
DIVORCE AND REMARRIAGE

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Divorce is painful. Many of us in this room have been touched by it in one way or another and because it involves the disruption of relationships — and relationships are so much a part of who we are, who we were made to be — in our various ways we have been hurt by it. I speak as one whose parents divorced in my early teenage years and the impact of that complex of decisions continues more than forty years later. It is almost impossible to speak about the subject in a dispassionate way because with the catastrophic divorce rate in this country you must always anticipate that there will be some, perhaps many, in any audience you address who bear the scars. And they, quite naturally, cannot *hear* the subject in a dispassionate way.

So I want to be as careful as I can and set some limits right at the start. The first thing to say is something that will be quite obvious to each one of you. This is a controversial subject. It is a subject on which faithful Christian men and women disagree. I once sat on a commission charged with writing a paper on this subject and in the end we produced a paper with three conclusions. Evangelical biblical and theological scholars all, we could not come to a common mind. I think the report was just filed away in a bottom drawer somewhere.

It is perhaps worth just thinking for a moment about how that might have come about. I have come to think there were three contributing factors. The first is that the subject is complex because the circumstances in each case are different. Not every case is a clear-cut case of adultery without any contribution to the marital breakdown by the other spouse. Sometimes it is, but often it is not. There is more involved and the dynamics of relationships, especially these most intimate relationships, are more complex than that. So coming to a 'one size fits all answer' seems unjust and out of keeping with the compassion of the gospel. We are all enmeshed in a fallen world that is often, perhaps very often, not straightforward. Each of us wants to be wise and pastorally sensitive — to reflect both the faithfulness and the compassion of the Lord we serve — and we can sometimes come to different conclusions about what that means in a particular case.

The second factor is that our approach to the question of divorce and remarriage involves quite a number of assumptions that come from our pre-existent understanding of marriage, grace, the nature and function of Scripture, sin, forgiveness and reconciliation, and the way God deals with his people on this side of the Fall. These and other factors shape the way we approach the question from the start. We might not be aware that this is happening — that's often the way with 'assumptions' — but you can be sure it is happening. Add to that our personalities, our background and experiences (our hurts and the hurts of those we know and love) and you get a sense of how difficult it is to come to a clear and definite answer to the questions (and there are more than one) we want to ask about this subject. This is not to say that there is any problem with the Bible at this point. God's word is not garbled and confused. The problem lies rather with us and what we bring to the discussion.

The third factor is that, in an important sense, divorce and remarriage are not really the primary interest of the biblical texts most often cited in this connection. The great interest of the Bible when it comes

to the personal and sexual relationship of a man and woman is marriage, characterized by faithfulness and generous other-centred love. That is because standing behind the entire Bible as its primary author is the God who is loving and faithful and who freely binds himself to his people forever. In the search for a text or texts which will resolve the complexities of marital breakdown and chart a way forward for us, this is easy to miss. God did not create marriages to break down. It was not his intention that this should be our experience. Marital breakdown and divorce is a consequence of the Fall. This much is clear in one of the key texts to which appeal is often made, where the logic of Jesus' words take us from the legalistic question of the Pharisees to God's created intention for marriage: 'Have you not read that he who created them from the beginning made them male and female, and said, "Therefore a man shall leave his father and his mother and hold fast to his wife, and the two shall become one flesh"? So they are no longer two but one flesh. What therefore God has joined together, let no man separate.' (Matt 19.4–6)

So the question is controverted. People whom I deeply respect hold a different position to mine and they might prove to be right in the end. All each of us can do is seek to read the biblical texts humbly, and in conversation with others who might point out where we are imposing our own prejudices and thoughts upon the Bible, and be prepared to change our minds where we see that we have not been believing and teaching what God says to us in his word. We cannot afford to abdicate the responsibility to think hard and deeply about what God has to say, but such is our capacity for self-delusion that a huge measure of humility is needed and a willingness to admit I might have got it wrong. For those of us in Christian leadership the stakes are very high because we are bound to be faced with decisions which will have to be made on the basis of what we believe the Bible is saying and those decisions affect people's lives.

The other thing I'd like to add right at the beginning of this talk is that neither divorce nor remarriage is an unforgivable sin, if indeed in a particular instance, and for this particular person, they are a sin at all — we'll come back to that. In our increasingly fragmented world, where so many of those we are seeking to reach for Christ, to nurture in discipleship and to care for and love as Christ has loved us, have been divorced, this is critical. Too often we have treated people who are divorced, and those who have divorced and subsequently remarried, differently to the way we treat others in our congregation. Too often divorced or divorced and remarried people speak of how they feel unwelcome in Christian gatherings. That is a serious failure in *our* understanding of grace. No one is beyond the reach of forgiveness and no one of us is without sin — deep, serious, damnable sin. We have all made decisions which we have later regretted. There are, for each of us, things in our lives which we wish we had done differently or had turned out differently. And there is often more going on in a person's life than we will ever know. In this area, Christians have far too often acted towards fellow sinners in ways that are legalistic, judgmental and, ultimately, hypocritical. So, as we explore the Bible's teaching on this subject, we should remember that each one of us needs forgiveness and each one of us has been met with a free, full and undeserved forgiveness at the cross of Jesus.

Let's begin with the Bible's main focus, marriage.

MARRIAGE

God's intention from the beginning is marriage — the exclusive, life-long relationship of spiritual, emotional and sexual union between a man and woman. Hear again the words of Jesus: 'Have you not read that he who created them from the beginning made them male and female, and said, "Therefore a man shall leave his father and his mother and hold fast to his wife, and the two shall become one flesh" ... So they are no longer two but one flesh.' (Matt 19.4–6) It is not God's intention for everyone

of course. In the pages of the Bible we could look to the example of some of the Old Testament prophets (but we are largely arguing from silence there, I know), and in the New Testament John the Baptist, the Lord Jesus himself, and the apostle Paul. Some are given the gift of remaining faithful as a single person (1 Cor 7.7) and some find themselves in that situation through circumstances (including the actions of others) they did not control. One of the huge background issues in this discussion, it seems to me, is our need of a richer, fuller evaluation of the single life. Yet the general intention for the race, indeed God's provision for the continuation of the human race, is marriage. Marriage is not merely incidental, or a human convention susceptible to change, but is integral to God's creation purposes. As English theologian and ethicist Oliver O'Donovan has remarked,

... in the ordinance of marriage there was given an end for human relationships, a teleological structure which was a fact of creation and therefore not negotiable. The dimorphic organization of human sexuality, the particular attraction of two adults of the opposite sex and of different parents, the setting up of a home distinct from the parental home and the uniting of their lives in a shared life ... these form a pattern of human fulfilment which serves the wider end of enabling procreation to occur in a context of affection and loyalty. Whatever happens in history, Christians have wished to say, this is what marriage really is. Particular cultures may have distorted it; individuals may fall short of it. It is to their cost in either case; for it reasserts itself as God's creative intention for human relationships on earth; and it will be with us, in one form or another; as our natural good until (but not after) the kingdom of God shall appear.¹

There is a great deal of good biblical teaching packed into that one short paragraph. It would be good to unpack it; but marriage *per se* is not the subject of this session. Yet it is important to see this creational intention of God as the proper context for *our* discussion. That is, after all, what Jesus did. It is marriage that is God's intention, God's good gift to his human creatures. The best short definition I've come across is from what is still the best book on marriage, in my view: Christopher Ash's *Marriage: Sex in the Service of God*:

Marriage is the voluntary sexual and public social union of one man and one woman from different families. This union is patterned upon the union of God with his people his bride, the Christ with his church. Intrinsic to this union is God's calling to lifelong exclusive sexual faithfulness.²

Marriage as described in Scripture and defined in this way by Christopher Ash, obviously involves the will of both partners. It is a bond entered into by a consent of wills. It is obviously a little more complex than that, especially in those cultures in which arranged marriages are still the norm. However, Christian marriage involves the public exchange of promises and an underlying commitment of each partner to live exclusively and faithfully with each other for life. It is to these promises and this commitment that each party to marriage is called to be faithful. Faithfulness to each other is more than faithfulness to these promises, but it is not less. For this reason, the language of 'covenant' is associated with marriage in a number of important biblical texts (e.g. Prov 2.17 and Mal 2.14). Entering into marriage entails entering into a series of responsibilities towards the other person which God expects each married person to take with the utmost seriousness.

However, is there more (not less) than the will involved, and is the resulting state in any sense more than a covenant or agreement to live together in faithfulness and love? What does it mean to 'leave and cleave' and what are the implications of the husband and wife becoming 'one flesh'? We still tend to recognise in law the marriage partner as one's next of kin. Why do we do that? What are we acknowledging about that relationship? It may well have proven to be notoriously difficult to explain in detail what this means, but this difficulty does not necessarily render all such talk as nonsense. It is

¹ O. O'Donovan, *Resurrection and Moral Order: An Outline for Evangelical Ethics* (Leicester: IVP, 1986), 69.

² C. Ash, *Marriage: Sex in the Service of God* (Nottingham: IVP, 2003), 211.

significant, it seems to me, that the biblical restriction of potential sexual relationships is not only based on consanguinity (blood relation) but also affinity (relation by marriage). So, a man may not sleep with his mother, sister or daughter to whom he is related by blood, but he may not sleep with his uncle's wife or his daughter-in-law either, though he is not related to either of these by blood (Lev 18.6, 9, 14). Nor may he take his wife's sister as a rival wife (v. 18). Marriage itself makes a difference in one way or other to these wider relationships.

Christians have differed over how much weight to give the 'one flesh' and 'kinship' language associated with marriage in the Bible. However, at the very least it underlines the importance of marriage in God's sight and insists on more than a purely legal framework for understanding what has gone on. It is not a light thing to enter into this relationship with another image bearer. Faithfulness in that relationship matters to God. The biblical analogy between marriage and the relationship of God and his people in the Old Testament (e.g. Jer 3; Hos 1–3), and of Christ and the church in the New Testament (Eph 5), further underlines the seriousness with which God takes the relationship of a husband and wife. Persistent faithfulness and unconditional love characterise God's dealings with those he has bound to himself by faith and in the Spirit, and this is what God expects to characterise Christian marriage.

Of course, marriage, like everything else in human experience, is impacted by the Fall of Genesis 3. The idyllic picture of Genesis 2, with the man and woman in the Garden, naked, unashamed and exercising the dominion God had entrusted to them, is profoundly disturbed by the entrance of sin into the world. Along with every other relationship in the Garden, the relationship between the man and the woman is placed under strain. It is not rendered impossible, but it has certainly become difficult. It is still good, but a deep current of self-interest compromises the sacrificial love and service which was meant to characterise marriage from the beginning. In subsequent human history there is regular evidence of a radical departure from God's original purpose for marriage, through polygamy, through abuse of various kinds, through adultery. Under certain circumstances the intensity of the struggle may reach an intolerable level and the marriage breaks down in one way or another. Yet the detailed provisions which seek to minimise the abuse of marriage by sinful men and women, and a strong insistence upon the sanctity of marriage, both in the Old Testament and the New, make clear that God has not given up on marriage. The picture of marriage in the New Testament is consistently positive, despite the continuing reality of sin. There is still wide scope for self-sacrificial service of the other within marriage. 'Let marriage be held in honour among all', says the writer to the Hebrews, 'and let the marriage bed be undefiled, for God will judge the sexually immoral and adulterous' (Heb 13.4).

When it comes to the relationship between a man and a woman, the Bible's preoccupation is with the good gift of marriage and with faithfulness within that relationship. This is the larger context in which any discussion of divorce and remarriage needs to take place. We will discover in a few moments that when we drill down into them, there is very little biblical material dealing directly with divorce, and particularly with the questions that tend to interest us about divorce. What teaching there is seems fragmentary and tangential. Texts regularly pointed to as classic texts on the subject often turn out to be saying very little about divorce itself. There can be no doubt that divorce was a reality in ancient Israel and in both the Jewish and Graeco-Roman cultures of the first century. There was, most famously, a longstanding debate about the grounds for divorce within the Rabbinic Judaism of Jesus' time (the generally accepted background to Matt 19.3). Yet it is difficult to locate a general permission for divorce in the Old Testament and we are given no list of acceptable grounds.

So what is said on the subject in both the Old Testament and the New?

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It is worth saying at this point that the Bible does not have a word which carries all the connotations of the English word 'divorce'. As one survey of the various terms used in this connection concludes, 'The Bible speaks in several (apparently non-technical) ways of marriage relationships being brought to an end' — to cast or drive out (Lev 21.7, 14; 22.13; Num 30.9; Ezek 44.22); to send away (Deut 22.19, 29; 24.1, 3; Is 50.1; Jer 3.1, 8; Mal 2.16); to release (Matt 1.19; 5.31, 32; 19.3, 8, 9; Mk 10.2, 11, 12; Lk 16.18); to leave (1 Cor 7.11, 12, 13); or to separate (1 Cor 7.10) — 'but does not describe a process (legal or otherwise). [For that reason we] should take care not to read into any of the texts all of the associations of the English word "divorce"'. It seems to me particularly significant that the 'clear distinction in English between "separation" and "divorce" is much less clear in the Bible, since the vocabulary used in the Bible could apply to either or both'.³ I take it that means that we need to pay even more careful attention to the context, both immediate and canonical.

There are two key texts bearing on the subject in the Old Testament. There are a few others, but they deal with very specific instances of what happens when a woman is taken as a slave (Ex 21.7–11), when a woman is taken from among the captives after a battle (Deut 21.10–14), and the unfaithfulness of those men in Ezra's time who had taken foreign wives in violation of the covenant (Ezra 9–10). Each of those texts has its own particular interest, and with more time they might helpfully fill out the picture, but in terms of a larger biblical theology the key texts are those found in Deuteronomy 24 and Malachi 2, and so we will concentrate on those.

DEUTERONOMY 24.1–4

This is the text to which the Pharisees appealed in their dispute with Jesus in Matthew 19.

When a man takes a wife and marries her, if then she finds no favour in his eyes because he has found some indecency in her, and he writes her a certificate of divorce and puts it in her hand and sends her out of his house, and she departs out of his house, and if she goes and becomes another man's wife, and the latter man hates her and writes her a certificate of divorce and puts it in her hand and sends her out of his house, or if the latter man dies, who took her to be his wife, then her former husband, who sent her away, may not take her again to be his wife, after she has been defiled, for that is an abomination before the LORD. And you shall not bring sin upon the land that the LORD your God is giving you for an inheritance.

The surprising thing is that this text does not really focus on divorce at all. It clearly *assumes* a current practice of divorce and even highlights the deep seriousness and irreversibility of divorce without appearing to make a judgment either way, but its *real interest* appears to be the protection of the woman who has been divorced, by preventing a man from marrying a second time a woman he has previously divorced and who in the interim has been married to someone else. The woman is not to be passed to and fro, picked up when convenient, set aside when inconvenient, and then picked up again. Marriage is much more serious than that. Something highly significant was done when the woman was first 'sent out' by her husband, something which cannot be undone. Something highly significant was done when she married another man, something which cannot be ignored.

In short-hand, the divorce is *described*, but the *instruction* of the text has to do with not taking the woman to be his wife a second time, after an intervening marriage. So there is no direct permission for divorce in these verses, despite the absence of either a commendation or condemnation of the initial

³ J. W. Woodhouse, 'Marriage Breakdown and Ministry (Draft 8A; Unpublished paper, 2009), 6.

action by the woman's first husband. Furthermore, the ground of that action — he found 'some indecency in her' — is left vague and undefined. That of course was the problem that the Pharisees in Jesus' time were trying to resolve. Whatever the ground, though, there is not the slightest suggestion that the man was right to send her away. The text is simply silent on that question. This will be important when Jesus is faced with this text in his debate with the Pharisees. Similarly, the text does not appear to make a moral judgment on the woman's second marriage. That is, once again I take it, because this is not the focus of the passage which is, rather, the impossibility of the first husband reclaiming her.

What is happening in this passage of Deuteronomy is the retrieval of some kind of order from a quite disordered situation. It emphasises the seriousness of the decisions that have been made and the fact that they have, and continue to have, consequences. Both the original 'sending away' and the subsequent marriage to another were public realities which substantially changed the nature of the relationship between the woman and her first husband. The effect of this teaching was to put in place a restriction that would prevent divorce and remarriage as simply 'a legal form of committing adultery'.⁴ In other words, you can't just send her away while you have your fling and then take her back again when it is over.

There are also other indications that this paragraph is not entirely neutral in tone. The woman, having married again, is said to have 'been defiled' (v. 4). To take the woman back after she had been married to another would be 'an abomination before the LORD' (v. 4). How one acts in this matter has the potential to 'bring sin upon the land that the LORD your God is giving you for an inheritance' (v. 4). We ought to be very careful before using this passage as an *endorsement* of divorce. It is marriage that is God's good gift to human beings. There is nothing in this passage to suggest we should see divorce (and/or subsequent remarriage) in the same way. To speak of divorce as a good gift of God is misleading at best, perverse at worst.

MALACHI 2.13–16

In its context, Malachi 2 provides further evidence of the unfaithfulness of post-exilic Israel. Israel's faithlessness to the LORD finds expression in the faithlessness of Israelite husbands to their wives.

And this second thing you do. You cover the LORD's altar with tears, with weeping and groaning because he no longer regards the offering or accepts it with favour from your hand. But you say, 'Why does he not?' Because the LORD was witness between you and the wife of your youth, to whom you have been faithless, though she is your companion and your wife by covenant. Did he not make them one, with a portion of the Spirit in their union? And what was the one God seeking? Godly offspring. So guard yourselves in your spirit, and let none of you be faithless to the wife of your youth. For the man who does not love his wife but divorces her, says the LORD, the God of Israel, covers his garment with violence, says the LORD of hosts. So guard yourselves in your spirit and do not be faithless.

The overall message is clear: the betrayal and divorcing of their wives is one of the reasons behind the distance between God and his people. Their violation of their marriage covenants matters to God and he will not gloss over it no matter how religious they might be. Their pretence of faithfulness to God was unmasked by their unfaithfulness to their wives.

These verses have been prominent in the discussion of divorce and remarriage because of an older translation of verse 16: 'For I hate divorce, says the LORD the God of Israel, and covering one's garment with violence, says the LORD of hosts. So take heed to yourselves and do not be faithless' (RSV). That

⁴ P. C. Craigie, *The Book of Deuteronomy* (NICOT; Grand Rapids: Eerdmans, 1976), 305.

seems to be a blanket and absolute repudiation of divorce. Yet the Hebrew text is full of difficulties and the scholars are divided as to which is the best translation. I've actually changed my own mind on this one. It all boils down, I think, to who is the one who hates (or in the ESV 'does not love'). Is it the husband hating the wife and so divorcing her (so the ESV, and scholars like Hugenberger and Petterson), or is it the LORD who hates the action — 'I hate divorce' (so the RSV, and scholars such as Baldwin, Verhoef and Kaiser)? The Masoretic Hebrew vowel pointing and the Septuagint translation point in the first direction. The context points strongly in the second. The first might suggest that the problem being addressed is a certain type of divorce, divorce involving the hatred of the husband for the wife, an abusive, contemptuous casting aside of one who has been a faithful life partner from your youth. The second suggests that it is the practice of divorce itself which is the problem, not just one type of divorce. The context of the entire paragraph points to divorce as faithlessness, a breach of a commitment to which the LORD himself was witness. Joyce Baldwin concluded that to reduce the reference of the text to a particular type of divorce 'undermines all that the prophet is seeking to convey'.⁵ On further reflection, I'm inclined to agree with her.

The Old Testament teaching on the subject of divorce is sparse, but where the topic is touched upon, even in passing, the context suggests disorder and faithlessness by one or other of the partners (and, potentially, by both of course). Divorce is not a neutral thing but something that always involves a departure from God's good intention for marriage. Someone, somewhere—perhaps long before the divorce formally took place—, has decided that the promises made at the beginning of the marriage cannot or need not be kept. That is not to say that everyone who has been divorced is guilty or sinful at this point. The wives cast aside by the priests, as recorded in Malachi 2, were not to blame. It was their priestly husbands who had broken faith with them and divorced them. These women, it seems, were the victims of something initiated and concluded against them. No doubt in at least some cases there were complexities, and the priests may have sought to justify their behaviour by appeal to some failure on the part of their wives. But there is no indication in Malachi 2 that these wives had been immoral. They were the victims not the perpetrators of these divorces. The decision to walk away from the marriage was one taken by the priestly husbands unilaterally, and God identifies it as faithlessness and a 'covering of one's garment with violence'. Joyce Baldwin again: the prophet 'sees divorce to be like covering one's garment with violence, a figurative expression for all kinds of gross injustice which, like the blood of a murdered victim, leave their mark for all to see'.⁶

We cannot say that divorce was commonplace or prevalent in Old Testament Israel and Judah. However, we do know from other sources that divorce was something quite familiar to the Graeco-Roman culture that provided the backdrop for the New Testament. How were the followers of Jesus to think of divorce?

To answer that question we turn first to the teaching of Jesus himself, as recorded for us in the Gospels. That teaching can be separated out into two categories: his teaching of his disciples away from direct confrontation with the Pharisees on the one hand; and his close interaction with the Pharisees and their challenges on the other. Two passages in particular stand out as examples of each category.

MATTHEW 5.31–32

Jesus touches upon the subject of divorce in the middle of his Sermon on the Mount, as one of the so-called 'antitheses' ('You have heard it said ... but I say to you') in Matthew 5.

⁵ J. G. Baldwin, *Haggai, Zechariah, Malachi* (TOTC; Leicester: IVP, 1972), 241.

⁶ Baldwin, 241.

It was also said, 'Whoever divorces his wife, let him give her a certificate of divorce'. But I say to you that anyone who divorces his wife, except on the ground of sexual immorality, makes her commit adultery, and whoever marries a divorced woman commits adultery.

The context is Jesus' insistence that 'unless your righteousness exceeds that of the scribes and Pharisees, you will never enter the kingdom of heaven' (v. 20). At each point in the paragraphs that make up this section Jesus exposes the hypocrisy of the scribes and Pharisees and their way of appearing to keep the Law while finding ways to limit its application. A shorter introduction to the paragraph on divorce shows it is closely connected to the paragraph immediately prior. This is in fact a continuation of the paragraph on fidelity in marriage and of the radical danger of adultery. It seems that one way of limiting the law against adultery was to insist 'It's only adultery if it involves the physical act of sex with someone other than your marriage partner'. In answer Jesus says, 'everyone who looks at a woman with lustful intent has already committed adultery with her in his heart' (v. 28). However, another way of limiting the application of the command might be to say 'it's only adultery if I am still married at the time. If I've sent my wife away, given her a certificate of divorce and encouraged her to find another husband, then I'm free to marry another, have sex with her, and it's not adultery.' And Jesus' response is, 'everyone who divorces his wife, except on the ground of sexual immorality, makes her commit adultery, and whoever marries a divorced woman commits adultery' (v32). In such a context it is clear that this is not an endorsement of divorce. Jesus is not focussed on setting out the grounds upon which divorce may be acceptable. The stress of the passage is on challenging the use of divorce as a way of making possible a union with another without being charged with adultery. Jesus is actually opposing any use of the law in order to find a way around the law. The so-called 'Matthean exception' — 'except on the ground of sexual immorality' — needs to be read in that context.

For a man to 'cut off' his wife and send her away into the arms of another man was in fact to 'make her commit adultery'. To marry a woman so 'cut off' and 'sent away' was to commit adultery yourself. These are the stark words that Jesus uses when challenging the legalistic hypocrisy of the Pharisees. The righteousness of the citizens of heaven is not to be like that, using the law to cloak lawlessness. The goodness of the gift that God has given, the goodness of marriage and the sexual union within marriage, exposes the wickedness of any such manoeuvre.

But Jesus did indeed use the phrase 'except on the ground of sexual immorality'. Too often these words receive almost all the attention when people look at this passage. The danger is, of course, that in doing so we might be exhibiting precisely the attitude of the scribes and Pharisees which Jesus was condemning — looking for a legal loophole, looking for a way to say 'it's alright in my case', or 'it's alright in your case', or 'it's not adultery'. But the question of how wide or narrow this exception is just isn't the focus of attention at this point in the Sermon on the Mount. Jesus was insisting that in all cases *but* this one, divorce involves adultery, presumably because, particularly in the first century, it invariably led to another sexual union. The social and financial realities of the time made this the most likely consequence.⁷

The word Jesus used at this point is a broad, comprehensive term. It is, quite simply, 'inappropriate sexual behaviour', which the Bible makes clear, is any sexual behaviour outside the context of the covenant of marriage between a man and a woman. It is not specific, and resists being limited to a specific action or set of actions. However, in light of what has already been said, some have asked, what is it that would keep divorce from being something that makes a person an adulterer? As one commentator put it, 'divorce is sinful because it generates adultery, except where the adultery already exists'. You do not *make* a person an adulterer if they already are one. On such an understanding, the

⁷ D. A. Carson, 'Matthew', pp. 1–599 in F. E. Gaebelin (ed.), *The Expositor's Bible Commentary* (Grand Rapids: Zondervan, 1984), 152.

logic of Jesus words is as follows: ‘Everyone who divorces his wife makes her an adulteress, unless she has already made herself one; Everyone who divorces her husband makes him an adulterer, unless he has already made himself one.’ The strength of this explanation of Jesus’ words is that it preserves the clear intention of the passage in context. Jesus is not authorising divorce or providing the grounds upon which divorce is authorised. That is not what he is on about at this point in the sermon. Rather, he is protecting marriage and insisting upon fidelity. He is neither overturning nor intensifying the demands of the Torah. He is calling for a righteousness that exceeds — is of a different kind altogether to — the casuistic manipulations of the scribes and Pharisees. Another benefit of this explanation is that it allows this passage to fit more neatly with the words of Jesus elsewhere, in Luke 16.8 and Mark 10.10–12 in particular, which repeat Jesus’ warning but *without* the Matthean exception.

We turn, then, to what is perhaps the most quoted passage on the subject in Gospels, in Matthew 19. On this occasion, Jesus was not simply teaching his disciples but was directly engaging the teaching of the Pharisees themselves.

MATTHEW 19.1–12 // MARK 10.1–9

Now when Jesus had finished these sayings, he went away from Galilee and entered the region of Judaea beyond the Jordan. And large crowds followed him, and he healed them there. And Pharisees came up to him and tested him saying, ‘Is it lawful to divorce one’s wife for any cause?’ He answered, ‘Have you not read that he who created them from the beginning made them male and female, and said, “Therefore a man shall leave his father and his mother and hold fast to his wife, and the two shall become one flesh”? So they are no longer two but one flesh. What therefore God has joined together, let not man separate.’ They said to him, ‘Why then did Moses command one to give a certificate of divorce and to send her away?’ He said to them, ‘Because of your hardness of heart Moses allowed you to divorce your wives, but from the beginning it was not so. And I say to you: whoever divorces his wife, except for sexual immorality, and marries another, commits adultery.’ The disciples said to him, ‘If such is the case of a man with his wife, it is better not to marry!’ But he said to them, ‘Not everyone can receive this saying, but only those to whom it is given. For there are eunuchs who have been so from birth, and there are eunuchs who have been made eunuchs by men, and there are eunuchs who have made themselves into eunuchs for the sake of the kingdom of heaven. Let the one who is able to receive this receive it.’

The context of this passage would appear to be the contemporary rabbinic debate about the grounds for divorce — ‘is it lawful ... for *any* cause’. Rabbi Hillel interpreted the exception that made divorce permissible as widely as possible, infamously including cooking an unpalatable meal. Rabbi Shammai interpreted it more narrowly: ‘sexual immorality’ is a way of speaking about unfaithfulness and only unfaithfulness. The Pharisees called on Jesus to adjudicate. Is Hillel right after all? Is it lawful to divorce one’s wife *for any cause*? There may indeed also have been another, more sinister, motive behind the question. The very first verse of this chapter indicates that Jesus had just entered the territory of Herod Antipas, whose incestuous relationship with Herodias made this a hot topic, a politically charged one, one that could make a person powerful and dangerous enemies. The fate of John the Baptist was a case in point.

Four things are remarkable in this passage. The first is something we have already noted: Jesus answered the question about the grounds for divorce with a reassertion of God’s creational intention for marriage. ‘Is it lawful ...?’, they had asked. In response, Jesus drew attention to the words of Genesis 2 about the radical faithfulness, unity and endurance which was meant to characterise Christian marriage from the very beginning. He in effect turned a question about divorce into a statement about marriage. Even when they pressed their point and insisted on an answer to *their* question — ‘why then did Moses command ...?’ — Jesus came back just as strongly: ‘but from the beginning it was not so’.

What God intended from the beginning trumps the contemporary attempts to redefine marriage, its joys and responsibilities. Every time. So his last word on the subject to the Pharisees is a repetition of what he had earlier taught his disciples: 'And I say to you: whoever divorces his wife, except for sexual immorality, and marries another, commits adultery.'

The second remarkable feature is Jesus' response that it was 'because of your hardness of heart' that Moses had spoken of divorce. But is this a reference to the general fallenness of the world, a brokenness in which relational stress, strain and breakdown are unavoidable realities? Or is it more focussed, denoting the callous, unrepentant stance of God's covenant people, a hardheartedness towards God which spills over into a hardheartedness towards others, in this case their marriage partners? The precise term that is used to describe this phenomenon suggests the latter option.⁸ This is not an abstract description of the world post-Eden but an indication that the real problem is '*your* hardness of heart'. For this reason, in order to put boundaries around the damage done by such hardness of heart towards one's spouse, Moses permitted — he had never commanded — he permitted divorce. But it is always tragic, always a contradiction of God's original intention. As one commentator puts it, 'divorce is never to be thought of as a God-ordained, morally neutral option but as evidence of sin, of hardness of heart'.⁹ And that hardness of heart creates victims.

The third thing we should notice is the little addition to what Jesus had said back in Matthew 5 that we find here in verse 9. It is the clause 'and marries another'. Here Jesus makes explicit what was only implicit in Matthew 5 and he brings into the foreground the issue of remarriage (which, of course, is also in the foreground in Deuteronomy 24 to which the Pharisees were appealing). Divorce as an act in and of itself does not entail adultery. Rather, it is the consequence that almost inevitably flows from such an act, namely one or other of the divorced persons entering into a sexual union with another person, which constitutes the adultery.

The fourth and final element I want to comment upon needs to be seen in this wider context. Jesus here, once again, uses the exception clause 'except for sexual immorality'. Just as in Matthew 5, it is broad and undefined — in fact the same word is used. Once again we must be careful though. As Stanley Hauerwas, the American theologian and ethicist warns, 'the attempt to use Jesus' exception to provide a way to avoid Jesus' prohibition of divorce imitates the Pharisee's question to him about "any cause"'.¹⁰ The original word order is unusual. Taken literally, the exception relates to the first half of the sentence, 'whoever divorces his wife, except in the case of sexual immorality'. The Greek syntax separates the sentence into two halves and this clause undeniably belongs in the first half. In Matthew 5, where there has already been faithlessness, sexual immorality or adultery, divorcing such a person does not force them into the situation where they would *become* faithless, immoral or an adulterer. In Matthew 19, however, Jesus does not say anything about *making* the divorced spouse an adulterer, but rather insists the person doing the divorcing does not, by so doing, commit adultery. In other words, divorce under those circumstances — where the partner has been sexually immoral — is a very different thing to divorce apart from those circumstances. But what about the second half of the sentence: does the infidelity of one's spouse transform the decision to remarry? Here opinion is divided, though once again I think the context points us in the direction of saying 'no'. The disciples, it seems, are taken back by the apparent severity of Jesus' words and, in answering their question about whether then it is better not to marry, Jesus immediately goes on to speak of eunuchs — those who are eunuchs from birth, those made eunuchs by others, and those who make themselves eunuchs for the sake of the kingdom of heaven (v. 12). There are many circumstances which would lead people to live a faithful, chaste and celibate life: some are naturally inclined towards the single life; some are forced into a single life by

⁸ U. Luz, *Matthew 8–20* (trans. J. E. Crouch; ed. H. Koester; Minneapolis: Fortress, 2001), 490 n32.

⁹ Carson, 413.

¹⁰ S. Hauerwas, *Matthew* (Grand Rapids: Brazos, 2006), 170.

their circumstances or the actions of others against their will; some determine to live such a life for the sake of the kingdom of heaven. Might not divorce forced upon him or her by the actions of an unfaithful spouse fit somewhere within the second of these categories?

1 CORINTHIANS 7.10–11, 12–16

The two paragraphs in 1 Corinthians 7, in which the apostle Paul most directly addresses the topic of divorce and remarriage, need to be seen in the light of all that has gone before. The immediate context is Paul's answer to the suggestion 'It is good for a man not to have sexual relations with a woman' (v. 1). Paul shows himself totally out of sympathy with the suggestion and encourages husbands and wives to care for each other sexually, especially given that temptation to sexual immorality is a real and dangerous possibility (vv. 2–5). Then, after writing about the value and special challenges of singleness (vv. 6–9), he turns his attention to the married members of the Corinthian congregation. He begins, in verses 10 and 11, with those who are married to believers, and so he addresses both husbands and wives:

To the married I give this charge (not I, but the Lord): the wife should not separate from her husband (but if she does, she should remain unmarried or else be reconciled to her husband), and the husband should not divorce his wife.

It is clear that Paul believes he is saying nothing that Jesus had not said before him: 'not I, but the Lord'. The expectation that separated believers should remain unmarried or else be reconciled to each other stands in stark contrast to the Graeco-Roman world in general where 'divorce was undertaken both frequently and often for selfish, trivial reasons'.¹¹ Neither party is to initiate breaking the marriage bond. However, if separation does occur (and Paul neither suggests reasons for this nor does he make any statement about whether or not such a separation could be justified under certain circumstances) only two options are available to the believer: remaining unmarried or being reconciled.

Paul does not mention the exception which is recorded for us in Matthew's Gospel. He is passing on the general principle and not addressing the situation where there has been adultery or some other kind of sexual infidelity. His emphasis is on the life-long character of marriage, an emphasis which we have found throughout the Bible, even in those parts where extraordinary circumstances are conceded as a tragic exception. The final clause has the same direct and absolute character as is found in the statements of Jesus in Mark and Luke: 'the husband should not divorce his wife'. The possibility of separation is presented here as itself an exception, which is not so much legitimised as it is recognised as a reality in a world where men and women, even Christian men and women, can act in harmful and self-destructive ways.¹²

What is significant at this point is that Paul does not consider it unreasonable to suggest that remaining unmarried is the only proper alternative under these circumstances to reconciliation with the husband from whom the woman has separated. He does not contemplate the possibility of remarriage. This, even in a culture with very little provision for those left without a husband, apart from the Christian congregation itself. What is more, he does not cast 'remaining unmarried' in terms of a penalty (in fact, in the context of 1 Corinthians 7 as whole it is quite the opposite). This stands in stark contrast to our contemporary situation where decades of sexualisation of just about every area of life leads many to view the single state as deprivation, rather than as something positive in itself. Nevertheless, Paul, faced with two believers who separate (presumably without adultery being involved), simply says 'remain

¹¹ A. C. Thiselton, *The First Epistle to the Corinthians* (NIGTC; Grand Rapids/Carlisle: Eerdmans/Paternoster, 2000), 540.

¹² P. T. O'Brien, 'Divorce and Remarriage', pp. 175–184 in A. Nichols & J. W. Williams (eds), *Agenda for a Biblical Church: 2. Debates & Issues from the National Evangelical Anglican Congress* (Sydney: AIO Press, 1981), 181.

unmarried or be reconciled'. Marriage is to be taken that seriously. There may, of course, come a time when such a situation changes through the initiative of the other party. The other party might move to the other side of the world, seek a divorce, or enter another relationship. They might subsequently die. Paul does not address any of these eventualities.

The second paragraph dealing with this topic (vv. 12–16) is addressed specifically to those in mixed marriages (i.e. where one party is a believer and the other is not).

To the rest I say (I, not the Lord) that if any brother has a wife who is an unbeliever, and she consents to live with him, he should not divorce her. If any woman has a husband who is an unbeliever, and he consents to live with her, she should not divorce him. For the unbelieving husband is made holy because of his wife, and the unbelieving wife is made holy because of her husband. Otherwise your children would be unclean, but as it is, they are holy. But if the unbelieving partner separates, let it be so. In such cases the brother or sister is not enslaved. God has called you to peace. Wife, how do you know whether you will save your husband? Husband, how do you know whether you will save your wife?

The primary emphasis of the passage is clear. Paul is at pains to make clear that these mixed marriages should be guarded and honoured in the same way as other marriages. Marriages are no less honourable because one party is an unbeliever. God's intention for marriage — lifelong and faithful — extends to cover these marriages too. '[I]n a mixed marriage the Christian partner is not to take the initiative in a move towards separation'.¹³

However, the simple reality is that the preservation and nurturing of a marriage requires the commitment of both parties and tragically when sinful men and women are involved it is possible for one to remain committed to the relationship while the other repudiates it. What if the unbelieving spouse, for whatever reason, but chiefly in this context it might be because the conversion of his or her spouse has changed the nature of the relationship, desires to separate? In such a situation, Paul makes clear, the believer should not stand in the way: literally, 'if the unbeliever separates, let him separate'. In this quite specific context, separation, though in conflict with the Creator's design for marriage, may occur without blame attaching to the believing spouse who is left behind.

What does Paul mean though when he writes in verse 15 that 'In such cases the brother or sister is 'not enslaved' (ESV) or 'is not bound' (RSV). What does it mean to say the deserted believer 'is not enslaved' (ESV) or 'is not bound' (HCSB)? Three possibilities have been advanced. The first is that the believer is no longer bound *by this marriage bond*. He or she is free to marry another. This is the so-called 'Pauline privilege', sometimes presented as an additional legitimate ground for divorce and then remarriage, alongside the ground permitted by Jesus in Matthew's Gospel, namely, sexual immorality. The second explanation is that the deserted believer is not bound *by the command not to divorce* in verses 12–13. Divorce, which ordinarily would not be permitted, is permitted under these particular circumstances. The third possibility is that the believer is not bound *by an obligation to pursue reconciliation* along the lines of verse 11. There are circumstances in which all attempts at reconciliation have been exhausted and the conclusion must be reached that reconciliation is simply not possible, humanly speaking. In such circumstances, the deserted believer does not have to spend his or her life seeking a reconciliation that will never eventuate.

How do we decide? As always, the context is decisive. We should recognise that remarriage is not explicitly mentioned anywhere in these verses and those who claim it is entailed by the act of divorce need to account for the context in which, as mentioned above, verse 11 envisages a separation that explicitly does not lead to remarriage. Paul could have used the expression 'she (or he) is free to

¹³ O'Brien, 181.

[re]marry' — he does just a few verses later when speaking about widows (v. 39) — and this would have made it crystal clear, but he does not. So while we might be able to speak of a 'Pauline privilege' which allows divorce following the desertion of an unbelieving spouse, I remain unconvinced that it entails a freedom to remarry. The new circumstances provide the opportunity to walk faithfully as a disciple as a chaste, single person.

SO WHERE DOES THAT LEAVE US?

This has been a long survey of the biblical passages relating to the question of divorce and remarriage. We could have looked at a number of other passages which are a little more tangential than those we have examined. However, I don't think any of those passages materially affects the pattern of teaching we have discerned. So where does that leave us?

I want to finish with ten conclusions I reach on the basis of this evidence.

1. All the Bible's teaching in this area focusses on God's original intention for marriage. Marriage is intended by God to be a lifelong, exclusive relationship between one man and one woman. A stress is clearly and regularly placed throughout Scripture on the sanctity of marriage. Marriage is God's good gift which remains good even on this side of the Fall, though every marriage is impacted by human sinfulness. It is very obviously a concern of the Lord Jesus himself that any consideration of divorce, and those who are entangled by it, should not undermine the priority of honouring and preserving marriage as God created it to be. In our real and right concern for those who have been hurt by divorce, this is something we need to remember.
2. Marital breakdown and divorce are always a tragedy. They are not what God intended from the beginning. They are not morally neutral. They are painful and, critically, they create victims who need to be treated with grace and compassion. The scars of divorce last a life-time, often affecting generations in a family. In our attempts to minimise the pain, we must not minimise the seriousness.
3. Divorce always involves one party or the other (or sometimes both) making a decision that the promises made in marriage cannot or need not be kept. That decision is not necessarily the same thing as initiating formal legal proceedings to end the marriage, which may in effect be a deeply painful response to a prior decision of the other partner (e.g. the sexual immorality of the Matthean exception). The critical decision might indeed have been made much earlier when adultery or another form of abuse, or desertion occurred, and may not have been publicly visible in the way that legal action invariably is.
4. While, for this reason and in this way, divorce most often involves a breach of faith by at least one party to the marriage, attributing moral blame or fault is not always a simple matter. We need to be careful about jumping to conclusions when almost always we do not have all the evidence. It may well seem quite clear cut when a man leaves his wife to pursue his affair with another woman. It may seem just as obvious when the divorce is part of a response to sustained abuse of one kind or another. But what about when mental illness is involved? When does care for your spouse under those circumstances — 'in sickness and in health' — cross the line to become an unreasonable expectation? Only when physical violence is involved? It can really be complex and in such cases a certain generosity of spirit is called for. We stand outside of the

dynamics of the relationship and we only gain a partial picture of the intensity of the suffering involved.

5. However, divorce is not mandated, even in the face of serious moral failure and extreme relational tension. Forgiveness and reconciliation are priorities for the Christian person. Not every broken marriage is irreparable. Nevertheless, this does not mean that someone whose safety is threatened by the behaviour of their spouse must simply stay and bear it. The protection of the vulnerable, most often women and children, must be a critical consideration.
6. The questions of divorce and remarriage, while related, are best kept distinct. 1 Corinthians 7 suggests at least one circumstance in which the legitimate options on the other side of divorce are either reconciliation or a life of singleness. Remarriage is a second stage beyond divorce, and the questions surrounding it are not exhausted once those surrounding this particular divorce are resolved.
7. Divorce really does end a marriage, but it does not, in and of itself, entail a freedom to remarry. The alternative of a chaste unmarried life is not punitive but an alternative context for discipleship brought about by circumstances which may not be within the control of the person concerned. There are, of course, other examples of such circumstances which point to the appropriateness of living as a chaste single man or woman, for instance the Christian person who finds themselves attracted to those of the same sex. Once again, I think we need to retrieve a biblical view of singleness and ask ourselves whether we have imbibed more than we think of our culture's attempt to present unbridled sexual expression as a fundamental human right. Jesus' words about eunuchs in Matthew 19 are stark, confronting and a little hyperbolic. But the point he was making is something I think we need to take more seriously.
8. As I said earlier, neither divorce nor remarriage are unforgivable sins. Of course, when pushed, everyone would agree with this statement. However, the way those who have divorced or divorced and remarried often feel they have been treated sends a different message. We need to be reminded that those who are divorced and those who are divorced and remarried, live each day with the consequences of the decisions they have made. Often those consequences are not all bad and they are not all good either. Such people may well recognise the Bible's teaching on this subject and deeply regret the decisions that led them on the road away from God's good plan for their (first) marriage, but life has moved on and what has been done cannot be undone without causing a great deal more grief and pain. God calls all kinds of broken people to himself and none of us are in a position to point the finger at others as if we have nothing to be ashamed about in our lives. The Christian fellowship should be a place of welcome, where repentance and faith are recognised as the necessary dynamic of all our lives. It is a tragedy that this has not always been the case.
9. I want to repeat that while I have become convinced of the position that I hold, convinced that it is faithfully reflecting the teaching of Scripture (why else would I hold it?), I know that I am fallible and all too susceptible to self-delusion. As I said, there are others whom I deeply respect who come to different conclusions on the matter. We need to keep talking and helping each other look again at the word of God and have our thinking reformed and reshaped by what God has had to say to us in his word.
10. Finally, just as God is unfailingly good, so is his word. God has made himself known, and his purposes known, by the word he has spoken. His word is right and true and pure. It calls for

justice and integrity and faithfulness — life-long faithfulness. And where these are present, human life flourishes. At the very same time, his word is compassionate and merciful and gracious. He calls on us to care for the vulnerable and to bind up the broken-hearted by turning their attention to gospel of the crucified, risen and ascended saviour, the one who calls sinners of every type out of darkness into his marvellous light. His plan for human relationships is both right and good. And the more we understand this, and turn our back on the counterfeit good offered by the world arraigned against him, the more we will really know joy.