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Divorce & Remarriage

*An exploration of my understanding
of what the Bible teaches on this issue*

John Woodhouse

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INTRODUCTION

a. The purpose of this paper

The purpose of this paper is to set out, as best I can, my understanding of the Bible's teaching on the difficult subject of marriage breakdown, and the consequences. I am more deeply conscious than usual of the inadequacy of my efforts, aware of the painful complexity of the issues that at times overwhelms me. I speak, not as an authority on this subject, but as one deeply concerned – as I know we all are – to please God and do what is right before him as we reflect his righteousness and his grace in our lives and in our care for those around us.

b. The importance of the subject

The subject is important. In Christian circles much thought is often rightly given to a Biblical understanding of marriage, to the encouragement and support of strong and faithful marriages, and to helping marriages to overcome difficulties and threats. We think and talk less about the situation where a marriage fails. We all wish that such situations did not arise. But they do. And it is simply irresponsible to put the subject in the “too hard” basket. If you are a pastor you must think this through, and come to the best understanding you can of the teaching of God's Word, and then practise what you learn.

c. Difficulties

Why is it so difficult?

- ***Pain***

First, it is painful, particularly if we have friends or loved ones who have experienced a broken marriage.

Since personal relationships are more precious than anything else in life, and the marriage relationship is fundamentally important in God's purpose for humans,

a broken marriage is a tragedy second only to death. The hurt and damage done to the persons concerned, their family (especially any children, of course) and to wider society by the breakdown of marriages are incalculable.

We cannot think and speak about this subject unemotionally. And the emotions are painful.

- ***Confusion***

Second, because the subject of broken marriage is so sensitive among us, we have tended to *avoid* talking and thinking about it. The result is (in my opinion) profound confusion.

We think that righteousness pulls us one way, and grace pulls us another. That cannot be right. The righteousness of God *is* the grace of God. The grace of God *is* the righteousness of God. None of us finds that easy.

- ***Division***

Third, our confusion is likely to be divisive. Brothers and sisters, we cannot afford unnecessary division. We ought to hate it. Can we discuss this subject openly and honestly without making differences divisions? We must.

- ***The world***

Fourth, Christian thinking about this subject faces particular challenges *today*.

Our society attempts to live in denial of the tragedy of broken marriage, and consequently is unwilling to pay a high price to protect and preserve marriages. There is far more concern about the harm and hurt of a 'bad' marriage than the damage and awfulness of a broken marriage. This is a big and costly mistake. As in many other areas of life, our church life must be radically counter-cultural in its valuing marriages and working hard to guard against marriages breaking, in displaying the goodness of persistent faithfulness through suffering. Christians are cautious (as we should be) about anything that might seem to undermine our commitment to marriage. It is very difficult in this context to think carefully in Christian terms about marriage breakdown – to go beyond the true conviction that it ought not to happen.

Nonetheless, as I have said, it is necessary to do so. Marriage breakdown is a sad fact of church life, as it is of the wider society. Christians must not respond to society's denial of the *tragedy* of failed marriages by a denial of our own: a failure to think through honestly and thoroughly in the light of God's Word, how we are to understand and respond to this tragedy in our midst – more particularly how are we to honour and love brothers and sisters who have suffered the breakdown of a marriage.

d. In summary

Let me begin with an attempt to summarise the conclusions I have drawn from my understanding of the Bible's teaching.

- 1.* Marriage is intended by God to be a life-long and exclusive relationship between a man and a woman.
- 2.* 'Outside the Garden' all marriages are marred by human sinfulness and weakness.
- 3.* Nonetheless husbands and wives are obliged before God to do all in their power to honour God's purpose for marriage. Failure to do so is common, reprehensible and harmful.
4. However in our fallen world circumstances can arise in which it may not be possible for a marriage to be life-long. The most obvious (and perhaps the most common) circumstance involves the unfaithfulness of one partner. There are other such circumstances.
5. Therefore, in our fallen world, God has allowed divorce; that is, the ending of a marriage before death.
- 6.* This provision is often abused. That is, marriages are terminated that need not be and should not be. This is a reprehensible failure to honour God's purpose for marriage.

7. However, divorce is not always reprehensible. It has been allowed by God with a recognition of our “hardness of heart,” that is, our fallen sinful natures, for those situations where it is not humanly possible for a marriage to be life-long.
8. The Bible does not provide a legal or quasi-legal definition of all circumstances for which God has allowed divorce. It requires godly wisdom, not law, to discern what is right in any particular situation.
9. Divorce ends a marriage. Therefore a divorced person is, in principle, free to marry another. There is no more inherent virtue in a divorced person remaining unmarried than a person who has never been married.

Points 1, 2, 3 and 6 (*) are, I think, uncontroversial among us. I suspect that it is with points 4, 5, 7, 8 and 9 that I have some explaining to do. That is what I will now try to do, looking at the Bible’s teaching, first about marriage and then about divorce and remarriage.

1. MARRIAGE

a. What the Bible does not teach (surprisingly)

It is a remarkable fact that the Bible contains no specific information about marriage ceremonies, or even an explicit indication of what is needed to establish a marriage relationship.¹ In the great body of God’s Law for Israel there is much that presupposes the goodness and importance of marriage,² but nowhere in the Law is there a prescription of what must be said or done to make a man and a woman husband and wife.

¹ There is evidence of a range of customs associated with marriage that bear similarities to practices among Israel’s neighbours. For example, marriages were commonly arranged by parents, betrothal was by payment of a bride price to the bride’s father (Gen. 24:53; 34:12; Deut. 22:29). Some of these practices (such as the payment of the bride price in certain circumstances, Ex. 22:16-17; Deut. 22:28-29) were written into the Law. See the summary in David Atkinson, *To Have and to Hold: The Marriage Covenant and the Discipline of Divorce* (Grand Rapids: Eerdmans, 1979), pp. 100-102, who draws on the work of Gordon Wenham. Such evidence, however, is of limited value in establishing theological or ethical norms for marriage. It is, however, fair to say that various Old Testament laws “preserve the view that in marriage, a man and wife are united in what is intended to be an exclusive lifelong union” (p. 125).

² Such as the commandment against adultery, Ex. 20:14; Deut. 5:18, and many related laws, such as Num. 5:11-31.

b. Definition

However the place of marriage in God's purposes for human beings is seen from the beginning and Gen. 2:24, in its profound simplicity, stands as the Bible's basic description of marriage, reiterated at key points in the New Testament:

*Therefore a man shall leave his father and his mother
and hold fast to his wife,
and they shall become one flesh.*

(Gen. 2:24; cf. Matt. 19:5; Mk 9:7; 1 Cor. 6:16; Eph. 5:31)

The focus is on two actions of "a man": *leaving* his father and mother and *holding fast* to his wife. The bond to parents is replaced with a new bond. A new family unit comes into being: a new "one flesh."

c. Importance and goodness

The goodness and importance of the marriage relationship as the Creator intended is wonderfully underlined by the fact that it proves to be an anticipation of the relationship God will establish between himself and his people Israel,³ the fulfilment of which will be seen in the relationship between Christ and the church.⁴

d. Marriage as covenant

But what is the nature of the relationship we call marriage. What, in other words, does "one flesh" mean?

In several places the Bible refers to marriage as a "covenant," and the key vocabulary of Gen. 2:24 is used of other covenant relationships.⁵ Marriage is a covenant-relationship. That is, at its heart is a binding agreement involving promises and obligations.

Of course the reality of the relationship of marriage is more than the covenant on which it is based – just as the Israel's relationship to God was far more than a written code. Promises call for trust and faithfulness. In marriage this involves a

³ See, for example, Isa. 54:5; 62:5; Jer. 31:32; Hos. 2:7, 19, 20

⁴ See Eph. 5:32; Rev. 21:2.

⁵ See Prov. 2:17; Jer. 31:32; Ezek. 16:8, 59, 60; Mal. 2:14; cf. Deut. 10:20; 11:22; 13:4; 30:20; Josh. 22:5; 23:8.

profound physical, emotional and psychological union. All of this seems to be entailed in the expression “one flesh.”

However, I am not persuaded that “one flesh” means something more metaphysical, or ontological: a God-created union that *cannot* (as distinct from *ought not*) ever be broken. (This fundamental to my disagreement with the indissolublist position.)

e. Marriage outside the Garden

Marriages described in the Old Testament (subsequent to Gen. 3) are all ‘outside the Garden,’ and therefore marred by sinfulness, weakness and bondage. Marriages now suffer from “such factors as selfishness, arrogance, greed, violence, and deceit which [make] even the maintenance of a marital relation difficult, let alone its happy and harmonious functioning.”⁶

Marriages remain very important in God’s purposes for humanity, but there are now profound departures from the Creator’s original purpose. Thus we encounter polygamy, adultery, homosexuality, sterility and, of course, marriages that fail.⁷

The Bible recognises *the fact* of broken marriages, and the outcome we call “divorce.” But what does the Bible say about these things?

2. ‘DIVORCE’ AND REMARRIAGE

a. What the Old Testament does not teach (surprisingly)

Just as it is surprising to find that the Old Testament Law contains no detailed provisions for establishing a marriage, it is perhaps even more striking that there is very little legal material regulating divorce.⁸ What is “divorce”? When, if ever,

⁶ Geoffrey W. Bromiley, *God and Marriage* (Grand Rapids, Mich.: Eerdmans, 1980), p. 78.

⁷ Cf. Andreas Köstenberger, *God, Marriage and Family* (Wheaton, Ill.: Crossway, 2004), p. 39.

⁸ Köstenberger fails to appreciate this when he says, “the Mosaic Law included provisions regulating divorce.” Andreas Köstenberger, *God, Marriage and Family* (Wheaton, Ill.: Crossway, 2004), p. 229. At best this is an overstatement. The Mosaic Law contains *some* regulations concerning divorce. Even Deut. 24:1-4, which is the closest we have to a regulation concerning divorce, *describes* what we would call an act of divorce, involving the writing and giving of a “certificate of divorce,” but does not *prescribe* this as the required or only manner in which a divorce, or the dissolution of a marriage, may occur. Murray also claims that “The bill of divorcement, we have good reason to believe, was mandatory in the case of dismissal. ... the bill of divorcement was required by positive enactment in all cases of divorce and was therefore in the

is it right? Does the Bible teach that there are legitimate “grounds” for a divorce? If so, what are they? Those who approach the Bible searching for answers to these questions often find texts that seem to provide answers. But do they?

• ***The Bible does not have a word equivalent to “divorce”***

A starting point (but by no means a knock-down argument) is to observe that the Bible does not have a word exactly corresponding to the English “divorce,” with its clear legal connotations. In English Bibles the word “divorce” represents a number of words in the original languages, none of which quite means “divorce.” The table shows the words in the Hebrew and Greek Bibles represented by “divorce” in the ESV, with an indication of the usual meaning of each word.

<i>grsh</i> “to drive out” LXX <i>ekballo</i> “to cast out”	Lev. 21:7, 14; 22:13; Num. 30:10 [English 9]; Ezek. 44:22
<i>shlch</i> “to send [away]” LXX <i>exapostello</i> “to send away”	Deut. 22:19, 29; Jer. 3:1; Mal. 2:16 [translated “send (away)” in Deut. 24:1, 3; Isa. 50:1; Jer. 3:8]
<i>keritut</i> (from the verb meaning “to cut off”) LXX and NT <i>apostasion</i> “departure”	Deut. 24:1, 3; Isa. 50:1; Jer. 3:8 (Matt. 5:31; 19:7; Mk 10:4)
<i>apoluo</i> “to release”	Matt. 1:19; 5:31, 32 (twice); 19:3, 8, 9; Mk 10:2, 11, 12; Lk. 16:18 (twice) (translated “send away” in Matt. 19:7 and Mk 10:4)
<i>aphiemi</i> “to leave”	1 Cor. 7:11, 12, 13
Other related terms	
<i>chorizo</i> (ESV “separate”)	1 Cor. 7:10

In these contexts the various words do refer to an action that ends a marriage.

The important (and surprising) point is that the Bible does not prescribe a legal framework for these actions, and does not have a technical legal term for the act of ending a marriage.⁹ This means, for example, 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 all apply to either or both.¹⁰ I will however

category of precept or requirement.” John Murray, *Divorce* (Phillipsburg, NJ: Presbyterian and Reformed Publishing Co., 1961), p. 9. However, on Murray’s own arguments about Deut. 24:1, the bill of divorce was *not* mandated by God’s Law. In what sense, then, can it be said to have been “mandatory”?

⁹ The only allusion to a possible legal process is the “certificate of divorce” (perhaps, in the light of the point being made here, better translated “certificate of departure”) referred to in Deut. 24:1; Isa. 50:1 and Jer. 3:8. However this certificate is not required by God’s Law, nor is its significance clear.

¹⁰ The Bible does speak of separation that should lead to reconciliation (1 Cor. 7:11a) as well as separation that leads to a remarriage (for example, Deut. 24:1-4). In my opinion Heth’s argument that in the first century context the meaning of the word “divorce” included the freedom to remarry is weak. The Greek words used in the New Testament do not necessarily carry a particular technical legal meaning. William A. Heth in Gordon J. Wenham, William A. Heth and Craig S. Keener, *Remarriage after Divorce in Today’s Church: 3 Views* (Grand Rapids: Zondervan, 2006), p. 70, 71.

continue to use the term “divorce” in the following discussion as a convenient term that refers to the action that brings a marriage to an end, recognising that this begs certain questions.

• ***The Old Testament Law has no general prohibition or condemnation of ‘divorce’***

A second observation: it is striking that nothing in the Old Testament Law could be regarded as general prohibition of divorce. To be precise, the actions referred to by the various Hebrew terms noted above (“driving out” or “sending away” a wife) are only ever prohibited in very particular circumstances. The law certainly puts restrictions on divorce, but does not prohibit it.

• ***The Old Testament Law does not define circumstances of ‘divorce’***

Third: Old Testament Law does not define the circumstances that would allow divorce to occur.¹¹

• ***The Old Testament Law does not prescribe penalties for ‘divorce’***

Fourth: there are no penalties prescribed for a divorcer.¹²

• ***The Old Testament Law never requires ‘divorce’***

Fifth: on the other hand a husband is never *required* by God’s Law to send his wife away.¹³ That is, in contrast to other ancient law-codes, no circumstances are ever described in which a divorce *must* occur. Indeed in the book of Hosea we

¹¹ See, for example, Lev. 22:13; Num. 30:9. Here I differ from the view expressed in the Final Report of the Sydney Diocesan Doctrine Commission on the Remarriage of Divorced Persons, *Year Book of the Diocese of Sydney 1985*, p. 436: “That marriage was regarded as inviolable in the Old Testament is borne out by the initial absence of any reference to the possibility of breaking it.” The (admittedly few) references to the fact of the sending away or driving out of a wife are surely references to the possibility of marriages being broken.

¹² In my opinion John Murray claims too much when he says, “in the very act of divorce itself there is an intrinsic wrong not compatible with the absolute standard of right ... the act was intrinsically wrong and therefore worthy of censure ...” John Murray, *Divorce* (Phillipsburg, NJ: Presbyterian and Reformed Publishing Co., 1961), p. 8.

¹³ John Murray is therefore correct to say, of Deut. 24:1-4, “There is nothing, therefore, in this passage itself to warrant the conclusion that divorce is here given divine approval and is morally legitimated under the conditions specified.” John Murray, *Divorce* (Phillipsburg, NJ: Presbyterian and Reformed Publishing Co., 1961), p. 7. However it is also true (and this is perhaps the more remarkable fact) that there is nothing in this passage to warrant the conclusion that divorce (or sending away) is here condemned by God or morally wrong. This aspect of the Bible’s surprising silence is not (in my opinion) given sufficient weight by Murray.

find a potent testimony to the power of grace and forgiveness to restore a broken marriage – and how good that is.

b. 'Divorce' (and remarriage) in the Old Testament

So what does the Old Testament say about divorce and remarriage?

• 'Divorce' is prohibited in particular circumstances

In certain particular circumstances the Old Testament Law does not allow divorce. For example, Deut. 22:19 forbids a man who has falsely accused his wife of not being a virgin when he married her from ever sending her away. Similarly Deut. 22:29 prohibits a man who has forcefully taken a virgin from ever sending her away.¹⁴ These prohibitions, applied to the specific circumstances described, suggest that there was no *general* prohibition of “sending away.”¹⁵ If there were, these laws would seem superfluous.

• Certain remarriages are not allowed

The Old Testament Law does not allow certain particular marriages involving a divorced person. The famous Deuteronomy 24 is a case in point (see below). According to Lev. 21:14 a priest may not marry a divorced woman *or a widow*. This does not, of course, suggest that a widow may not marry anyone else. Nor, in my judgement, does it mean that a divorced woman may not remarry.¹⁶

Some take these restrictions on the remarriage of divorced persons as an expression of a problem that there is with all remarriages. I think this is unreasonable. There are particular reasons that disallow some remarriages. When these reasons do not apply, my impression is that the Old Testament passes no negative judgment on the evidently common practice of remarriage.

¹⁴ I disagree with Köstenberger who suggests that these verses seem “specifically to forbid divorce if the wife was a virgin at the time the marriage was consummated.” Andreas Köstenberger, *God, Marriage and Family* (Wheaton, Ill.: Crossway, 2004), p. 45. The context seems rather to indicate that the prohibition of sending away is related, on the one hand, to the fact that the man “has brought a bad name upon a virgin of Israel” (Deut. 22:19) and, on the other hand, to the fact that the man has “violated” the virgin (22:29).

¹⁵ Murray is correct to observe, with respect to Deut. 22:19, 29 that “these provisions imply that a certain kind of freedom might be exercised by others who did not fall into either of these two categories.” Murray considers, however, that this Old Testament freedom “is removed under the gospel dispensation.” John Murray, *Divorce* (Phillipsburg, NJ: Presbyterian and Reformed Publishing Co., 1961), p. 8.

¹⁶ See also Ezek. 44:22 (cf. Lev. 22:13; Num. 30:9).

• ***‘Divorce’ must be allowed in some circumstances***

There are certain provisions in the Law where a man who has wronged his wife is required to *allow* his wife to leave him.¹⁷

In Deut. 21:10-14 a man who takes a woman captured in war as his wife must let her go free “if you no longer delight in her.” The man may not treat such a woman as a slave.

It is reasonable to assume that the woman in such situations would be free to marry another man.

Such laws must be interpreted with caution for the principles of war, slavery and marriage are all involved. My point is simply that the Old Testament does not appear to have the assumption that divorce is never allowed or that remarriage after divorce is in principle problematic.

• ***Deuteronomy 24:1-4 (cf. Isa. 50:1; Jer. 3:1)***

Deut. 24:1-4¹⁸ illustrates several of the points I have made. This passage forbids a man who has sent his wife out of his house with a “certificate of departure” from remarrying her if she has entered a subsequent marriage. The logic of the passage goes like this:

When a man takes a wife and marries her,

if (1) then she finds no favour in his eyes because he has found some indecency in her, and he writes her a certificate of departure and puts it in her hand and sends her out of his house, and she departs out of his house,

and if (2) she goes and becomes another man’s wife,

¹⁷ In Ex. 21:7-11 a situation is envisaged in which a man has bought a woman as a slave with a view to having her as a wife, but he changes his mind because “she does not please” him. He is said to have “broken faith with her.” He has acted wrongly towards her. He has four options: (1) allow her to be redeemed; (2) give her to his son and then treat her as a daughter; (3) continue to care for her as a wife; or (4) let her go free with no monetary payment. Under options (1) and (4) the text does not say that she would be free to marry another, but this is a reasonable assumption. Option (2) envisages her becoming a wife to the son.

¹⁸ “The only Pentateuchal law directly relating to the practice of divorce.” David Atkinson, *To Have and to Hold: The Marriage Covenant and the Discipline of Divorce* (Grand Rapids: Eerdmans, 1979), p. 102.

and (3a) *the latter man hates her and writes her a certificate of departure and puts it in her hand and sends her out of his house,*

or if (3b) *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. (Deut. 24:1-4)

I cannot discuss here all the issues raised by this text, but note the following:

- (1) This text must not be understood as either approving or disapproving of the act of sending away described in verse 1.¹⁹ However, Jesus said (apparently with Deut. 24:1 in mind), “Because of your hardness of heart *Moses allowed you to release your wives*, but from the beginning it was not so” (Matt. 19:8, emphasis added).
- (2) Despite a long history of debate, this text must not be understood as defining “grounds for divorce.”²⁰ It simply describes in vague terms the circumstances in which a wife is “sent out of her husband’s house” (“she finds no favour in his eyes because he has found some indecency in her”). Whether the act of sending her away was justified or not is irrelevant.²¹

¹⁹ The AV is generally recognised to be wrong to translate Deut. 24:1: “When a man hath taken a wife, and married her, and it come to pass that she find no favour in his eyes, because he hath found some uncleanness in her: then let him write her a bill of divorcement, and give it in her hand, and send her out of his house.” This rendering of the verse prescribes that in the circumstances indicated the man concerned *should* send his wife away in the manner described. This sense is followed in the RV. However most English versions since the RSV have translated the verse according to the sense now found in the ESV, which describes the man’s act of sending his wife away, but does not suggest anything about the rightness or wrongness of this action. In these versions the prescription does not come until verse 4. See John Murray, *Divorce* (Phillipsburg, NJ: Presbyterian and Reformed Publishing Co., 1961), pp. 3-16 for a thorough argument in favour of the more recent translations, citing Calvin, C.F. Keil and F. Delitzsch., and S.R. Driver. However, Murray deduces from Deut. 24:1 that “a bill of divorcement was required in every case of divorce” (p. 20, also p. 30). This is not certain and in any case, if Murray, RSV, NIV, ESV are followed, any requirement there may have been came from some authority (unknown to us) other than the Law of Moses.

²⁰ The text that comes closest to indicating “grounds for divorce” is Ex. 21:10, 11 where the slave wife may leave her husband who has married another wife and fails to fulfil his basic duties towards her of providing her with food, clothing and marital rights.

²¹ “However, modern commentators are generally convinced that the Hebrew expression [rendered “some indecency”] denotes some kind of shameful conduct connected with sex.” Sydney Diocesan Doctrine Commission on the Remarriage of Divorced Persons, *Year Book of the Diocese of Sydney 1985*, p. 438. Murray concludes that the phrase “means some indecency or impropriety of behaviour; it might be in the category of defect or omission. While falling short of illicit sexual intercourse it may well be that the indecency

- (3) What about the second marriage of the woman in Deuteronomy 24? This text does not prohibit or condemn it (sexual relations *generally* involve ritual “defilement” in Old Testament Law, Lev. 15:18).²² Our text even appears to allow for a third marriage, provided it is not to the original husband.²³

Here is a particular situation in which a specific remarriage is prohibited. Is this an expression of a problem with all remarriages, or just this situation? I find the latter makes best sense.

It seems fair to say that in the Old Testament remarriage generally seems to be an accepted, even expected (although, of course, not required) fact after a divorce.

consisted in some kind of shameful conduct connected with sex life. ... We must suppose something shameful and offensive that gives to the husband some legitimate ground for displeasure and complaint.” John Murray, *Divorce* (Phillipsburg, NJ: Presbyterian and Reformed Publishing Co., 1961), p. 12. Heth [citing Raymond Westbrook, “The Prohibition on Restoration of Marriage in Deuteronomy 24:1-4,” in Sara Japhet, ed., *Studies in the Bible, Scripta hierosolymitana* (Jerusalem: Magnes, 1986), pp. 387-405] argues that “a matter of indecency” refers to a justifiable or valid ground for divorce. Willaim A. Heth in Gordon J. Wenham, William A. Heth and Craig S. Keener, *Remarriage after Divorce in Today's Church: 3 Views* (Grand Rapids: Zondervan, 2006), p. 64. These attempts to define the Hebrew phrase seem to be over-reading the text. The text itself does not appear to approve or disapprove of the act of sending away. In other words the requirement of verse 4 would apply even if the sending away of verse 1 was unjustified. “Some indecency” in Deut. 24:1 is therefore the basis on which the man on view has sent his wife away. Whether or not this offence warranted that action is beside the point.

²² Some see the expression in Deut. 24:4, “after she has been defiled” as a reference to “the gross irregularity of the situation created by the second marriage.” John Murray, *Divorce* (Phillipsburg, NJ: Presbyterian and Reformed Publishing Co., 1961), p. 13. This is far from certain (indeed, I would say, highly unlikely) since in the Law “defilement” or “uncleanness” [English translations use the vocabulary of “defile” and “unclean” for the one group of Hebrew words based on the root *tm*] is linked to sexual relations generally (Lev. 15:18), legitimate as well as illegitimate. Members of the population experienced “uncleanness” for morally innocent reasons (see Deut. 12:15, 22; 15:22; and especially 26:14 where “unclean” quite clearly does not mean “guilty”). “After she has been defiled” cannot be read as a moral judgment on the second marriage. Furthermore the fact that a third marriage to *another* party is not hindered suggests that there is no inherent moral offence in the second marriage.

²³ Various suggestions have been made as to why a remarriage to the first husband is not permitted. See, for example, William A. Heth in Gordon J. Wenham, William A. Heth and Craig S. Keener, *Remarriage after Divorce in Today's Church: 3 Views* (Grand Rapids: Zondervan, 2006), pp. 65, 66. In my opinion Heth reads far too much between the lines of the text, asserting these things as facts. The text simply says that it would be “an abomination before the LORD.” This is an expression used for a wide range of practices of which the Lord disapproves, including idolatry, going after other gods, eating unclean food, offering blemished sacrifices, sorcery, a woman wearing a man’s garment and vice versa, pagan sexual perversions, and dishonesty (Deut. 7:25, 26; 27:15; 13:14; 32:16; 14:3; 17:1, 4; 18:12; 22:5; 23:17, 18; 25:16). It is important to note that it was not the second marriage of the woman, nor even a third marriage to a third man, that is said to be an “abomination before the LORD,” but only the remarriage to her first husband if she had entered a second marriage.

• **God the “divorcer”**

Astonishingly, just as God is portrayed as “marrying” Israel, he is also presented as sending her away with a certificate of departure (ESV “divorce”):²⁴

Thus says the LORD:

“Where is your mother’s certificate of departure,

with which I sent her away?

Or which of my creditors is it

to whom I have sold you?

Behold, for your iniquities you were sold,

and for your transgressions your mother was sent away.” (Isa. 50:1)

She saw that for all the adulteries of that faithless one, Israel, I had sent her away with a certificate of departure. Yet her treacherous sister Judah did not fear, but she too went and played the whore. (Jer. 3:8)

The Lord speaks of himself carrying out, towards the northern kingdom of Israel, the action of the man in Deut. 24:1!²⁵ Divorce (in Old Testament terms, “sending away”) may be an acceptable action taken *because* the covenant has been broken. Only so can it be an appropriate image of God’s treatment of Israel.²⁶

• **Abuses of divorce**

Nothing that I have said should lessen the horror of divorce. The Lord’s sending Israel away was a terrible act of judgment (Isa. 50:1; Jer. 3:8). “Sending away” is never required or encouraged: there are no circumstances in which a husband (or wife) *must* divorce his/her spouse. Whenever grace and forgiveness can bring reconciliation it is always better.

²⁴ Here, again, I have to differ with Köstenberger who claims, with reference to these texts, that “it is evident that God does not approve of divorce, for the Old Testament on several occasions uses the analogy of divorce to describe Israel’s spiritual apostasy” (p. 45). He seems to have overlooked the fact that it was God who divorced Israel! Of course Israel’s actions were reprehensible, and these texts cannot be used to lessen the horror of divorce. But it is simply not true that God *always* disapproves of divorce.

²⁵ The ESV has “decree of divorce” in Jer. 3:8 and “certificate of divorce” in Isa. 50:1 and Deut. 24:1. The Hebrew expression is identical in all three texts. The variation in the English is unfortunate, and presumably a mistake. NIV has “certificate of divorce” in all three places.

²⁶ Contra Report of the Committee re Synod Resolution 34/83: The Remarriage of Divorced Persons, *Year Book of the Diocese of Sydney 1985*, p. 431: “Divorce by its very nature represents an attack on this [marriage] union and a repudiation of the covenant of marriage. Covenant breaking in any form is abhorrent to the Lord ...”

Furthermore it seems self evident that divorce is open to abuse.

The notoriously difficult Mal. 2:16 seems to speak of divorce *as an expression of hatred* (see ESV).²⁷ Hugenberger offers a good paraphrase of this difficult text:

“If one hates and divorces [that is, if one divorces merely on the ground of aversion], says Yahweh, God of Israel, he covers his garment with violence [i.e., such a man visibly defiles himself with violence], says Yahweh of hosts. Therefore, take heed to yourselves and do not be faithless [against your wife].”²⁸

However, importantly, the Bible does *not* say that God “hates divorce.” This unfortunate mistranslation of Mal. 2:16 in the AV has been rectified in the ESV, NIV (2011), HCSB, and REB.

c. “Divorce” and remarriage in the teaching of Jesus

It is my contention that the most important background, or context, for understanding Jesus’ teaching is the Old Testament. Studies in inter-testamental Judaism, and views in the Graeco-Roman world contemporary with Jesus may have their place, but Jesus was deeply conscious of his relation to what we call the Old Testament Scriptures. What is the relationship between the teaching of Jesus with regard to marriage, divorce and remarriage and the teaching of the Old Testament?

In my opinion a key question is, How does Jesus teaching relate to the Old Testament where both divorce and remarriage after divorce are *restricted*, but *not in principle prohibited*? Did Jesus introduce further restrictions, or even prohibit either or both?

²⁷ The ESV translates the Hebrew quite literally: “For the man who hates and divorces ... covers his garment with violence ...” (similarly HCSB, NIV [2011]). So also William A. Heth in Gordon J. Wenham, William A. Heth and Craig S. Keener, *Remarriage after Divorce in Today’s Church: 3 Views* (Grand Rapids: Zondervan, 2006), p. 65. The TNIV has the traditional rendering, “‘I hate divorce,’ says the LORD God of Israel...” (similarly AV, RSV, NRSV, NIV [1984]), but this requires an emendation of the Hebrew, unsupported by any textual evidence. Contra David Atkinson, *To Have and to Hold: The Marriage Covenant and the Discipline of Divorce* (Grand Rapids: Eerdmans, 1979), p. 105 and 127, note 22. See further Köstenberger, p. 404, note 12. Murray quotes the AV without noting the difficulty. John Murray, *Divorce* (Phillipsburg, NJ: Presbyterian and Reformed Publishing Co., 1961), p. 16. A useful collection of translations of Mal. 2:16, illustrating the difficulties of the text, is to be found in Barbara Roberts, *Not Under Bondage: Biblical Divorce for Abuse, Adultery and Desertion* (Ballarat, Victoria, Australia: Maschil Press, 2008), pp. 127-131.

²⁸ P. Hugenberger, *Marriage as a Covenant: Biblical Law and Ethics as Developed from Malachi*, Biblical Studies Library (Grand Rapids: Baker, 1998), p. 76.

- ***The teaching of Jesus and the Old Testament***

I have found it helpful to distinguish three approaches (which are not entirely mutually exclusive).

Approach 1 is the expectation that Jesus fills in the gaps in the Old Testament and provides the (only) legitimate “grounds for divorce.”²⁹ Jesus’ teaching is taken as filling a void and answering the questions that the Old Testament does not answer. This is classically argued by John Murray in his influential (and in many ways very fine) little book, *Divorce*.³⁰

Approach 2 considers that Jesus ‘raises the bar’ and teaches that divorce is never right, although that was not the case in Old Testament Law. That is, he replaces some parts of that law with a new and more rigorous law. This approach is perhaps best represented by the careful work of Heth and Wenham, *Jesus and Divorce*.³¹

My own view is that in this matter Jesus does not enable us to do what the Law did not do, namely *either* specify the acceptable “grounds for divorce”³² *or* conclude that divorce is never right.

In my opinion Jesus takes us behind the letter of the Law to the fundamental purpose of God for human life, and gives an understanding far more radical than any amendment or addition to the Law. I have called this *Approach 3*. The result is not a new and clearer or more rigorous law, but a deeper understanding of the human heart and of the goodness of God’s purposes for human life. This is consistent with what Jesus does, for example, in the Sermon on the Mount with

²⁹ While appreciating much of Murray’s exposition of the teaching of Jesus on this subject, I differ from his basic approach which treats the words of Jesus as legal enactments: “... in Jesus’ words [in the Sermon on the Mount] we can hear the thunder of the divine voice. And it is a divine voice that promulgates law with seals and sanctions no less authentic than those of Sinai.” John Murray, *Divorce* (Phillipsburg, NJ: Presbyterian and Reformed Publishing Co., 1961), p. 19.

³⁰ John Murray, *Divorce* (Phillipsburg, NJ: Presbyterian and Reformed Publishing Co., 1961).

³¹ William A. Heth and Gordon J. Wenham, *Jesus and Divorce*, updated edition (Carlisle: Paternoster, 2002) (first edition 1984). William Heth has changed his mind on the subject, and adopted the position advocated by John Murray. See William A. Heth, “Jesus on Divorce: How My Mind Has Changed,” *The Southern Baptist Journal of Theology* 6/1(2002): 4-29.

³² Contrast Murray: “The essence of Jesus’ teaching in this place [Matt. 5:32] is that there is only one legitimate ground of divorce on the part of a man and that divorce for any other reason is overt sin and to be treated accordingly both in our moral judgment and in jurisprudence.” John Murray, *Divorce* (Phillipsburg, NJ: Presbyterian and Reformed Publishing Co., 1961), pp. 26-27.

the commandment about murder (anger, like murder, makes one liable to judgment, Matt. 5:21, 22), the commandment about adultery (looking with lustful intent is adultery of the heart, Matt. 5:27, 28), and so on.

• **Mark 10**

And Pharisees came up and in order to test him asked, "Is it lawful for a man to divorce [literally, release] his wife?" He answered them, "What did Moses command you?" They said, "Moses allowed a man to write a certificate of divorce [or, departure] and to send her away." And Jesus said to them, "Because of your hardness of heart he wrote you this commandment." (Mk 10:2-5)

Context: hostile question

The context is a hostile question (asked "in order to test him"). Typically Jesus did not answer such questions directly, but took control of the conversation and shifted the topic. That is exactly what he did here.

Deut. 24:1 – "allowed – because of your hardness of heart"

The Pharisees asked about *the lawfulness of divorce*. Jesus responded by asking them *what Moses had commanded*. I think that Jesus probably had Gen. 2:24 in mind as Moses' "command" regarding marriage.

However the Pharisees answered by referring to Deut. 24:1, interpreted as *allowing* "a man to write a certificate of divorce and to send her away" (Mk 10:4). Jesus did not dispute that Moses allowed a husband to take this action, but pointed out that this "commandment" of Moses was a provision "for [Greek *pros*, "with regard to"] your hardness of heart."

In other words Jesus taught that a husband releasing his wife from their marriage was *allowed* by Moses because of human sinfulness. It was *allowed* for life in a fallen world, where sinners fail, but it was not the Creator's purpose "from the beginning," as Jesus will go on to say.

Two points:

- (1) Broken marriages and divorce are part of the *fallen* world, life *outside* the Garden. If we were not *sinner*s there would be no need for divorce – just as there would be no need for medicine, police or soldiers.
- (2) It is also important to underline that if God's Law *allowed* divorce, divorce is not itself necessarily sinful (any more than it is necessarily sinful to have medicine, police or soldiers – although, of course, such things *can* be abused!).³³ God's Law never gives permission for sin.³⁴

The Creator's will for marriage

Jesus went on to underline God's creation purpose for marriage, which does not include divorce. He said:

*"But from the beginning of creation, 'God made them male and female.'
'Therefore a man shall leave his father and 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."* (Mk 10:6-9)

Should we understand that Jesus here abrogated Moses' allowing divorce?³⁵ I do not think so.³⁶ Rather Jesus changes the subject. They wanted to talk about the lawfulness of divorce. Jesus insisted on talking about the Creator's will for marriage "from the beginning." The Creator's purpose for marriage has not changed. That is much more important than the Pharisees' question. And in these

³³ Here I differ with Murray who argues that "hardness of heart" here means the disposition and determination not to abide by the will of God expressed in Gen. 2:24. Moses' permission was therefore a tolerance of this perverse situation. John Murray, *Divorce* (Phillipsburg, NJ: Presbyterian and Reformed Publishing Co., 1961), p. 31. In my opinion this is very unlikely. It would mean, in effect, that Moses "allowed" hardness of heart to have its way. This would be very strange. How would this differ from Moses "allowing" adultery, lying or murder "because of your hardness of heart"? The Law never gives permission for sin.

³⁴ Contra John Murray, *Divorce* (Phillipsburg, NJ: Presbyterian and Reformed Publishing Co., 1961), p. 32, cf. 8.

³⁵ This is Murray's view. "[T]he burden of the emphasis in this discourse of our Lord, in the form in which it appears in both Matthew 19:3-9 and in Mark 10:2-12, is upon the abrogation of the Mosaic permission of Deuteronomy 24:1-4." John Murray, *Divorce* (Phillipsburg, NJ: Presbyterian and Reformed Publishing Co., 1961), p. 51.

³⁶ With reference to Matt. 5:32 Murray disagrees: "The economy [Jesus] inaugurates is not to be characterised by the laxity inherent in the sufferance afforded in the Mosaic economy." "Could anything be more declarative of the exacting demands of purity and fidelity in the law that regulates Christ's kingdom than the abrogation of every concession to the hardness of men's hearts?" John Murray, *Divorce* (Phillipsburg, NJ: Presbyterian and Reformed Publishing Co., 1961), pp. 27, 28.

terms divorce *ought not* to happen. Not “cannot” happen, but a broken marriage is the breaking of something God has joined. Don’t do it.

Did Jesus answer the Pharisees’ question (Is divorce *lawful*?)? I don’t think so. He was, in effect, was refusing to answer that question. Should we conclude from this that the provision Moses allowed is no longer allowed? That, it seems to me, is to make Jesus’ words say what he refused to say.

Jesus on divorce and remarriage

Some time later, when his disciples asked him about this matter, Jesus (now presumably without the Pharisees listening) said:

“Whoever divorces [literally, releases] his wife and marries another commits adultery against her, and if she divorces [literally, releases] her husband and marries another, she commits adultery.” (Mk 10:11, 12)³⁷

I think it is fair to say that your understanding of these words of Jesus will either determine or reflect your understanding of the whole issue before us. Three questions are critical.

(1) Do these words of Jesus introduce a new teaching about remarriage after divorce?

In other words, did Jesus mean, A person may divorce their spouse, but if they remarry, then *that* is adultery? Remarriage is the problem Jesus was highlighting.

³⁷ Mk 10:12 is one of only two places in the Bible where the possibility of a woman divorcing (or, “releasing”) her husband is contemplated. While the verse itself is clearly making exactly the same critical judgment on such an action by a woman as the previous verse makes on a man divorcing (“releasing”) his wife, this verse is also important in the very fact that in the matter of divorce Jesus appears to have spoken of the wife and the husband in the same terms. I agree with those who draw the deduction that in other things said by Jesus about divorce we may assume (unless there is some reason to think otherwise) that what applies to a husband applies to a wife. The other place is 1 Cor. 7:13. It is disputed whether this is a reference to ‘divorce’ or simply to a wife ‘leaving’ her husband. As pointed out earlier in this paper this distinction is not always as clear in the Bible as in our experience where “divorce” is a legally defined act. Reading Matt. 5:32 and 19:9 in the light of Mk 10:12, Murray says that the latter text “does point in the direction of a distinct provision in the Christian economy to the effect that the woman is accorded an equal right with the man in the event of marital unfaithfulness on the part of her spouse.” John Murray, *Divorce* (Phillipsburg, NJ: Presbyterian and Reformed Publishing Co., 1961), p. 54. While I agree with this conclusion in principle, it is worth noting that it is hardly consistent with a rigorous law-like reading of the New Testament texts. In these terms Jesus extends his *condemnation* of divorce and remarriage to a wife as well as to a husband. He nowhere (explicitly) includes a wife in statements indicating circumstances in which divorce may be *allowed* (that is Matt. 5:32; 19:9).

Many think so. And this is then the Biblical basis for regarding all remarriages after a divorce as at least problematic.

Some add that behind Jesus' new teaching about remarriage is an implied new teaching about divorce, namely that it does not end a marriage. Because the first marriage is inviolable, it is still *in some important sense* intact despite the divorce. The remarriage is *literally* adultery quite specifically against the first marriage, which *cannot* be dissolved.³⁸ In God's eyes, it is thought, the man is still married to his first wife, the divorce notwithstanding.³⁹

In my opinion Jesus' words cannot bear such weight. In my view, Jesus did not introduce a new idea when he said "and marries another," but was simply filling out what was normally involved in "divorce." Divorce-and-remarriage is a single idea here. Jesus was commenting on divorce-and-remarriage as a package. It is divorce-and-remarriage that Jesus called adultery, not the remarriage as such. This (in my opinion) is how Jesus' words would be understood against the Old Testament where there is no concept of a divorced person remaining unmarried *because he or she is divorced*. If Jesus here introduced such a concept, then (in my opinion) he did so more obscurely than anything else he taught.

It is, then, inappropriate to treat divorce and remarriage *separately* on the basis of this text. Some argue, for example, that while divorce may be sadly justifiable in certain circumstances (or unavoidable from the point of view of the one who is divorced by the other), remarriage is never acceptable. This view is not supported (on my understanding) by this saying of Jesus.

(2) What is radical about Jesus' words?

The prevalence of divorce-and-remarriage in Jesus' world and ours is scandalous. Generally speaking, it happens because a husband or a wife wants to opt out of their marriage so that they can opt into another.⁴⁰ That's what most

³⁸ Cf. John Murray, *Divorce* (Phillipsburg, NJ: Presbyterian and Reformed Publishing Co., 1961), p. 25.

³⁹ This position and its implications are presented quite fully by J. Carl Laney, "No Divorce & No Remarriage," in H. Wayne House, ed., *Divorce and Remarriage: Four Christian Views* (Downers Grove, Illinois: IVP, 1990), pp. 15-54.

⁴⁰ There is therefore an important insight in Ward Powers' view that Jesus' words mean "Whoever divorces his wife *in order to marry another ...*" B. Ward Powers, *Marriage and Divorce: The New Testament Teaching*

divorces I know of are like. And Jesus says, the legal niceties (which, of course, are rarely nice) do not make this right. You abandon your marriage in order to enter another, then that is in the same moral category as adultery. It is unfaithfulness.⁴¹

(3) Is the general truth *always* the case?

The question remains: If divorce-and-remarriage is *generally* an act of unfaithfulness, is it *always* so? Are there exceptions to the general truth? Since God never “allows” adultery, does he still “allow” divorce (and remarriage)?

We turn to Matthew’s record of Jesus’ teaching.

• **Matthew**

“But I say to you that everyone who divorces [literally, releases] his wife, except on the ground of sexual immorality, makes her commit adultery [better, makes her to suffer adultery], and whoever marries a divorced [literally, released] woman commits adultery.” (Matt. 5:32)

“And I say to you: whoever divorces [literally, releases] his wife, except for sexual immorality, and marries another, commits adultery.” (Matt. 19:9)⁴²

Before we get to the “except” bit we need to ask whether in these texts Jesus rather more obviously says something new about remarriage as such.

(1) A new teaching about remarriage?

Some consider “makes her commit adultery” does just that. How could a man divorcing his wife thereby make *her* commit adultery? It has been suggested that

(Concord and Petersham, NSW, Australia: Family Life Movement of Australia and Jordan Books, 1987), pp. 170-177. The syntactical argument for this as a translation is less important than the recognition that Jesus is speaking in general terms of divorce-and-remarriage as an abandonment of the first marriage and its obligations, and what generally is happening in the human heart when that happens.

⁴¹ Jesus’ words do not depend on the idea that the first marriage continues to exist despite the divorce. This idea (in my opinion) is inconsistent with other Biblical teaching, and should not be deduced from this text. The idea that a divorced couple are “still married in God’s eyes” is not biblical.

⁴² There is a variant text which conforms this verse to Matt. 5:32. See the discussion in John Murray, *Divorce* (Phillipsburg, NJ: Presbyterian and Reformed Publishing Co., 1961), pp. 48-51.

“makes her commit adultery” refers to the subsequent remarriage the woman is most likely to enter.⁴³

You will not be surprised to hear that I do not agree. There is a translation problem. How should the passive voice of the Greek verb “to commit adultery” (“to be adulteried”!) be rendered?⁴⁴ I take it to mean that the woman is the “victim” of the adultery (she has “suffered adultery”), in the sense that she is the one against whom adultery has been committed – the one to whom the adulterer has been unfaithful. This is then entirely consistent with our understanding of Jesus’ words already considered above. The man who “releases” his wife “makes her suffer adultery” precisely because he has been unfaithful to his marriage in the sense we saw in Mk 10:11.

But what about “whoever marries a divorced woman commits adultery”? Is this where we find the new teaching that all post-divorce remarriages are problematic?

In my opinion these words still belong to the context of Jesus’ general treatment of divorce-and-remarriage as an expression of unfaithfulness, and he is simply implicating all involved in the moral equivalent of adultery. I would paraphrase: “and he who marries a woman who has divorced her husband in order to marry him, commits adultery.” I do not think that Jesus’ words should be applied, for example, to a situation where a man marries a woman who was divorced many years earlier in circumstances in which he was not at all involved.

As I am sure you see by now, I am suggesting that the radicalness of Jesus’ teaching did not lie in a new understanding of what was and was not allowed, but in a deeper insight into what is going on in the human heart.

(2) “Except ...”

Now: what about the exception?

⁴³ John Murray, *Divorce* (Phillipsburg, NJ: Presbyterian and Reformed Publishing Co., 1961), p. 24. This, however, is unnecessary. The words make better sense without importing the unstated idea of the woman’s remarriage. The woman “suffers adultery” precisely because, by the act of divorce itself, the husband has been unfaithful to the marriage. Jesus calls the betrayal she suffers “adultery.”

⁴⁴ The passive of this verb is used of the woman with whom a man commits adultery in the Septuagint of Lev. 20:10. In this context she is the object (grammatically speaking) of the man’s act of adultery.

Jesus' words in Matthew 5 and 19 clearly express the same disapproval of divorce-and-remarriage as we heard in Mark 10.

However the words "except on the ground of sexual immorality"⁴⁵ indicate that this disapproval was not absolute and without exception.⁴⁶ It is not *always* the case that one who divorces his wife and marries another commits adultery.

The exception in Matt. 5:32 and 19:9 ("except on the ground of sexual immorality," Greek *parektos logou porneias*) is vague. *Porneia* is a word with a wide range of meanings. "Sexual immorality" is a reasonable rendering. It includes adultery, but is not specifically adultery. *Porneia* may include other marriage-breaking sexual behaviour. In my opinion *logos porneias* represents the expression translated "some indecency"⁴⁷ in Deut. 24:1 and retains its lack of specificity.⁴⁸

The point I would underline here is that a married person should understand that their marriage is a life-long commitment, the breaking of which is very serious indeed. In most circumstances it is equivalent to adultery, just as looking with lustful intent is equivalent to adultery (Matt. 5:28). However there are circumstances in which divorce-and-remarriage is allowed by Jesus – just as it

⁴⁵ There is an interpretation of the exceptive clauses in Matt. 5:32 and 19:9 that understands them not as exceptions, but meaning "quite apart from the matter of *porneia*." The sense of Jesus' words would then be "I say to you, whoever dismisses his wife – the permission of Deut. 24:1 notwithstanding – and marries another, commits adultery." This view (advocated by Robert Banks and Bruce Vawter) is discussed, but rejected by David Atkinson, *To Have and to Hold: The Marriage Covenant and the Discipline of Divorce* (Grand Rapids: Eerdmans, 1979), pp. 120-121.

⁴⁶ On this point I concur with Murray: "Since the silence of Mark and Luke respecting this right [the right to divorce on the grounds of adultery granted in Matt. 5:32; 19:9] does not in any way prejudice the right itself, to say the least may we not properly suspect that the omission on their part of any reference to the right of remarriage, in the case of the man who divorces his wife for adultery, was not intended to prejudice or deny that right?" John Murray, *Divorce* (Phillipsburg, NJ: Presbyterian and Reformed Publishing Co., 1961), pp. 51, 52.

⁴⁷ Hebrew *'erwat dabar*; LXX *aschemon pragma*.

⁴⁸ Cf. David Instone-Brewer, *Divorce and Remarriage in the Bible: The Social and Literary Context* (Grand Rapids: Eerdmans, 2002), pp. 156-159. Also David Atkinson, *To Have and to Hold: The Marriage Covenant and the Discipline of Divorce* (Grand Rapids: Eerdmans, 1979), p. 117. Murray argues that in this context *porneia* means adultery and that Jesus here replaces the Old Testament death penalty for adultery with the right of the husband to divorce the adulterous wife. John Murray, *Divorce* (Phillipsburg, NJ: Presbyterian and Reformed Publishing Co., 1961), p. 27. However in the immediate context Jesus uses another word (*moichao*) which unambiguously refers to adultery. His use of *porneia* (rather than *moicheia*) in this context suggests that *porneia* conveys its usual wider range of meaning.

was allowed by Moses. At least some of those circumstances are suggested (but not clearly defined) by the words *logos porneias*.⁴⁹

It is like Jesus' teaching about anger and murder in Matt. 5:21, 22. They are generally profoundly linked expressions of sinfulness in a fallen sin-spoiled world. But that is not to say that every particular instance of anger (in this sinful world) is evil. Nor is every act of divorce-and-remarriage (in this sinful world) condemned.⁵⁰ On the contrary sometimes it is "allowed."

d. "Divorce" and remarriage in the teaching of Paul

If we only had Mark 10 and Matthew 5 and 19 we might conclude that all instances of divorce are immoral, unless they are based on a sexual offence of some kind (*porneia*).⁵¹ We turn to the teaching of Paul in 1 Corinthians 7.

• The general principle

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 [or, leave] his wife. (1 Cor. 7:10, 11)

The general principle is clear and consistent. Marriage is for life. Separation from the marriage partner is contrary to the covenant of marriage. If (for some reason⁵²) separation does occur, the intention must be reconciliation.⁵³

⁴⁹ "However, the exceptive clauses in Matthew 5:32 and 19:9 indicate that the *absolute prohibition against divorce* ('what God has joined together let not man put asunder') *must be qualified*. When the wife has acted decisively to repudiate a marriage by entering into some other sexual relationship the husband is free to divorce his wife and to remarry." Sydney Diocesan Doctrine Commission on the Remarriage of Divorced Persons, *Year Book of the Diocese of Sydney 1985*, p. 447 (emphasis original).

⁵⁰ Cf. Heth's explanation for Mark and Luke omitting Matthew's exception clause. William A. Heth in Gordon J. Wenham, William A. Heth and Craig S. Keener, *Remarriage after Divorce in Today's Church: 3 Views* (Grand Rapids: Zondervan, 2006), pp. 72-74.

⁵¹ This is indeed a commonly held view. See, for example, John Murray, *Divorce* (Phillipsburg, NJ: Presbyterian and Reformed Publishing Co., 1961), p. 20: "Fornication is unequivocally stated to be the only legitimate ground for which a man may put away his wife." However Murray himself significantly elaborates on this statement when he considers 1 Cor. 7:15.

⁵² I agree with Murray that the words in parentheses in 1 Cor. 7:11 are not a reference to the *right* of separation from bed and board (in a case of adultery based on Matt. 5:32; 19:9), indicating that such separation does not dissolve the marriage bond. John Murray, *Divorce* (Phillipsburg, NJ: Presbyterian and Reformed Publishing Co., 1961), p. 61. However I disagree with Murray that the separation referred to here is necessarily perverse (pp. 61, 62). The general principle is that she should not separate (verse 10).

Here Paul passes on, in different words, the teaching of Jesus as it is recorded in Mark 10, without addressing the exceptional circumstances mentioned in Matthew 5 and 19.⁵⁴

• ***In the new situation***

In 1 Corinthians 7 Paul was addressing a different situation from the one Jesus confronted. In particular there were Jews and Gentiles among the believers in Corinth, some of whom we may suppose became Christian believers subsequent to their marriages without their spouse joining them in their new life in Christ. Paul does not have a direct teaching of Jesus for all situations that may arise, but he offers his own apostolic instruction.⁵⁵ If a believer is married to an unbeliever, Paul insists that the marriage should continue and the believer should be faithful to his/her spouse (provided the unbeliever agrees to go on living with him or her):

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

However *if she does* (the separation may or may not have been justified – Paul does not go into that) the priority must be reconciliation.

⁵³ The general principle is also indicated by Paul in the very different context of Rom. 7:1-3:

Or do you not know, brothers – for I am speaking to those who know the law – that the law is binding on a person only as long as he lives? For a married woman is bound by law to her husband while he lives, but if her husband dies she is released from the law of marriage. Accordingly, she will be called an adulteress if she lives with another man while her husband is alive. But if her husband dies, she is free from that law, and if she marries another man she is not an adulteress. (Rom. 7:1-3)

The reference to the law and marriage here is for the purpose of illustrating the believer's "death to the law." We should be cautious, therefore, in basing too much on the illustration itself. However it is probable that "the law" Paul has in mind is Gen. 2:24, and here he expresses the basic life-long nature of marriage from the beginning. This is the general principle we have seen again and again.

⁵⁴ "Paul is not here [1 Cor. 7:10, 11] dealing with the case of adultery." John Murray, *Divorce* (Phillipsburg, NJ: Presbyterian and Reformed Publishing Co., 1961), p. 57. I am in agreement with the thrust of Murray's argument on pp. 55-58 against the view (based on this text) that "while adultery gives the innocent spouse the right to put away, yet to neither spouse is accorded the right of remarriage." His argument comes to this conclusion: "[T]he omission of any allusion to these exceptive provisions does not in any way exclude such provisions and ... the silence of the apostle regarding the contingency of adultery does not presuppose ignorance on his part respecting the provisions of Matthew 5:32; 19:9. ... [T]he case of adultery is outside the universe of discourse in this passage." (p. 58)

⁵⁵ As one who by the Lord's mercy is trustworthy (verse 25) and who has the Spirit of God (verse 40; cf. 14:37).

*her husband. Otherwise your children would be unclean, but as it is, they are holy. (1 Cor. 7:12-14)*⁵⁶

So far he has not really added to what we have learnt from Jesus, except to insist that the obligations of the marriage covenant apply to such a mixed marriage, with the significant proviso that this is dependent on the willingness of the unbeliever to maintain the relationship.⁵⁷

• **Except ...**

What are the obligations of the believer if their unbelieving spouse is *not* willing to maintain the marriage? This is the point which Paul now addresses:

But if the unbelieving partner separates, let it be so. In such cases the brother or sister is not enslaved [or bound (NIV)]. God has called you to peace. (1 Cor. 7:15)

Another much debated verse. I understand it to mean that should the unbeliever leave the marriage, then the believer is no longer bound to their (now former) spouse.⁵⁸ The force of “not bound” is disputed.⁵⁹ But even such a cautious interpreter as John Murray considers that “not bound” must refer to freedom from the obligations of the marriage.⁶⁰ I agree. And I agree with Murray that this must, in principle, involve freedom to marry another.

⁵⁶ It is likely that the Corinthians, in their correspondence with Paul (see 1 Cor. 7:1) suggested that (or raised the question whether) a believer is compromised, defiled or “contaminated” by their marriage to an unbeliever, and therefore must leave the marriage. Paul rejects this idea and insists that “contamination” works the opposite way! Murray provides a helpful exposition of what is meant here. John Murray, *Divorce* (Phillipsburg, NJ: Presbyterian and Reformed Publishing Co., 1961), pp. 65, 66.

⁵⁷ To Paul’s advice to believers with unbelieving spouses we might add Peter’s counsel to wives with husbands who “do not obey the word” in 1 Pet. 3:1-6. They are to continue in these marriages with “respectful and pure conduct.”

⁵⁸ Some interpreters consider that 1 Cor. 7:15 only releases the believing spouse from pursuing the unbeliever who has separated, but does not mean that they are freed from the marriage. David Atkinson, *To Have and to Hold: The Marriage Covenant and the Discipline of Divorce* (Grand Rapids: Eerdmans, 1979) rejects this understanding: “Free to be deserted’ makes nonsense of the paragraph” (p. 124).

⁵⁹ The argument that “not bound” should *not* be understood in the full sense of dissolution of the marriage bond is presented, and then cautiously opposed by Murray. John Murray, *Divorce* (Phillipsburg, NJ: Presbyterian and Reformed Publishing Co., 1961), pp. 72-76.

⁶⁰ “If the unbeliever wilfully departs, let separation take its course, let it become an accomplished fact; the believer is not under any obligation to pursue the deserting spouse and is freed from all marital debts and duties.” John Murray, *Divorce* (Phillipsburg, NJ: Presbyterian and Reformed Publishing Co., 1961), pp. 68, 69. Likewise William A. Heth in Gordon J. Wenham, William A. Heth and Craig S. Keener, *Remarriage after Divorce in Today’s Church: 3 Views* (Grand Rapids: Zondervan, 2006), p. 75, 76. The Report of the Committee re Synod Resolution 34/83: The Remarriage of Divorced Persons, *Year Book of the Diocese of Sydney 1985*, p.

CONCLUSIONS

The Scriptures, Old and New Testaments, teach that marriage is intended by God to be a life-long and exclusive relationship between a man and a woman. This purpose “from the beginning” has not been abandoned, and must be honoured. However, there are circumstances (in a fallen world) in which the obligations of marriage cannot be kept, and in such circumstances these obligations may come to an end before death – and this is “allowed.” These obligations include “forsaking all others.”

The tragedy, sadness and undesirability of such circumstances can hardly be over-stated.

The pressing question, of course, is: what are these circumstances?

Some, who would agree with most of what I have said so far, then insist that there are only two. The so-called “Matthean exception” and “Pauline privilege” the *only* acceptable “grounds for divorce” and possible remarriage.

In my opinion, it is not so simple.

Neither the Old Testament nor the New set out to describe all possible circumstances for which divorce has been allowed.⁶¹ In general terms some of the circumstances are indicated, but they are not precisely defined and there is no reason to think that those mentioned cover all such possibilities.⁶²

Every such situation is complex and deeply distressing. The appropriateness of a divorce as well as of a second marriage after a divorce has to be a matter of careful godly wisdom, rather than a law. Yes, that means it is complicated. But we do more harm than good when we relieve ourselves of the complexity by resorting to ‘simple’ rules.

432 argues that the principle of 1 Cor. 7:15 means that “the Christian is ‘not bound’ to pursue a relationship which the other party has decisively and absolutely abandoned.”

⁶¹ Murray’s classic work exemplifies the approach I am here rejecting. For example: “the parenthesis does not express an exception to the *law* enunciated in the prohibition itself.” John Murray, *Divorce* (Phillipsburg, NJ: Presbyterian and Reformed Publishing Co., 1961), p. 61 (emphasis original).

⁶² This is precisely the opposite of Murray’s approach who (with reference to 1 Cor. 7:15) says, “the application of this liberty must be limited to the precise conditions specified or implied by the apostle.” John Murray, *Divorce* (Phillipsburg, NJ: Presbyterian and Reformed Publishing Co., 1961), p. 76.

Let me close by reiterating the summary of the conclusions I have drawn from my understanding of the Bible's teaching, which this paper has attempted to outline:

1. Marriage is intended by God to be a life-long and exclusive relationship between a man and a woman.
2. 'Outside the Garden' all marriages are marred by human sinfulness and weakness.
3. Nonetheless husbands and wives are obliged before God to do all in their power to honour God's purpose for marriage. Failure to do so is common, reprehensible and harmful.
4. However in our fallen world circumstances can arise in which it may not be possible for a marriage to be life-long. The most obvious (and perhaps the most common) circumstance involves the unfaithfulness of one partner. There are other such circumstances.
5. Therefore, in our fallen world, God has allowed divorce; that is, the ending of a marriage before death.
6. This provision is often abused. That is, marriages are terminated that need not be and should not be. This is a reprehensible failure to honour God's purpose for marriage.
7. However, divorce is not always reprehensible. It has been allowed by God with a recognition of our "hardness of heart," that is, our fallen sinful natures, for those situations where it is not humanly possible for a marriage to be life-long.
8. The Bible does not provide a legal or quasi-legal definition of all circumstances for which God has allowed divorce. It requires godly wisdom, not law, to discern what is right in any particular situation.
9. Divorce ends a marriage. Therefore a divorced person is, in principle, free to marry another. There is no more inherent virtue in a divorced person remaining unmarried than a person who has never been married.