

Divorce: It's Not About You, It's About the Children

By: DAVID MANDEL

Abstract

A married couple relies on a set of skills to raise their children. And yet, when their marriage begins to unravel, when the divorce proceedings become bitter and heated, when their parenting skills are so urgently needed—their skill-set seems to disappear. What is the result? The negative impact on their children can be heartbreaking and traumatic, lasting many years. Can anything be done to protect these children?

Divorce and Its Consequences

A recent study by the Orthodox Union, reporting that Orthodox Jewish marriages are stronger than in general society, is most encouraging.¹ Only 13% of Orthodox couples characterized their marriage as merely fair or poor. Nevertheless, the increased divorce rate among couples under the age of forty, especially those involving children under the age of fifteen, poses one of the greatest challenges and risks to our community in the coming decade.

Shame and stigma were once the main factors preventing individuals and families from disclosing problems and seeking services for a broad range of mental health issues. In the last decade, however, community education has helped de-stigmatize mental illness, and has helped family members deal with the guilt and shame they suffered as victims of child abuse, sexual abuse, domestic violence, and addictions. It is ironic that this same education, which encour-

¹ *Aleinu Marital Satisfaction Survey*, Orthodox Union, December 2009. See <http://www.aleinu.net/Events/AleinuMaritalSatisfactionSurvey.aspx>.

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aged acceptance and self esteem, is now contributing to an increased divorce rate—especially among our young couples.

In the past, couples often stayed in a bad marriage for the sake of the children. Today, young couples divorce despite their children; shame and stigma being mostly a thing of the past.

The alarming increase in the number of divorced parents, coupled with their children's easy access to Facebook, Twitter and Internet sites—to which children turn seeking a substitute parent or someone who simply cares—poses significant risks to the mental health of these young children.

Couples who divorce are exercising their *bechira*, their freedom to choose. As adults, when they decide to move on with their lives, they can get professional counseling or help from peer support groups such as Sister to Sister.

But it is different for the children. Rav Dovid Cohen, *morah d'asra* of OHEL, points out that while adults, even those who are under duress or suffering from illness, have *bechira*, their children—even those who view themselves as mature and independent—do not have the same level of *bechira*. Choices must be made for them and be in their best interest. The *koach habechirah* is not present in a girl under 12 or in a boy under 13. It is this lack of *bechirah*, their inability to competently choose right from wrong, that relegates a *katan* to be *patur* from both mitzvot and *onshin*. A young child is unable to properly reason and choose. Parents must therefore act in the child's best interest.

Young children of divorcing couples need love and attention. Instead they often get lost in the divorce proceeding, or even worse, they get manipulated in the process. These children, in their most formative years, are living through a fractious and intense time, and many are being traumatized. This is especially true when the young couple are involved in a drawn out, intense, bitter divorce and custody fight.

Speaking at a community forum in April 2010 on protecting children during a divorce Rabbi Paysach Krohn discussed the Gemara in *Gittin* 90b about the *mizbeach* shedding tears when a couple divorces. Why, he asked, is it specifically the *mizbeach* that sheds tears? Rabbi Krohn explained, the *mizbeach* expects animals to be sacrificed—not children.