

DIVORCE AND RE-MARRIAGE

Divorce and re-marriage is a difficult and complex issue. Positions range from “no divorce, no re-marriage under any circumstances” to “divorce for any cause”. I have come to the following position which I believe reflects the spirit and the teaching of Scripture.

Marriage is a lifetime covenant-commitment in the purpose of God

Genesis 2:24 speaks of the man and woman “cleaving” to each other and “becoming one flesh”. The marriage covenant is intended to be binding until death (1Corinthians 7:39). Marriage is symbolic of Christ and His Church (Ephesians 5:31, 32) who are bound together in an indissoluble union. Malachi 2:16 says that the Lord hates divorce; the Lord Jesus reaffirms this in Matthew 19:3-9 (what “*God hath joined together, let not man put asunder*”).

It is my responsibility as a servant of Christ to uphold marriage as a sacred institution, and to do all I can to bring about a reconciliation where marriage partners have separated, or are about to.

What the Bible teaches about divorce

The word “divorce” as we use it today did not exist in Bible times. Today divorce means the legal dissolution of a marriage performed by a secular judge or authority. A legal divorce does not affect one’s status before God. The word translated ‘divorce’ in our English Bibles comes from the Hebrew word Shalach (meaning to send away) and the Greek words apoluo (to dismiss) and aphimi (to put away).

The word divorce did not stand for a legal dissolution, but for the dismissal of a marriage partner resulting in the termination of the marriage. When Moses became God’s chosen leader for the nation of Israel, he faced the issue of Hebrew wives being dismissed by their husbands. He was inspired by God to give the law in Deuteronomy 24, not to institute divorce, but to regulate it. When a husband dismissed his wife (sent her away) the Law of Moses was given for the protection and welfare of the dismissed spouse, and to further protect the second marriage should the former husband want her back.

Deuteronomy 24:1-4 *“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, and if after she leaves his house she becomes the wife of another man, 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, 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.”*

In the Old Testament, a certificate of divorce was to be given when the cause of the dismissal was **not** adultery. This certificate clarified the state of the dismissed wife – that the first marriage was terminated, and the dismissed wife was declared innocent of sexual misconduct, freeing her to remarry.

If the husband dismissed his wife for sexual infidelity, he did not have to give her a bill of divorcement – she was to be executed, according to the Law of Moses. A certificate declared a dismissed wife innocent of adultery, and would give her permission to remarry without incurring any guilt upon herself.

Jesus and Divorce

For the Jews living at the time of Jesus, dissolution of a marriage was the easiest possible thing. It was open to a husband to terminate the marriage at will. When a husband wanted to dismiss his wife, no one could hinder him from doing it; he simply sent her away.

In John 4 Jesus spoke of the 5 previous husbands of the Samaritan woman and the de facto relationship she was in at the time. Though not at all condoning this, Jesus nevertheless held the view that she had been married 5 times and at least 4 of these had been dissolved. Remarriage can only be regarded as adultery if the first marriage is still continuing.

In Matthew 5 Jesus quoted the Jewish Talmud when He said: *"It has been said, 'Anyone who divorces his wife must give her a certificate of divorce.'*" This is not a quote from the Law of Moses (as in other instances where He said "As it was written"). He quoted the interpretation that the Pharisees had put on God's law. Rabbi Akiba and other influential Rabbis had interpreted the passage in Deuteronomy to say that, as long as a husband writes a bill of divorce, he can dismiss his wife for the most trivial reason; in fact, without any fault of the wife at all.

Jesus then says: *"Anyone who divorces his wife, except for marital unfaithfulness, causes her to become an adulteress".* How is it that Jesus says here that a wife, **not** guilty of marital unfaithfulness, is made an adulteress by being divorced? It does not imply, as some say, that this woman is, by virtue of her being dismissed, forced thereby into an adulterous relationship (see Lev. 22:13). The unjustifiably dismissed woman, without a certificate of divorce, would be stigmatised or considered an adulteress (the text literally says: he "causes adultery upon her" or, she is 'made an adulteress'). If she was not given a bill of divorcement clearing her of presumed guilt, she was, in terms of the actual wording of the Law of Moses, placed in the position of being regarded as an adulteress.

In the case where a spouse is guilty of marital unfaithfulness by committing "something indecent" (Deuteronomy 24:1), the other spouse is entitled to (though not compelled to) divorce the guilty one. The Greek word translated "marital unfaithfulness" in Matthew 5 is 'porneia' and is the Greek equivalent to the Hebrew word 'ervah' ("something indecent") in Deuteronomy 24:1.

Matthew 19:3-9 *"Some Pharisees came to Him to test Him. They asked, "Is it lawful for a man to divorce his wife for any and every reason?" "Haven't you read," He replied, "that at the beginning the Creator 'made them male and female,' and 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'? So they are no longer two, but one. Therefore what God has joined together, let man not separate." "Why then," they asked, "did Moses command that a man give his wife a certificate of divorce and send her away?" Jesus replied, "Moses permitted you to divorce your wives because your hearts were hard. But it was not this way from the beginning. I tell you that anyone who divorces his*

wife, except for marital unfaithfulness, and marries another woman commits adultery."

It is important to note that In Matthew 19 Jesus is responding to the Pharisees who were seeking to trap Him on the issue of the grounds for divorce. In their question they misquote the Law of Moses in a way consistent with their beliefs outlined above (that all they have to do to divorce a wife is observe the legal formality of issuing a certificate).

Jesus replied:

1. Divorce was not a part of God's plan for mankind
2. Moses did allow divorce
3. Divorce is due to the sinful (hard) hearts of mankind
4. When a man divorces (with exception clause) and marries another, he is committing adultery

The so called 'exception clause' ("*except for marital unfaithfulness*") is often taken to mean that the otherwise blanket prohibition on divorce and remarriage is, in the case of marital unfaithfulness, permitted by God.

This interpretation has serious problems:

1. The word does not mean adultery, but is a broad word encompassing a wide range of sexual misconduct
2. The clause only appears in Matthew where Jesus is being put to the test by the Pharisees
3. This interpretation clearly contradicts what Jesus had just said in verse 6. Jesus had said that all divorce and remarriage is out of the will of God and then immediately said that in certain cases it is permissible!
4. It places a premium on sin, giving a loop-hole whereby people can escape marriage! A single act of sexual misconduct can prevent divorce and remarriage from being sinful!
5. It isolates Jesus teaching from the historical setting.

Also, it is important to note that Jesus did not give a command. He made a statement - to act in a certain way is to commit adultery.

The 'exception clause' ("*except for marital unfaithfulness*") is a mistranslation. The word translated 'except' is found over 1000 times in the N.T. and is the usual word for 'not' (E.G. "not on the Sabbath", "not my feet only" etc.). The Pharisees were seeking to trap Jesus into giving grounds for divorce, and Jesus replied that there were no grounds to make divorce acceptable in the eyes of God, not even sexual infidelity. He exposed the Pharisee's hypocrisy – they were willing to divorce a wife, not for marital unfaithfulness, but for any reason at all. When we read verse 9 in this light it makes good sense and fits the context. A paraphrase of the verse would read: "*anyone who dismisses his wife for any reason at all, and marries another woman, commits adultery; but not in the case of a wife guilty of adultery*"

The Apostle Paul and Divorce

1 Corinthians 7:8-17 *"Now to the unmarried and the widows I say: It is good for them to stay unmarried, as I am. But if they cannot control themselves, they should marry, for it is better to marry than to burn with passion.*

10 *To the married I give this command (not I, but the Lord): A wife must not separate from her husband.*

11 *But if she does, she must remain unmarried or else be reconciled to her husband. And a husband must not divorce his wife.*

12 *To 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. And if a woman has a husband who is not a believer and he is willing to live with her, she must not divorce him. For 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.

15 But 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. How do you know, wife, whether you will save your husband? Or, how do you know, husband, whether you will save your wife? 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 the churches"

Paul is not advocating divorce here, but is dealing in a realistic way with the situation in a church where people were saved out of a sexually permissive society. He says that when a couple separate, they are to remain unmarried to make way for the possibility of reconciliation. But Paul (reluctantly) also says that if reconciliation is not possible, remarriage is not excluded. Since divorce is a dissolution of marriage, the divorced person is regarded as an unmarried person, and thus free to remarry.

A separated person is not bound (the same root word "bound" or "bondage" is used in 1Corinthians 7:27, 39 where it refers to the marriage contract), but is free to remarry.

Paul encourages those who are separated to remain unmarried, but also acknowledges that some do not have the gift for living alone and would burn with desire for intimacy. In these cases *"they should marry, for it is better to marry than to burn with passion"*.

Conclusion:

From a study of these passages, aided primarily by the excellent exegesis and commentary by B. Ward Powers in his excellent book "Marriage and Divorce – The N.T. Teaching", I have come to the following conclusion.

Divorce is not shown in the Bible to be sin, but is the consequence of the sins involved in the marriage breakdown and separation. When a marriage breaks down, the first and greatest responsibility is to endeavour to bring about a reconciliation. For this reason Paul calls separated partners to remain unmarried. If, however, reconciliation is impossible (for whatever reason) the divorced person is free to remarry. Remarriage after divorce does not cause the person to commit adultery, no matter what reason lies behind the separation.

When a person who has committed adultery and has broken their marriage, turns back to the Lord in repentance, or when a person trusts in Jesus Christ as Lord and Saviour, he/she is forgiven of all past failures, moral or otherwise (2 Corinthians 5:17). This is not to say that church discipline is unimportant, nor that the church should not speak and work towards reconciliation in broken marriages and speak prophetically of God's opposition to divorce. However, the church has a great responsibility in displaying the gracious character of God in accepting those who are repentant, whatever their failure, and encouraging them to experience God's restoring grace.

Those who are divorced and remarried, and then become Christians (or who renew their faith and commitment to Jesus Christ) should remain in their new marriage. They are to be accepted fully and without reservation into the local church family and encouraged to exercise their gifts.

Because there are so many complications that can present themselves, each individual case is unique, making a general ruling impossible. However, certain unchanging truths that need to be applied to each case are:

- The spirit of the law, not the letter, is the new Testament approach to God's law. The spirit of the law is found when you consider the reason why God made the law in the first place, and how the law is a reflection of God in every part of His character (not just a reflection of His justice, righteousness and holiness, but also His love, grace and faithfulness etc.). There are situations where, by following the letter of the law, we would be guilty of doing a greater evil.
- We are to 'err on the side of mercy'. God's great example in the Scriptures is His merciful dealings with Israel and even with His greatest servants. King David, according to God's Law, should have been executed for his sin against Uriah and Bathsheba. However, as we read in Psalm 51, when he repented and sought forgiveness, God showed mercy and forgave him. His life was spared, his role as king was not taken from him, and Bathsheba remained his wife, later giving birth to Solomon who would become one of Israel's most glorious kings. However, David and his family were not shielded from the personal consequences of family strife and heartache that resulted from his sinful deeds.

Sanctity of Marriage

I am fully committed to the sacred character of marriage and deplore the disintegration of family life in our society. I am equally committed to supporting, encouraging and accepting those who have been through deep waters with a marriage break-up, and are repentant for any part they played in it, and want to get on with their lives and grow in their relationship with God. In fact a new marriage can be God's healing provision for the trauma of a previous broken marriage.