

## WISDOM AND LAW: DIVORCE

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The difference between law and wisdom as well as the relationship between them showed up in an article on the adult offspring of divorce by Irene Sege published in the *Boston Globe* (see *The Manhattan Mercury* for Friday, December 20, 1995, D1). Generalizations about these young people show that their parents' divorce measurably affects a sizable portion of their children when they grow up.

It is a matter of wisdom, then, not to enter marriage without the most earnest intentions of maintaining the future marriage for the children's sake—among other things. And, it is likewise a matter of wisdom to go together into marriage with a set of values that increases the likelihood of the marriage's permanence. This kind of observation is built on reality as based on human nature (vs. purpose or relationship) and has the pattern of tendency (vs. uniformity).

When people observe this tendency among young people, society may enact laws against divorce (authority vs. nature) and against the behaviors that tend toward divorce. It enacts such laws because (1) people ahead of time may not understand, or know about, the effects because they are difficult to see. (a) Some children of divorce may not exhibit the weaknesses observed in so many, which can lead a couple to bank on the notion that the bad effects will not happen in this case. (b) The effects are spread across two or three generations, and so the parents may even deny the risk. (c) The effects may not be easy to connect with the parents' divorce since other plausible factors enter in as well, and these other factors get blamed. (d) The parents' minds are clouded by their existential situation. People who want out of a marriage are not in the best frame of mind to accept what they would otherwise more easily see. (e) They may be inclined to think that negative effects on their children can be avoided by the method of going about divorce or by the manner of treating the kids afterward. They would rather try to do that than work at avoiding the divorce.

In the interest of avoiding the negative effects, law comes in to (2) supply added motivation for adherence to a pattern of living that people may not be sufficiently inclined to observe simply from the nature of things. They may not want to change the behaviors that are destroying the marriage and preparing to affect the kids as it will, in fact, do. Here is a case where paternalism can come in. Paternalism exerts itself in a situation where those responsible for the welfare of society require citizens to do something “for their own good,” though the citizens themselves do not believe it is for their welfare.

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