

Divorce and Re-marriage

1. Starting point –what the Bible says about marriage

Genesis 2 tells the account of how God formed Eve as a wife for Adam, the first man. Adam declares that she is, “bone from my bone, and flesh from my flesh!” He names her “‘woman,’ because she was taken from ‘man.’” (Gen 2:23)

The writer concludes:

²⁴This explains why a man leaves his father and mother and is joined to his wife, and the two are united into one.

Marriage therefore is meant to be between one man & one woman. It should be an exclusive, faithful relationship. Marriage includes public commitment and private intimacy.

The New Testament writers see these verses as vital and foundational to our understanding of marriage. In Ephesians 5, Paul writes:

³¹As the Scriptures say, “A man leaves his father and mother and is joined to his wife, and the two are united into one.” ³²This is a great mystery, but it is an illustration of the way Christ and the church are one. ³³So again I say, each man must love his wife as he loves himself, and the wife must respect her husband.”

What Paul is saying here is that marriage is precious because it gives us a picture of how God relates to us. In the Old Testament, God is often portrayed as the husband of Israel, his people. This was very special and unique. In other religions, the chief god would chose for himself a consort from the female goddesses. In the Bible we find that God chooses us as his bride. The bible has a high view of humanity. We are God’s special creation and designed to know and love him. We are not mere servants of God/the gods.

This means that God loves marriage. It’s important and so to protect marriage, the Bible outlaws:

Incestuous relationships (Lev 18 & 20). These are sexual relationships between close relatives including parents and children, brothers and sisters etc but also extending to in-laws and step parents, not just blood relatives.

Pre-marital sex (Deut 22:13-21. Deut 22:28) when someone has sex before they are married either with their future spouse or with someone else.

Extra-marital sex/adultery (i.e. when someone who is already married forms a relationship with someone who is not their husband/wife) (Lev 20:10, Deut22:21)

Note adultery and incest were seen as grievous enough to incur the death penalty although this may not always have been implemented.

A sense of the ideal marriage is permanent and exclusive 1-1 but permission/concessions to weaknesses including an allowance for

Polygamy. It is clear from Genesis 2 that the relationship is meant to be exclusive between a husband and wife. In the New Testament, church leaders are meant to model this monogamy. However, many figures in the Bible took multiple wives. We often see the painful consequences of this.

Divorce (c.f. Malachi 2:16 & Deuteronomy 24:1-3)

2. What the Old Testament says about Divorce

The Bible treats divorce negatively. In fact, we are told that God hates divorce in Malachi 2:16 because “To divorce your wife is to overwhelm her with cruelty,” So there are theological reasons for rejecting divorce. Divorce is bad because it falls short of God’s ideal for exclusive, faithful relationships which reflect his relationship to us. There are also ethical reasons. Divorce is seen as something harmful, note that women in particular were hurt by cruel and oppressive husbands who used divorce to discard them.

However, Deuteronomy 24:1-3 does make provision for when divorce happens. Note that this functions a bit like case Law. We are told that if a man divorces his wife and she remarries and is divorced or widowed again then he cannot take her back.

This has proved a challenging passage to understand with some debate about the meaning of particular phrases.

1. What is the exact reason for divorce? A seemingly broad term “something wrong” (NLT) is used. What does this mean? By Jesus’ time there was much debate about this.
 - a. The Strict interpretation was that this only referred to adultery
 - b. A broader interpretation was that it included anything the husband found fault with. This might include her appearance, character, burning the dinner etc.
2. Why could he not take her back - what’s the defilement about?

Defilement here was probably that there was a sense in which the second marriage caused the woman to commit adultery. Marriage was meant to be permanent but she was being compelled to abandon an exclusive sexual relationship

There’s also a sense of the impact on the wider community of God’s people that this would bring shame and pollution on the land and the community.

The rule is probably intended to provide some protection for the woman. She is not to be treated as property to be swapped about. The man should value and honour his marriage vows –recognising that he doesn’t get a second shot at things.

3. What does Jesus say?

In Matthew 5:31-32, Matthew 19:1-12 and Mark 10:1-12 we find Jesus dealing with the issue of divorce and re-marriage.

Jesus is asked if it is lawful to get divorced. He asks those present what the Law says. They say that Moses commands that you should write a certificate of divorce. They are referring to Deuteronomy 24. Jesus replies

- a. Moses did not command divorce. He permitted it because of hard hearts.
- b. You need to get back to what marriage is really all about. It's about a faithful, exclusive relationship that God has put together. Jesus takes us back to Genesis 2.
- c. This means divorce is not a good thing –it's not a command –it's a permission, it's concession to sin so this is never a good thing. The person who divorces and remarries in effect commits adultery. They have abandoned their exclusive, faithful commitment for another person.

Jesus is in effect rejecting their terms of debate. He says "No this is a permission not a command." In other words, Moses is not prescribing the conditions for divorce here. Moses is recognising that divorce is already happening and that because people are hard hearted and sinful that it will go on happening. So, he explains what should happen once the painful reality of divorce has happened.

This is important for the next part of the debate because Matthew tells us that Jesus did provide an exception clause except for sexual immorality." Mark does not include the exception clause but this isn't a problem because the Gospel writers did not always include everything Jesus said at one time.

Christian interpreters have tended to take one of 4 different positions on what Jesus is saying here.

- i. There should be no divorce and no re-marriage
- ii. There can be divorce in restricted situations but no re-marriage
- iii. There can be divorce in restricted situations and where that is permissible re-marriage is also possible
- iv. Divorce and re-marriage is a matter of grace so whilst it is not God's ideal there should not be restrictions

The first view is that Jesus completely rules out divorce and re-marriage. The exception clause is not about allowing for divorce when there has been sexual immorality. The argument for this is:

- a. Sexual immorality would suggest a broader term than "adultery" meaning that Jesus is taking a more lenient view of divorce than the strict view at his time but the thrust of his overall answer seems to be a strict understanding of divorce
- b. The penalty for adultery was death not divorce
- c. Pornea could refer to "incest." In other words, Jesus might be suggesting that it is okay to divorce your wife if the relationship was in fact illegitimate due to the incest rules.

The problem with this argument is that if the relationship was incestuous then it would never have been a proper marriage anyway and the penalty for this would still be death not divorce.

The second view is that the exception clause means that if your husband or wife has been unfaithful, then you can divorce them but the exception clause applies only to the divorce. You still cannot remarry. I personally find this approach difficult to justify from the text.

The fourth view that divorce and re-marriage is a matter of grace is based on an approach that sees Jesus as stating explicitly the full force of God's Law as ideally applied. However, we also know that we cannot meet God's standards and so we are under grace, not under Law. The problem with this view is that it puts in a sharper distinction between Law and Grace than there should be. Christians are saved by grace but Jesus is also clear that he does not abolish the Law. We don't keep the Law

to earn our salvation but we still seek to live obediently to God's Word because we love him and because his law is for our good.

You will realise at this point that I have saved until last the position that I personally take. I believe that divorce is not permitted except in some very restricted circumstances. I also believe that the exception clause applies both to the divorce and re-marriage. If the divorce was permitted then so too is re-marriage.

What do I think is going on with the exception clause? Well remember that we said that Jesus's classification of divorce (Deut 24) as permission not command being crucial. Here's what I think is going on.

First of all, when Moses set out the case law for what to do when divorce occurred, I don't think that he was pronouncing on the legitimacy of the divorce in God's eyes. Rather as Jesus pointed out, Moses recognised that divorce would happen and so he is simply saying "When it does happen, this is what you should do."

This means that both the strict and the liberal interpretation of "something wrong" misses the point. Moses wasn't defining the parameters for divorce.

So in a sense, Jesus isn't interpreting Deuteronomy 24 when he says "except for sexual immorality." He as the creator God is telling us afresh what should happen. Jesus is saying that when there has been sexual immorality then divorce and remarriage may be permitted. This is important because whilst the death penalty was meant to be the punishment for unfaithfulness:

- a. There are doubts as to how strictly this was enforced
- b. In John 8, Jesus himself puts restrictions in on use of the death penalty for this type of case.

So some interpreters have suggested that because the death penalty may not be literally used in every case, there is a sense in which the unfaithful partner becomes morally/spiritually dead towards their husband or wife. Paul in Romans 7 tells us that when one partner dies then the other is free to re-marry.

In other words, there's a recognition here of the effect of unfaithfulness. It brings death. This is important because this leads to another scenario which Paul picks up on.

4. What Paul says

In 1 Corinthians 7:10-11, Paul tells us:

¹⁰ But for those who are married, I have a command that comes not from me, but from the Lord. A wife must not leave her husband. ¹¹ But if she does leave him, let her remain single or else be reconciled to him. And the husband must not leave his wife."

Here in effect he is paraphrasing and applying Jesus's teaching in Mark 10. He is saying that husbands and wives should not divorce. If there's a breakdown in the relationship then they are to aim towards reconciliation. They should not start a new relationship which would prevent reconciliation happening.

Paul is then presented with the situation where a Christian is married to a non-Christian. He says that they should continue in their marriage. This is because many of the believers will have been aware that the Old Testament spoke out against mixed marriages between those who belonged to God's people and those who didn't (see e.g. Deuteronomy 7). The early church realised that those rules were about faith not race. Christians therefore should not marry unbelievers. We as a church will not marry a Christian to a non-Christian for those reasons. However, what happens when a believer is already married to a non-believer? This could be because they became a Christian after they were married or it could be because they went ahead and married a non-Christian. Should they now separate?

Paul says "no."

If a fellow believer has a wife who is not a believer and she is willing to continue living with him, he must not leave her. ¹³ And if a believing woman has a husband who is not a believer and he is willing to continue living with her, she must not leave him. ¹⁴ For the believing wife brings holiness to her marriage, and the believing husband brings holiness to his marriage."

In other words, God will give them the grace needed to continue in the marriage. However, Paul then goes on to say that:

¹⁵ But if the husband or wife who isn't a believer insists on leaving, let them go. In such cases the believing husband or wife is no longer bound to the other, for God has called you ^[f] to live in peace.

So Paul allows for the possibility that a spouse may be deserted by their partner. He says that when this happens, they are set free. They are no longer subject to their marriage vows. I believe that this must include the freedom to re-marry again. My understanding is that as with the adultery situation, there is a sense in which the partner is now dead to them.

The point is that the faithful and godly partner in the marriage cannot control the unfaithful partner's actions and therefore should not be bound by their choices. Further, I would suggest that desertion is a way of being unfaithful, the husband or wife is now looking outside of the marriage covenant for the very things that the marriage covenant is meant to give.

I think there may be some room for discussion on what desertion looks like in practice. For example, Exodus 21 sets out a scenario where a man takes a slave as a wife but then later takes another wife. In those situations,

"he must not neglect the rights of the first wife to food, clothing, and sexual intimacy. ¹¹ If he fails in any of these three obligations, she may leave as a free woman without making any payment."

Now for various reasons, this is not an exact like for like match with contemporary marriage but I think it does introduce the principle that there are a number of ways that someone can withdraw from/abandon the marriage. This however requires care and caution. I would suggest that we err on the assumption that a marriage is still a marriage albeit not a good one unless there are very clear signs that one or other partner has abandoned it.

5. How I would apply this

What does this practically mean in our context? I would suggest the following guidelines .

- a. Whenever a marriage hits the rocks, it's important to start and finish with God's grace. God's grace means that both husband and wife can find forgiveness for their own failings and the strength to forgive their partner for hurting them.
- b. Grace means it is possible to continue in a marriage even when things look desperate, even when there appears to be no hope. 1 Peter offers lots of practical, loving advice for those living in cruel situations where love, respect and loyalty are not always reciprocated.
- c. On this basis, even where there has been unfaithfulness, we would encourage the injured party to still seek reconciliation. This is something that we cannot demand of them though, it is down to God's grace.
- d. Where there is unfaithfulness or desertion, divorce and future re-marriage are permitted. Additionally, if there is an abusive relationship, we would encourage those concerned to seek appropriate legal protection.
- e. Where someone gets divorced either because they are the party in the wrong (they have been unfaithful) or there isn't a Biblical basis for divorce then they should not remarry. We believe that if they repent and come back to Christ that He will give them the grace to continue single and celibate.
- f. When someone has already divorced and re-married then again there needs to be a strong sense of grace. Grammatically, when Jesus talks about the person who re-marries committing adultery, the sense is of the act of getting married being a one off adulterous act rather than being married being an ongoing adulterous relationship

We also should recognise that there is some complexity here. This should guard us against harsh, legalistic decision making. Church leaders have to come to a view on such matters, so for example, I am personally convicted that I cannot bless a marriage that follows on from divorce unless the divorcee is the victim of unfaithfulness or desertion. Additionally, a church leadership team usually needs to come to a view on what the practice of that church will be. However, we also recognise that there are differences of interpretation among Evangelical Bible teachers on this point. So it may be that someone wishing to re-marry would choose to arrange to get married elsewhere (e.g. in a civil ceremony).

Another complexity relates to the point that we remain as we are. There's a wider discussion here on what happens when someone is in effect in a common-law relationship. This is worthy of a fuller discussion however my immediate thoughts are:

- a. I would not be too quick to rush and pronounce something as a common law relationship. We would be looking for strong evidence that for those involved in the relationship to separate would genuinely be the equivalent of breaking up a marriage this might include the presence of children and how the relationship is perceived by friends, relatives and community.
- b. I would want to make ensure that every effort has been made for appropriate reconciliation with the previous spouse.

Conclusion

This subject is difficult because

- a. Some of the issues are complex and there are differences of opinion.
- b. This isn't just an intellectual discussion. There are real lives involved and there's real experience of pain and suffering. For some, the pain will be quite raw.

I believe though that it is possible to obey Jesus's teaching on divorce and re-marriage. His grace is sufficient in our weakness. I believe as well that for those going through dark and difficult times in their marriages that there is hope in the Gospel.