

Divorce and Re-Marriage: Balancing Grace and Truth
A Discussion Paper Prepared for the Eldership of Mortimer West End Chapel
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Introduction

It is absolutely impossible to set out the full extent of the biblical material on divorce and re-marriage in one short paper such as this. It is important, however, to try to address some of the key questions, when working out the way forward for a Christian community when it comes to issues of divorce and re-marriage. For those reasons I would ask you to consider my comments and thoughts here as only brief and in outline.

There are others in the eldership and, indeed, within the context of the fellowship at MWEC, who may well have much more authentic and deeper insights into the questions of divorce and re-marriage because of their own theological reflection and pastoral experience or because they themselves, or someone they love, have gone through the pain of both an unhappy marriage and a subsequent divorce. Their insights and their views are very important to understand. It is also my view that when discussing issues such as this, we must 'speak the truth in love' (Ephesians 4) and be guided by mutual commitments to grace and truth.

Too often we oversimplify the issues surrounding divorce and re-marriage and make the whole issue very 'black and white'. We can also make the Bible sound 'black and white' on the issue, when I actually think there is a great deal more said and indicated in Scripture on this issue than we think. This means that it is imperative to be very Christlike and gracious in the way we discuss and debate the issue, and we must approach it prayerfully and compassionately. To make a theological point outside the parameters of the most important theological points of all – grace, love and forgiveness – would be to mirror all the attitudes of the Pharisees and miss the example and injunction of Christ. Grace and truth must **ALWAYS** go together, not just in this issue, but also in all issues of community, fellowship and church discipline and procedures. I want to set out my thoughts as follows:

1. Historic Positions
2. Exegetical and Hermeneutical Challenges
3. Recommendations and suggestions

Historic Positions.

It is important to note that the church has never spoken with one voice on the issue of re-marriage of a person whose previous partner is still alive.¹ In the early centuries, divorce and re-marriage was widely rejected by Christians, but by the sixth century the Eastern Church allowed divorce and re-marriage in certain circumstances and the Western Church, largely under the influence of Augustine, held that marriage should never be dissolved. The development of a sacramental view of marriage flowed from thinkers such as Augustine and it is this *sacramental* view that leads to the idea that marriage can never be dissolved. Hence the Catholic Church holds to the idea of annulment, rather than divorce. Annulment argues that a true marriage never actually took place, and thus there is no covenant to be broken. Most of the protestant churches do not believe in the sacramental nature of marriage and therefore there are few protestant traditions that would hold that a marriage is

¹ In fact, the early church Father, Tertullian, even forbade divorce of someone who was a widow or widower.

indissoluble. Most protestant churches allow for divorce and re-marriage in certain circumstances.

Interestingly, Archbishop Cranmer set out proposals for a revised Canon Law in a work called *The Reformatio Legum Ecclesiasticarum* in 1553. They never became law, but had they, the church would have allowed for divorce in the following situations:

- Adultery
- Malicious Desertion
- Prolonged absence without news
- Cruelty or violence against the partner

In every case the 'innocent' partner would be allowed to re-marry.

Lastly, although there is much more to the establishment of the Church of England than just the issue of divorce and re-marriage, we should not forget that the issue was at the heart of the separation from Rome for the Anglican church and intrinsic to the actions of Henry VIII in his moves to distance the church in England from the church in Rome.

Exegetical and Hermeneutical Challenges: What do the texts say?

I am sure you all know, but *exegesis* is the critical and faithful explanation of a meaning that flows from a text or an idea as it was originally given. *Hermeneutics* are the principles of interpretation that take into account the original language, audiences and intentions of the writers or speakers, amongst other things. This is where the importance of attempting to understand the biblical context is vital when it comes to divorce and re-marriage. Both our hermeneutics and our exegesis must be good.

There are a number of key passages to consider:

The Synoptic Texts – Matthew 19:3-12 and Mark 10:2-12

There is certainly some a lack of clarity when it comes to understanding exactly what these texts might mean. In **Deuteronomy 24:1-4**, which we will come to in a moment, there is a clear presupposition that re-marriage can happen. Taken in stark contrast, the words of Jesus here would seem to contradict those of Deuteronomy 24. However, this is an example of reading the text much too simplistically, and not exegeting it properly. Is Jesus forbidding re-marriage in any situation here? If so, it appears that he is contradicting the Torah, which is surely unthinkable. Perhaps the texts themselves might be helpful here:

Matthew 19:3-12

³Some Pharisees came to him to test him. They asked, "Is it lawful for a man to divorce his wife for any and every reason?"

⁴"Haven't you read," he replied, "that at the beginning the Creator 'made them male and female,' ⁵and said, 'For this reason a man will leave his father and mother and be united to his wife, and the two will become one flesh'? ⁶So they are no longer two, but one. Therefore what God has joined together, let man not separate."

⁷"Why then," they asked, "did Moses command that a man give his wife a certificate of divorce and send her away?"

⁸Jesus replied, "Moses permitted you to divorce your wives because your hearts were hard. But it was not this way from the beginning. ⁹I tell you that anyone who divorces his wife, except for marital unfaithfulness, and marries another woman commits adultery."

¹⁰The disciples said to him, "If this is the situation between a husband and wife, it is better not to marry."

¹¹Jesus replied, "Not everyone can accept this word, but only those to whom it has been given. ¹²For some are eunuchs because they were born that way; others were made that way by men; and others have renounced marriage because of the kingdom of heaven. The one who can accept this should accept it."

Mark 10:2-12

²Some Pharisees came and tested him by asking, "Is it lawful for a man to divorce his wife?"

³"What did Moses command you?" he replied.

⁴They said, "Moses permitted a man to write a certificate of divorce and send her away."

⁵"It was because your hearts were hard that Moses wrote you this law," Jesus replied. ⁶"But at the beginning of creation God 'made them male and female.'⁷For this reason a man will leave his father and mother and be united to his wife, ⁸and the two will become one flesh.' So they are no longer two, but one. ⁹Therefore what God has joined together, let man not separate."

¹⁰When they were in the house again, the disciples asked Jesus about this. ¹¹He answered, "Anyone who divorces his wife and marries another woman commits adultery against her. ¹²And if she divorces her husband and marries another man, she commits adultery."

Matthew 5: 27-33

²⁷"You have heard that it was said, 'Do not commit adultery.'²⁸But I tell you that anyone who looks at a woman lustfully has already committed adultery with her in his heart. ²⁹If your right eye causes you to sin, gouge it out and throw it away. It is better for you to lose one part of your body than for your whole body to be thrown into hell. ³⁰And if your right hand causes you to sin, cut it off and throw it away. It is better for you to lose one part of your body than for your whole body to go into hell.

³¹"It has been said, 'Anyone who divorces his wife must give her a certificate of divorce.'³²But I tell you that anyone who divorces his wife, except for marital unfaithfulness, causes her to become an adulteress, and anyone who marries the divorced woman commits adultery.

³³"Again, you have heard that it was said to the people long ago, 'Do not break your oath, but keep the oaths you have made to the Lord.'

Placing Matthew 19 and Mark 10 in context.

Before discussing Matthew 19 and Mark 10, it is worth bearing in mind that Jesus is answering a specific question, that relates to the teaching of what we call *Deuteronomy 24:1-4*. He was answering the questions of a group of Pharisees, who were using the issue of divorce and re-marriage to test Jesus' authenticity and spirituality, rather than actually being interested in the issue of divorce and re-marriage²

The Torah - Deuteronomy 24:1-4

¹ If a man marries a woman who becomes displeasing to him because he finds something indecent about her, and he writes her a certificate of divorce, gives it to her and sends her from his house, ² and if after she leaves his house she becomes the wife of another man, ³ and her second husband dislikes her and writes her a certificate of divorce, gives it to her and sends her from his house, or if he dies, ⁴ then her first husband, who divorced her, is not allowed to marry her again after she has been defiled. That would be detestable in the eyes of the LORD. Do not bring sin upon the land the LORD your God is giving you as an inheritance.

Paul – 1 Corinthians 7:10 – 17

¹⁰To the married I give this command (not I, but the Lord): a wife must not separate from her husband. ¹¹But if she does, she must remain unmarried or else be reconciled to her husband. And a husband must not divorce his wife.

¹²To the rest I say this (I, not the Lord): If any brother has a wife who is not a believer and she is willing to live with him, he must not divorce her. ¹³And if a woman has a husband who is not a believer and he is willing to live with her, she must not divorce him. ¹⁴For the unbelieving husband has been sanctified through his wife, and the unbelieving wife has been sanctified through her believing husband. Otherwise your children would be unclean, but as it is, they are holy.

² I think the very fact that both the passage in Mark 10 and the one in Matthew 19 open with the words '*Some Pharisees came to test him*' is an important reminder to us that too often the broken and hurting individuals caught up in divorce become the theological talking point of others. I think for Christ, they were people first and divorcees second. Our discussions must avoid unhelpful *theologizing* as if the people in question could not be hurt by our conversations. We may disagree on the issue of divorce and re-marriage, but it must not become a 'benchmark' of our commitment to the Scriptures and to truth, as there is more than one set of answers to these difficult questions.

¹⁵But if the unbeliever leaves. Let him do so. A believing man or woman is not bound in such circumstances: God has called us to live in peace. ¹⁶How do you know, wife, whether you will save your husband? Or how do you know, husband whether you will save your wife?

¹⁷ Nevertheless, each one should retain the place in life that the Lord assigned to him and to which God has called him. This is the rule I lay down in all of the churches.

What do these texts actually say?

A cold reading of these passages might suggest the two following conclusions:

Conclusion One:

1. There are two clear grounds for divorce
 - a. Jesus allows for divorce on the grounds of adultery.
 - b. Paul allows for divorce on the grounds of one partner leaving the other
2. Remarriage whilst one's ex partner is alive is adultery.

Conclusion Two

1. Divorce is always wrong, and therefore re-marriage is never possible. (Jesus teaching is understood only to apply to ancient Jews, where adultery **had** to result in divorce. Paul's injunction was understood to be **only** applicable to the early church because Roman law made desertion **equivalent** to divorce). In other words, divorce is only allowed, when it is against your will and re-marriage is only open to those who have been widowed.

These are simplistic evaluations of the texts, however. One of the important parts of exegesis is understanding not just the words of the texts, but the context into which they have been spoken and how the original recipients would have understood them. By doing this, we are then able to begin to understand the principles behind the mere words. **This is vital if we are to remain true to the spirit of the law, and not just the words.**

To understand that, I need to explore the following three issues:

1. What the Old Testament says and its context
2. What the New testament says and its context

What the Old Testament says and its context.

First of all, it is important to remember that marriage is what is often referred to as a *pre-fall ordinance*. This means that the covenant relationship of marriage was established *before* the fall and that just as sin has impacted our humanity and our ability to choose to do right and wrong, it has also impacted our ability to succeed and grow a faithful marriage (See Genesis 1-3). At the heart of the early Scriptural understanding of marriage we must remember **Genesis 2: 22ff**

²²Then the Lord God made a woman from the rib he had taken out of the man and he brought her to the man. ²³The man said:

“This is now bone of my bones and flesh of my flesh;
she shall be called woman, for she was taken out of man.”

²⁴For this reason a man will leave his father and mother and be united to his wife and they will become one flesh. ²⁵ The man and his wife were both naked, and they felt no shame.

The inherent principles here are that in marriage a couple must *leave* and *cleave*. In other words, they must commit their energies and life to one another as a matter of priority. Their commitments to their parents are not reduced, but in the establishment of a new family unit, their priorities are broadened to include a primal commitment to one another as husband and wife. Their 'uniting' is a clear call to stick together and work together to make the new family unit a successful one and to their energies and their lives to this commitment.

The challenge of sin to a marriage must be remembered in the same context as the challenge of sin to life in general – relationships and marriages are affected by sin too (See Genesis 3:16-19, for example)

The wider context of the Old Testament World.

Let me cite just two examples of Near Eastern laws concerning marriage, divorce and re-marriage.

Firstly, the Babylonians³ allowed men to abandon their wives and return to them when they liked. The husband did not have to give a reason for his departure, and, if he chose to return, then all of the possessions of the abandoned wife, including the contributions of working children, became the husbands. The wife had no grounds for support, help, or appeal. The Middle Assyrian laws of around 1400BC allowed for freedom for the abandoned wife after five years.

Thus the context of Israel was one where women were treated as less than equal, and most, if not all, of the rights that did exist were given to men. As well as that, the legal systems of the worlds and societies around Israel treated some people as much more important, in the law's eyes, than others.

So the laws of Moses were not delivered in isolation, they were given showing God's view of people and the Jewish understanding of equality and fairness that springs from God. For example:

- Exodus 21:24 (*an eye for an eye etc*) means that no matter who the victim was, punishment was equal to the crime committed. The very phrase, *eye for an eye* is taken directly from Hammurabi's law's, however, but there his punishment was reserved for the highest ranking officers and officials. In other words, in Israel, all human beings were equal and treated with equal respect – a stark contrast to the surrounding cultures.

Understanding the laws of Israel concerning divorce and re-marriage, in this context, then, is vital. It is here that **Deuteronomy 24** becomes so important.

¹ If a man marries a woman who becomes displeasing to him because he finds something indecent about her, and he writes her a certificate of divorce, gives it to her and sends her from his house, ² and if after she leaves his house she becomes the wife of another man, ³ and her second husband dislikes her and writes her a certificate of divorce, gives it to her and sends her from his house, or if he dies, ⁴ then her first husband, who divorced her, is not allowed to marry her again after she has been defiled. That would be detestable in the eyes of the LORD. Do not bring sin upon the land the LORD your God is giving you as an inheritance.

³ King Hammurabi's 282 laws from around 1800BC were carved on an eight foot high stone and were a significant departure towards *impartial justice* and the arbitration of law. The Babylonian laws concerning divorce in this instance, are taken from the injunctions recorded by Hammurabi

This certification made it **safe** for her to marry again! It confirmed that she was divorced and that her first husband had no claim on her. Furthermore, in the Middle Assyrian law cited earlier, if a high-ranking officer was missing for two years or more, their wives were given a similar 'certificate of widowhood' that meant they were free to remarry. The words on the certificate read: *You are now free to marry any man you wish*. Amazingly, on every single existing certificate of divorce from the early Jewish community, the same words appear. That is to say, on every single Jewish bill of divorce from the earliest periods, these words appear:

You are now free to marry any man you wish.

The Mosaic Law does **not** say that the break up of a marriage is good. In fact, the consistent approach of the whole bible is that:

- Marriage break up is always wrong, painful and involves either one or two parties having let the other down, and therefore broken their covenant promises before God.
- When the **covenant vow** has been broken, the marriage has ended.
- **Divorce** is not the means by which a marriage ends. It is, instead, the legal instrument that sorts out the implications of a marriage covenant having been broken. The marriage ends when the promises are broken and therefore, when the **covenant is broken**.

What breaks the covenant of marriage in the Old Testament?

Adultery

Deuteronomy 24:1 in the NIV says that a divorce paper can be issued when 'some indecency' is found in a partner. The word actually is the same word used for 'adultery' or 'sexual immorality'. Adultery clearly ends a marriage because the marriage covenant has been broken. (As well as one of the Ten Commandments as we have them of **Exodus 20**)

Exodus 21:10-11

If he takes another wife to himself, he shall not diminish her food, her clothing, or her conjugal love. And if he does not do these three things for her, she shall go out for nothing, without payment of money.

This text refers to a slave who has married her master, and it is an articulation of her rights should she be abandoned by her husband. Far from being irrelevant to today, it sets out the further contexts in which a wife could divorce her husband. There was a prevalence of polygamy in the society discussed, but the principles and examples of this *case law* are vital if we are to seek a biblical way or understanding the *statute* of divorce and re-marriage. The application of the law is always based on *statute* and demonstrated and applied in *case law*. This is how Jewish Rabbis apply the case law of Exodus 21 to the statute of divorce

- If a slave wife can divorce a husband for neglect of food, clothing or conjugal love then a free wife must also have the same rights.
- If this applies in a polygamous marriage with two people, then it applies in a marriage with only one husband and wife.
- If it applies to a wife, then it also applies to a husband.

Four Old Testament Grounds for Divorce

The Old Testament, then, allows for four grounds for divorce:

- Neglect of food – material support
- Neglect of clothing – material support
- Neglect of conjugal love – physical affection
- Adultery - faithfulness

Interestingly, these directly relate to the vows in a Jewish marriage where the couple promise to feed, clothe, exchange conjugal love and be faithful to each other. Abuse either through neglect or violence, has always been deemed by Rabbis as the breaking of the promise to provide physical affection and material support.

The Old Testament and Rabbinical teaching is clear that the only person who can divorce is the victim. The option of divorce was never open to someone who just wanted out of a marriage in the Old Testament. Also the partner who chooses to 'divorce' can also only be 'the victim'. The perpetrator of the neglect or adultery etc is the one, however, who has broken the covenant promise, not the person seeking the legal end of the marriage, which has already ended in God's eyes.

A Word on God as a divorcee.

It is worth noting also within the context of the Old Testament that God considered himself to be married to Israel, and that he also subsequently divorced Israel because of the nation's breaking of its covenant promises.⁴ God married Israel on Mount Sinai. He carried her across the threshold of the Jordan into Canaan. He kept his marital promises by giving her food (milk and honey and manna); clothes (wool and shoes that would not wear out); and he loved her always and remained faithful to her. But Israel offered herself to other idols, including food, and ornaments and clothing, and she loved others – what the prophets and the law called idolatry that was and is spiritual and religious adultery.

This same relationship is described in the Torah as a 'covenant' or a 'contract'.⁵ Deuteronomy 1-4 is the outline of this contract; chapters 5-26 are the stipulations and agreements of it. It is witnessed by God and by Israel – the parties in Deuteronomy 4:26 and 26:16-19 and it ends with the attendant curses and blessings of obeying it in Deuteronomy 27-28. There is no doubt that God considered Israel to have broken its covenant relationship and marriage to him. The reading of the Old Testament only makes sense when we read of the implications of Israel having broken its covenant – that is why they ended up in exile.

A last word from the Old Testament.

The book of Malachi makes it clear that God hates divorce. When we read **Malachi 2:14** carefully, we understand that it is the breaking of covenant promises which breaks God's heart, and when those promises are broken, divorce is the result. So it is the faithlessness and unfaithfulness that breaks the covenant and promises that God's heart is broken over. He personally knows the pain of such unfaithfulness. Divorce is something that he understands because he has gone through the process of acknowledging broken covenants himself – and felt the pain of that.

⁴ Compare the story and life of Hosea and the parallels between Hosea and his wife, and God and Israel. Also note the focus of Ezekiel 16 and Ezekiel 23, and Jeremiah chapters 3 and 4. Note also Isaiah 50.

⁵ Both of these words derive from the same root Hebrew word of *berit*.

Conclusions from the Old Testament.

So, as I begin to think about the New Testament, let me summarise what I understand thus far:

- Marriage is a covenant and contract
- It is broken when the promises made are broken
- When this happens, the one who has been 'wronged' can choose to remain in the covenant and renew it or they can choose to end it.
- Divorce is not 'on demand' but only when the covenants made are broken.

What the New Testament says and its context.

As I approach the NT, it is important to note that the OT and its context are very important:

- Would we subject an adulterous woman to the tests of Numbers 5?
- Would we ostracise a woman who has given birth according to Leviticus 12?
- Would we sell out children as slaves as per Exodus 21?
- Would it be right to buy slaves and leave them to our children like property as in Leviticus 25?

The challenge for us is to hold to the authority of the bible whilst at the same time understand and accept the changing cultures and societies that we find ourselves in. To pretend that we have not done this in many areas is to fall into hypocrisy. So we must be careful to acknowledge the authority of the Bible whilst at the same time remain true to the **progressive revelation** of both the older and the newer testaments.

Whilst I do not have time to explore this fully here, this boils down to what we understand as the *ceremonial* laws of Scripture and the *moral* laws. The former may not apply, the latter always will.

However we come to it, we cannot ignore the reality that Jesus teaches us to take the Older Testament very seriously. He certainly views it as God's word (Matthew 5:17ff). In fact, he can be seen to fulfil the ceremonial parts of the law on the cross, but he certainly calls us to fulfil the moral obligations of the law – going as far as calling us to be 'perfect' (see Matthew 5:48). He affirmed the law and its importance through the Sermon on the Mount – highlighting the challenges of grace and love to those who think that the New Testament lowers the bar of moral conduct. The opposite is true – the NT raises the bar:

- Matthew 5:21-26 and murder now includes hatred and resentment
- Matthew 5:28-30 and adultery now includes thoughts and looks
- Matthew 5:31-32 and divorce and the pain of it in every situation
- Matthew 5:33-37 and oaths now includes any lies
- Matthew 5:38-42 and compensation now means revenge should die in us
- Matthew 5:43-47 and loving neighbours now includes enemies

At the same time as upholding the centrality and importance of the actual laws of the Old Testament, Jesus widely rejected the way people interpreted the law. He showed that nit picking and legalism had nothing to do with the covenant he was introducing and confirming. In other words, he confirmed the importance of the truth and the principles of the Old Testament – he did not confirm the outworking and interpretation

of that by subsequent 'scholars' and 'religious leaders' and 'Pharisees'. In fact, he often rejected their petty understanding of God's heart, principles and truth.

It is interesting that the legal system of the UK and other nations is so close to the principles of the OT. It is even more interesting that **Exodus 21** provides our framework for legislation on issues such as murder, injury, harm and compensation. This is the same chapter that contains the teaching on divorce and the grounds for it as we have just discussed. We should be careful therefore, not just to teach (for example) the OT view of sex outside of marriage but also the full OT guidelines for how to deal with neglect, abuse and the breaking of promises in marriage.

Jewish Law.⁶

In Jewish law of the 1st century, if a man issues a divorce certificate, as soon as his wife receives it, she is divorced. Only men can divorce and the process itself is simple.

What did Jesus say?

By the time Jesus was born, the 'groundless' divorce was prevalent in Judaism, and it was growing in popularity. Up until that time, both men and women in Judaism could divorce, according to the grounds of the OT, so long as they were the wronged party etc. By the time Jesus preached and taught (around AD 30) the groundless non-scriptural approach to divorce was prevalent. By the end of the first century, the groundless divorce in Judaism had replaced the OT basis for divorce completely.⁷

Therefore, it is important to note that the Judaism around Jesus saw two grounds for divorce, namely:

- Adultery – as per the main teaching of Deuteronomy 24
- Any 'cause' – as per the Hillel interpretation of the beginning of Deuteronomy 24
 - Men could divorce women
 - They could do so at will

It is probably this kind of 'any cause' divorce that Joseph thought of using when he considered divorcing Mary – because it was quick, easy and quiet (see Matthew 1:19).

An alternative voice was that of a Rabbi called Shammai, who claimed that Hillel had misunderstood Deuteronomy 24. They rejected the Hillel understanding of Deuteronomy 24 and stood for divorce as taught in the OT, including the reasons of **Exodus 21**. Interestingly, by the time Jesus answered the questions posed to him in Matthew 19 and Mark 10, most divorces were 'any cause' divorces. The rabbis and Pharisees, however still argued about the difference between the views of Shammai and Hillel. Ordinary people wanted the easy route – the Hillel route. Which was right – 'any cause' or not?

⁶ Interestingly, In Islamic Law, if a husband tells his wife he divorces her three times, then she is divorced. The process of divorce and the rights of men are the same, however, as some Jewish understandings were at the time of Christ

⁷ According to my research, this trend was introduced by Rabbi Hillel, who lived just prior to Jesus and gave it the title 'Any Cause' divorce, taken from Deuteronomy 24:1 and is based on saying that the word 'cause' in Deuteronomy 24 refers to any cause a man likes. This 'any cause' approach is what Jesus is challenging I think

Now read the exact question asked of Jesus in **Matthew 19:3**

Is it lawful for a man to divorce his wife for any and every reason?

Literal translation:

Is it lawful for a man to divorce his wife for 'any cause'?

The implications are startling, I think. Jesus was asked a question about the specifically new form of divorce becoming popular because it was easy – the 'any cause divorce'. This fits so clearly with the wider context of the New Testament. Being a devout Jew, Jesus knew and believed in the OT teaching on the breaking of the marriage covenant and the subsequent divorce. This is not the question he was asked – he was asked whether or not he agreed with the 'any cause' divorce as argued by Hillel and his followers.⁸

So what did Jesus say?

The whole of Jesus conversation as recorded in Matthew 19 and Mark 10 uses the legal language of the Hillelites and Shammaites debate. In his replies (Matthew 19 and Mark 10) Jesus was using the very same language that they had used to argue their own place – but he was challenging them both. In answer to a specific question about how to understand Deuteronomy 24, he replied very plainly, the *any cause* divorce was not one God recognised. He was not saying this was the whole of the Old Testament teaching on the subject. He was correcting the easy, no fuss attitude to divorce that existed, but he was also upholding the teaching of the OT.

However, he was more interested in the questions of marriage than he was of divorce.

Unpacking Matthew 19

- He challenged their views on polygamy by emphasising the Genesis 2:24 account of monogamous marriage
- He affirmed that God wants marriage to be life long (see Matthew 19:6) and in so doing highlighted that forgiveness **was** an option. Divorce was not the only option for people. This is why the Pharisees then asked about Moses **command** to issue a divorce certificate. Jesus challenges this 'compulsory divorce' thinking.
- He said Moses *allowed* divorce (Matthew 19:7) he did **not** command it.
- Divorce was not compulsory, but it was permissible
- God does not want people to divorce, but he does allow it for *hard-heartedness* – a concept used to describe Israel again and again in the OT. But it only appears **once** in relation to divorce in the OT. In **Jeremiah 4:4**
 - *Circumcise yourselves to your Lord and circumcise your hard-heartedness.*
 - Jeremiah describes Israel as God's wife in 2:1
 - He says she has committed adultery with other gods in 2:20-26
 - God divorces her in 3:1-8
 - Judah was headed for the same fate as Israel unless she repented in 3:10-14
 - She was being hard-hearted and stubborn in 4:3-4

⁸ You might wonder why Mark 10 has the question 'Is it lawful to divorce' without the 'any cause' addition. In the same way as we would ask the question now 'Should a 16 year old drink' the natural and universal addition in our minds to the question is 'alcohol', so in first century Palestine the question 'Is it lawful to divorce' would have had an unspoken but universally accepted implication 'for any cause'.

- Jesus continues that marriage is affected by sin (Matthew 19:8) and that sin is what causes marriages to fail (always). This is why Moses allowed for divorce
- Divorce is only possible when stubborn refusal to change is present (Matthew 19:8f)
- Even in marriage, forgiveness should be offered to the repentant partner (cf **Luke 17:4**)
- **The Overall impact.**
 - Clearly, Jesus took marriage much more seriously than his peers. His teaching would have been severe to them. Which is why they then say that perhaps it is better not to marry at all (Matthew 19:10)
 - He then says that marriage itself is optional – which was completely different to the way 1st century Judaism understood it, seeing marriage as compulsory (Matthew 19:12). In effect, he turned their teaching on marriage and divorce upside down.

Conclusion.

The impact of this discussion is clear for divorce. Jesus upholds the OT ethics around divorce and rejects the any cause notions of his day. His comments around re-marriage, also, by the same argument, apply to those cases where the ‘any cause’ argument’ has been used for the divorce. We must be careful not to generalise these statements to mean that he never allows for re-marriage.

We do not know what he thought of the Exodus 21 passage or the other teaching of the OT on this issue, because he never said, but I presume that he accepted it because the alternative is to suggest that he contradicted the OT.

Paul.

Paul’s teaching on divorce seems to be straightforward. It was probably written around 55AD and is contained in **1 Cor 7**. He was almost certainly married himself, given the context of his day – all devout and religious Jews were expected to marry. Roman law also made marriage compulsory.

1. Paul contradicted Jewish thought of the day and Roman law by suggesting marriage was optional (Remember also that Corinth was Roman city)
2. He was answering specific questions in his letter⁹
3. He reminds them of the importance of marriage vows in verses 3-4
4. He reminds them of the importance of consent in abstinence in verse 5
5. He reminds them of the covenant promises of care in verses 32-34
6. He reminds them that the OT law concerning divorce and re-marriage take precedent over Roman law in verse 10ff
7. The language of 1 Cor 7 refers to decisions made by either the man or the woman.¹⁰
8. In the light of this, those who had divorced in Roman law, but not for reasons allowed by the OT, should not remarry etc in verses 11ff
9. You cannot divorce simply because your partner does not believe in verses 12-14
10. If your unbelieving partner leaves, you can let them, and you are then free in verse 15

What are the key points of the NT?

⁹ See 1 Corinthians 7, which should read: *Now concerning the matters about which you wrote: ‘It is good for a man not to have sexual relations with a woman’* this is a quote from a previous letter to which he is responding.

¹⁰ This is technical Greek and long winded, but I am happy to discuss it if it would help

Having applied a set of rigorous hermeneutical principles to the reading of these texts including the context, wider implications, and trying to uncover original intentions and audiences and language, I reach the following conclusions:

1. Believers should not break their vows and should not cause a divorce
2. Believers are only free to divorce on the grounds of the OT and should not use a legal loophole or religious 'new idea' for divorce
 - a. Divorce is allowed on the grounds of:
 - i. Adultery
 - ii. Neglect
 - iii. Abuse
 - iv. Abandonment
3. Believers should do all they can to save a marriage, including forgiveness and reconciliation
4. Believers cannot re-marry if their divorce is not within the contexts of God's law
5. If someone divorces you or you divorce, you may accept it and move on with your life as best you are able, including remarriage.

Recommendations and Suggestions.

A summary of my exegesis of the texts set out above; lead me to the following conclusions applicable today

Summary of OT and NT Exegesis on Divorce and Remarriage.

1. Divorce is the legal ending of a marriage where the covenant promises have already been broken and the marriage has already ended.
2. The ending of a marriage is always painful, always involves repentance and an acknowledgement of sin and failure
3. Divorce is permitted in four areas:
 - a. Adultery
 - b. Neglect
 - c. Abuse
 - d. Abandonment
4. Biblical Marriage has gender equality at its heart, although roles and responsibilities differ
5. The 'victim' or 'victims' in divorce are the ones free to bring the marriage to a legal end
6. 'Any cause' or 'easy' divorce is never recognised by God irrespective of the legal view
7. Remarriage is permitted where there has been a proper divorce
8. Any re-marriage where there has not been a proper divorce is adultery
9. Each situation must be taken on its merit, and the individual circumstances must be considered but we must be careful to:
 - a. Avoid jumping to wrong conclusions
 - b. Avoid application of too simplistic an analysis to the situation
 - c. Always be ready to show grace, compassion and love
 - d. Challenge the idea that divorce is ever an easy way out
 - e. Support marriages that are in trouble and counsel both parties
 - f. Provide support for marriage pre and post the marriage service itself
 - g. Make the tough decision not to re-marry in certain circumstances

- h. Apply the principles of Church discipline in situations where it is right to do so.

I think in moving forward, the following actions need to be considered:

1. We need to think and pray together about our own views on this matter and discuss them.
2. Recognise that marriage is a covenant and contract between two partners and the vows are the stipulations of that covenant agreement
 - a. These should be based on the biblical vows and promises
 - b. If one partner breaks these vows the other has the right to end the marriage or to carry on
3. Divorce can only take place when these vows are broken and it is always sinful to break a vow.
4. Jesus challenges us to forgive erring partners, unless they live without true repentance
5. Reconciliation may not always be possible, but it should be explored.

Suggestions and recommendations:

- Principle One:** The biblical grounds for divorce are adultery, abuse, neglect and abandonment
- Principle Two:** No-one should initiate a divorce unless their partner is guilty of repeatedly or unrepentantly breaking their vows
- Principle Three:** No-one should separate from their partner without either mutual agreement for a period or the intention of divorcing them
- Principle Four:** If someone has divorced or separated without biblical grounds, they should, with the support of the church, attempt reconciliation with their former partner, if this is possible
- Principle Five:** Remarriage is allowed in church for any divorcee where they have divorced on biblical grounds, after a service of repentance unless they have divorced an innocent partner who wants to be reconciled.
- Principle Six:** Couples going through a divorce will be offered the love, support, guidance and pastoral care of the church and their situation held in the strictest confidence. The eldership will also commit to praying for the couple and those affected by the marriage breakdown
- Principle Seven:** Each request for re-marriage will be treated with respect, confidentiality and grace and the parties involved will have their information and discussions held in the strictest confidence, but each situation should be discussed by the eldership and prayerfully considered.

Each couple requesting re-marriage will be treated equally and fairly and a copy of the church's policy on divorce and re-marriage will be made available to the couple.

The process from request to decision should take no more than three weeks to avoid undue pastoral or emotional pressure or pain for the couple.

The following are helpful guidelines:

1. The pastor of the church should meet with the couple in question in the first instance. A female leader of the church should also be involved in the discussions. If necessary, the couple will meet with the pastor and one other elder to discuss the situation
2. A report and recommendation will be made to the eldership concerning the church's role in the re-marriage. The decision to re-marry will be made by the eldership in line with the agreed principles and position of the church and in the light of the couple's specific circumstances.
3. If re-marriage is not possible, this will be communicated compassionately and graciously and in person by the pastor and one other elder as well as a female leader of the church if that is appropriate. Additional support and guidance will also be offered including dealing with the past and its mistakes and looking toward the future and its possibilities.
4. If re-marriage is offered, agreement between the couple and the pastor will be reached around support and preparation for the marriage including dealing with the past and its mistakes and looking toward the future and its possibilities.

Conclusions

I hope this all helps. It could easily be worked into a document that we could agree to theologically, socially and so forth, and then agree as policy at a relevant church meeting and so on.

This then gives us an effective framework for dealing with couples graciously, but in truth and from a biblical perspective.

I am sorry that this is not more detailed, but I have worked on it for a couple of hours today, and think that this provides a way forward. I am happy to attend a meeting to discuss this if it would help and wonder whether or not my involvement in the specific case in question now might be a help to you? Like many of you, I have handled such situations often, but you may feel that you are best handling this without my pastoral input into or alongside the specific couple.

Every blessing

Malcolm Duncan
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