



**National Council of Churches of Singapore**

新加坡基督教全国教会理事会

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திருச்சபைகளின் தேசிய மன்றம்

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## **MSF CONSULTATION PAPER ON DIVORCE- A Response by the National Council of Churches of Singapore**

- 1 The National Council of Churches would like to thank the Ministry of Social and Family Development for conducting a public consultation on its proposals on divorce laws.
- 2 The NCCS appreciates that the Government intends to provide more needed support to divorcing couples and their children stated in paras 5-9 of the MSF consultation paper entitled 'How to Better Support Children and Divorcees, and Reduce Acrimony in Divorce'. However, the Council has some concerns about the proposal to introduce the amicable divorce option (paras 10-14). NCCS' response to the MSF paper will therefore focus on this particular issue.

### **Marriage and Divorce in the Christian Tradition**

- 3 Before commenting on specifics of the proposals, the Council would like to state — albeit very briefly — its position concerning marriage, family and divorce based on Scripture.
- 4 The Bible teaches that marriage is instituted by God (Genesis 1:27; 2:18, 22, 23). As Genesis 2:24 makes clear, marriage is a permanent union by which the man and the woman 'become one flesh'. Both Jesus (Matthew 19:5) and Paul (Ephesians 5:31) quoted this passage as the foundation of marriage. To underscore this, Jesus, after citing Genesis 2, added: 'Therefore what God has joined together, let no one separate' (Matthew 19:6). The permanence of marriage is also underscored in the marriage vow, where the husband and wife promise to love each other and to be committed to one another through life's vicissitudes 'till death us do part, according to God's holy law.'
- 5 The Bible's teaching concerning divorce is consistent with its view on marriage as a sacred institution. In no uncertain terms, the prophet Malachi declares that God 'hates divorce' (Malachi 2:14-16). Jesus' statement, quoted in the previous paragraph, also underscores the fact that divorce is contrary to the will of God. The

apostle Paul echoes this teaching concerning divorce when he writes that a ‘wife must not separate from her husband ... And a husband must not divorce his wife’ (1 Corinthians 7:10,11).

- 6 The only exception to the otherwise strict prohibition against divorce that we find in the Bible is where there is marital infidelity. Matthew 5:32 records these words of Jesus: ‘But I say to you that whoever divorces his wife for any reason except sexual immorality (Greek: *porneias*) causes her to commit adultery; and whoever marries a woman who is divorced commits adultery.’ Other English translations render *porneias* as ‘unchastity’. However, as Christian theologians and ethicists are careful to point out, even though divorce is allowed for reasons of marital unfaithfulness, it should be the last resort, after all attempts at reconciliation have failed.
- 7 The concept of no-fault or no-reason divorce is therefore alien to the Bible. Because marriage is a sacred institution, and because the marital union is permanent, there must be strong reasons for the husband and wife to break this bond. The only valid reason for divorce is unchastity.

## **Observations and Comments**

- 8 NCCS understands that in proposing the amicable divorce option, MSF hopes that divorces can be less conflictual and acrimonious. It appreciates the fact that what is being proposed in the consultation paper is not exactly the no-fault divorce laws that are practiced in some Western countries, although it drew inspiration from them. The amicable divorce option that MSF is proposing is available only to couples who have already decided to divorce. Although couples who have chosen this route are not required to appeal to the five facts associated with fault divorce, they are given the option to do so.

## **Making divorce easier**

- 9 While it is not the intention of MSF to make divorce easy by proposing the amicable divorce option, NCCS is of the view that it inadvertently will. By removing the requirement for couples who opt to take this route to prove one of the five facts, the legal process will be made smoother and less conflictual. This may present itself as an attractive option for couples who wish to have a quick divorce. The current safeguards may not be sufficient to reduce the ease of divorce that this option facilitates.
- 10 All marriages — even happy ones — will undergo difficult times. When divorce is made easier, it will naturally be regarded as a practical way of dealing with marital problems. Some couples may see the amicable divorce option as providing an easy exit that will allow them to run away from their problems without having to assign

blame. Thus, instead of trying to find solutions to their problems as a couple that have pledged their lifelong commitment to one another, the husband and wife may decide to simply end their marriage. The amicable divorce option may provide such couples with a less painful way of walking away from their marital commitment.

## **Consequences of making divorce easier**

11 Studies have shown that making divorce easier has two dire consequences. The first is that it has resulted in substantial declines in marriage rates. After the first no-fault divorce laws were adopted in California in 1969, there was a persistent decline in marriage rates, accompanied by more single parenthood and cohabitation. The second consequence of making divorce easier is that it has caused divorce rates to skyrocket. In 1960, there were about 25,000 divorces in the state of California. By 1970 — one year after no-fault divorce was introduced — the number of divorce had jumped to 120,000.<sup>1</sup> According to the MSF consultation paper, there is an upward trend of divorces in Singapore (para 2). Thus NCCS is concerned that despite the safeguards that will be put in place, the proposed amicable divorce option will exacerbate this worrying trend.

## **The marriage commitment**

12 The amicable divorce option may undermine the importance of the marriage commitment. If marriage is seen as a serious commitment of the husband and the wife to each other (and also to their children), an ‘amicable’ divorce calls to question this commitment since it suggests that it can be ended without even having to give a reason. An amicable divorce may therefore indirectly undermine the institution of marriage itself. It may reduce marriage, which is supposed to be a solemn commitment, to a contract that can be terminated at will. And once commitment in marriage is minimised or removed, marriage itself may be seen as superfluous. This is partly the reason why in countries where no-fault divorces are practiced, there is a significant fall in marriage rates and a rise in co-habitation.

## **Children**

13 The next issue has to do with the welfare of the children of the divorcing couple. Studies have shown that children whose parents are seeking to divorce or are divorced are often greatly traumatised by the experience. This is especially so when the divorce is acrimonious and conflictual. But recent studies have also shown that children are likewise affected by divorces that are smooth and without much conflict. In some cases, children may be even more negatively affected when the

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<sup>1</sup> Patricia Morgan, “‘No-fault’ divorce: the new divorce proposals for changing the law relating to marriage and other domestic relationships”, *Christian Concern*. nd.  
[https://archive.christianconcern.com/sites/default/files/Patricia\\_Morgan\\_No\\_Fault\\_Divorce.pdf](https://archive.christianconcern.com/sites/default/files/Patricia_Morgan_No_Fault_Divorce.pdf), accessed 9 May 2021.

divorce is amicable.<sup>2</sup> This is because in a fault divorce, children of a certain age can at least identify the reasons behind their parents' decision. But in the case of an amicable divorce, the children are unclear as to why their parents have decided to terminate their marriage. This will not only cause the children to be confused about the actions of their parents. It may even lead them to blame themselves for the break-up of their parents' marriage.

## Law and society

14 Finally, the law can and often does shape society's understanding and attitude towards the institution of marriage. Every society uses its legal system not just to punish offenders but also to convey values to itself and the next generation. The introduction of the amicable divorce option in the legal process will have certain ramifications on the way in which the public views the marriage bond and the commitment and responsibilities that come with it. It may also gradually shape society's views on divorce, remarriage and the family. The whole society will be affected when the institution of marriage is weakened by legislation which allows the marriage bond to be easily voided.

15 The introduction of the amicable divorce option may also open the door to further liberalisation that would approximate divorce laws in Singapore to the no-fault divorce laws in countries such as the US and Australia.

## Conclusion

16 Based on these considerations, NCCS would like to express its reservations regarding MSF's proposal to introduce the amicable divorce option.

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*"... one body in Christ" Romans 12:5*

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<sup>2</sup> A. Booth and P. Amato, 'Parental Predivorce Relations and Offspring Postdivorce Well-Being', *Journal of Marriage and Family*. 2001. 20 63(1), 197-212.