc. In such cases, the dissolution of the marriage may have positive effects on the children. It is on this note that Edet A. Ukpong avers that, "the children may suffer initial psychological, financial and otherwise effects, their separation from one of their parents may cause them initial emotional upset or trauma, but they have the advantage of being from conflict and hostility".<sup>47</sup>

### **Recommendations**

**i. Eradication of divorce:** The first recommendation on stopping the negative effects of divorce on children is to eradicate divorce in its totality. Parents should learn to stay within the ambit of their marriage bond peacefully and nurture their children within it accordingly. This entails finding solutions to their marital problems when they can still be found.

**ii. Adequate provision to cater for children's welfare:** Where eradication of divorce is not possible, parents should make adequate plans to take care of the psychological, emotional and economic needs of their children. Plans for the education of the children should be adequately made to avoid the children from becoming dropouts in school. This should also include plans for other financial needs of the children.

**iii. Affirmation of parental love:** Parents (whether as single parents or not) should constantly affirm their love to their children. It may mean, the children spending quality time with both parents (though both are residing separately). Parents should avoid demonizing the other parent in the presence of the children.

**iv. Proper education on the need for successful marital life:** Children from broken homes should be given proper education as to the need of having a proper and successful marriage devoid of divorce. This will help them to see divorce, not as an easy option, but as an abnormally to be avoided.

### **Conclusion**

Marriage is supposed to be a union of bliss with its attendant positive effects, especially on children, but in some cases the marriage bond has

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<sup>46</sup> Olson, D. H., and Defrain, J. *Marriages and Families: Intimacy, Diversity and Strengths*, New York: McGraw Hill, 1994, 96.

<sup>47</sup> Ukpong, E. A. *Marriage and the Family among the Akwa Ibom People: Anthropological Perspectives*, 195.

been broken due to divorce. When there is a marriage breakdown resulting in divorce, all strata of the society normally has their share of the negative effects. One of the worst hit in the saga of divorce is children who may suffer physically, psychologically, economically and otherwise. They may become objects of abuse, hatred towards one of the parents (if not both), unbalance upbringing and training among other negative effects, even though it may have a positive effect of freeing the children from hostile and quarrelsome environment, causing them to start a new life with seeming better prospects. The negative effect of divorce on children far outweighs the positive effects. Divorce, though may have some positive effects especially on the divorcees in particular and other members of human society (especially members of the family) in general, its negative effects on children by far outnumber the positive effects. The society can be better if divorce can be eradicated. It is on this note that this paper makes the aforementioned recommendations as a way of dealing with the effects of divorce on children.

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