



A Short Paper on Divorce and Remarriage

*A short study reflecting on the Mosaic Law,
the teaching of Christ and
the teaching of Paul.*



party may seek divorce if the partner has committed adultery. This, however, should not be seen as permission to remarry.

- What do we say to those in our congregation who have divorced and remarried? Deuteronomy 24:1-4, suggests the second marriage should not have been entered into but is still binding. John 4 suggests that Jesus considers the five ‘husbands’ of the Samaritan woman as being real husbands. Psalm 15:4 suggests that unwise vows are still binding. Thus, while a second marriage should not be entered into, as it starts adulterously, the marriage is still binding, and after genuine repentance over the breakdown of the previous marriage, and over entering into an adulterous marriage, the marriage should be recognised as such.²
- What do we say to the person whose marriage has broken down (who may claim some ‘innocence’ in the breakdown) and is now seeking to remarry? Unless they divorced their partner for committing adultery, or were divorced by an adulterous partner, then there is certainly no Biblical permission to remarry. Even in the case of adultery, the permission to divorce should not be seen lightly as permission to remarry.

THE CHALLENGE TO THE CHURCH

There are a lot of damaged people as a result of the breakdown of marriage. Not least the children concerned. If we are to hold to a Biblical standard then we must also accept the obligation to support those among us who seek to be faithful to God in dealing with such breakdowns. This might mean that we as a community are obliged to offer some degree of financial support to the injured party, and to give all possible support to help them become financially independent. This would be a short-term support. In the longer term, however, we may have to provide lifelong support and love for a person coming to terms with learning to live alone and learning to honour God in so doing.

² A fuller discussion of the justification for recognising second marriages once made can be found in Piper, John, ‘What God Has Joined Together, Let Not Man Separate, Part 2’, 2007

view that marriage is intended as a symbol of the relationship between Christ and the Church. By implication, a husband can no longer leave his wife than Christ would abandon the church, similarly, if a wife leaves her husband, her only hope is to be reconciled in the same way that the sinning church must seek to be reconciled to Christ.

CONCLUSION

The suggestion that there is Biblical permission to divorce and remarry is extremely dubious. While divorce might be seen to be allowable when one partner has committed adultery, or when forced upon someone by an unbelieving partner, it remains doubtful that a Christian in those circumstances should consider themselves free to remarry.

THE PASTORAL PROBLEM

If we accept this conclusion as the Biblical teaching on divorce and remarriage then the immediate response may well be that the Biblical teaching on these things is un-loving, un-fair and un-workable.

The common response is to describe a pastoral situation and add "...do you mean to say they can't remarry?" To say that we do mean precisely that is very difficult, but the alternative is to allow a pastoral necessity to reinterpret, or overrule, the teaching of scripture.

This leaves us with several major pastoral problems;

- What do we say to someone who is in danger from an abusing spouse? In this case it may be necessary to separate from their spouse, for the sake of their safety, and the safety of their children. This is, however, a much bigger issue than simply that of divorce and remarriage, and requires particular care and support.
- What do we say to the person whose marriage is failing and wants to divorce? It seems that there is very little Biblical scope to allow for actually seeking divorce. Matthew 19 *might* suggest the injured

MARRIAGE

The Biblical model for marriage is based on Genesis 1:24,25 where the woman is referred to for the first time as 'wife.' A man leaves his father and mother, and 'holding fast' to his wife becomes one flesh with her. This 'one flesh relationship' is the foundational concept underlying marriage in both the Old and New Testaments, although the concept of the marriage covenant is also important.

DIVORCE IN THE OLD TESTAMENT

Contrary to popular misunderstanding the Old Testament never makes any legal provision for a man to divorce his wife, or vice versa.

That being said there is ample evidence in the Old Testament to see that Israelites were, in fact, divorcing one another.

- The instructions about the marriage of priests (Leviticus 21:7, 21:14) exclude marriage to a divorced woman. The ban is also reiterated in Ezekiel (Ezekiel 44:22) where he is talking prophetically about the restored Levitical priesthood.
- The instructions about who in the priest's family may eat food offered in the Temple (Leviticus 22:13) include the divorced woman who is now living in her father's house.
- The instructions about who may or may not cancel the oaths made by a woman (Numbers 30:9), includes divorced women as one of those whose oaths stand as soon as they are made.

The second and third point particularly shows those divorced women were able to take a normal role in society and were not excluded from general life. We could perhaps also conclude from this that these women were not being divorced on the grounds of adultery, since had they committed adultery they would have been put to death (Leviticus 20:10.)

While the Old Testament never provides for divorce it does make explicit cases where divorce must never be allowed.

- The case where a man accuses his wife of not being a virgin when he marries her (Deuteronomy 22:13-21) and where that accusation is found to be false, the man is punished and prevented by law from ever divorcing her.
- The case where a man has intercourse with a virgin who is not betrothed (Deuteronomy 22:28,29.) He must compensate the father of the woman, marry her and is prevented by law from ever divorcing her.

The suggestion that the law provides for a man to divorce his wife by writing her a certificate of divorce and sending her away is based on a misunderstanding of Deuteronomy 24:1. As we shall see, it is precisely this misunderstanding that Jesus is addressing in his teaching on divorce.

The emphasis of the teaching in Deuteronomy 24:1-4 is not about providing for divorce, but, acknowledging that divorce is taking place, making sure that a divorced woman never returns to her original husband if she married someone else in the interim.

Thus, while the Old Testament clearly recognises that divorce is happening it does not legitimise it. So what is the attitude of the Old Testament to divorce?

- In several passages the image of divorce is used to describe the breakdown of the relationship between God and Israel (Isaiah 50:1, Jeremiah 3:1,8.) But this can hardly be seen a legitimising it!
- The most important passage about divorce in the Old Testament, one which make clear God's attitude to divorce, is in Malachi where God "no longer regards the offering or accepts it with favour from your hand..." (Malachi 2:13) and the reason given is that the people have been 'faithless' to the "wife of your youth" (Malachi 2:14.)

Jesus in the inspired writings of Matthew are no more authoritative than the inspired words in the writings of Paul.

Paul addresses the issue of divorce in 1 Corinthians, in the context of general teaching on marriage. There are two parts:

- Paul gives advice to married couples, that the woman should not separate from the man and that the man should not divorce the woman (1 Corinthians 7:11.) Paul adds that if the woman separates she should remain unmarried (hence separation must imply divorce). Paul also explicitly states that he sees this as coming "from the Lord." Paul does not acknowledge any exception.
- Paul also considers the problem of believers being married to unbelievers (1 Corinthians 7:12,13.) Elsewhere, Paul makes a statement about being "unequally yoked," that many understand as a requirement that Christians should not marry unbelievers (2 Corinthians 6:14.) So what if someone become a believer who is already married? should they divorce their partner? Paul's judgement is that if the unbeliever does not seek divorce, the believer should not, and if the unbeliever does seek divorce, the believer is not 'enslaved.'

One may suppose that not being enslaved means being free to remarry, however, Paul's standing advice about married couple separating is that they should remain single in the hope of being reconciled.

Paul's conclusions on the matter are that (1 Corinthians 7:39, Romans 7:1-3) a woman cannot remarry while her husband lives, and by implication a man cannot remarry while his wife lives. To do otherwise, Paul teaches without offering any exclusions, is to commit adultery.

An important part of Paul's teaching on marriage may come from his understanding of precisely what it is that marriage is intended to signify. In Ephesians (Ephesians 5:22-33), Paul's comments on marriage and relationship between husband and wife stem from his

command, Jesus again points out that Moses *allowed* divorce because of their hardness of heart. Again pointing out that Moses never actually commanded or legitimised divorce in law. Jesus then draws his conclusion (Matthew 19:9) but adds the additional “except for sexual immorality.” Setting aside the exception for a moment, the disciples by their reaction “it is better not to marry” (Matthew 19:10) show that they understand this response of Jesus to be a statement on the indissolubility and seriousness of marriage.

With regard to the exception (Matthew 19:9), it seems that here we finally have to accept some Biblical warrant for divorce. In the case that one partner has committed adultery, then one may divorce and remarry without that amounting to adultery. It would seem, however, that this single verse is the only one in the Bible even suggesting such a concession.

There is, however, one further point that we have to take into account when understanding Matthew’s account. That is the record in Matthew 1 of Joseph, referred to as Mary’s ‘husband’ seeking to ‘divorce her quietly,’ (Matthew 1:19.) The understanding of betrothal in the New Testament period was so serious that the man and woman could be referred to as husband and wife, and the betrothal could not be broken unless one or other was found to have been unfaithful. Some commentators suggest that since Matthew is the only author to mention Joseph divorcing Mary and the ‘sexual immorality’ exception, it is the case of breaking off a betrothal that Jesus is referring to.¹

DIVORCE IN THE TEACHING OF PAUL

When we consider Paul’s teaching on marriage and divorce we must remind ourselves of the doctrine of inspiration of scripture that teaches all scripture to be equally inspired. That is, the recorded words of

Although the translation of Malachi 2:15 is problematic, many translations (ESV, NIV, KJV) agree that there is a reference to God making the married couple one, which is probably a reference to Genesis 1:24,25. Again, Malachi 2:16 is difficult to translate but several translations suggest a definite statement by God that he ‘hates’ divorce (NIV, NASB, RSV.)

So, the overall picture of the Old Testament is that the ideal for marriage (Genesis 1:24,25) is being neglected, divorce is taking place among the Israelites (Leviticus 21:7 and 21:14), but, it is never provided for by law, never legitimised, and God hates it (Malachi 2:16).

DIVORCE IN THE TEACHING OF JESUS

Like so many issues concerning the Old Testament, Jesus has to address the misunderstanding and misapplication of the law by the people of his day in general, and by the Pharisees in particular.

There are four passages where Jesus teaches on divorce. Two in Matthew (Matthew 5:31,32 and 19:3-9) and one each in Mark (Mark 10:2-12) and Luke (Luke 16:18.) Since Mark and Luke are simplest we will look at these first to establish the principle, then move to Matthew where there is the added complication of “*except on the ground of sexual immorality.*”

In Mark 10, the Pharisees approach Jesus “in order to test him” and ask “is it lawful for a man to divorce his wife.” Jesus asks the question “what did Moses *command* you?” knowing that Moses did not command anything legitimising divorce. The Pharisee responds by saying that “Moses *allowed* a man to write a certificate of divorce and send her away.” Both Jesus and the Pharisee are aware that the Mosaic concession was not a command or legal permission. Nevertheless, by Jesus day, this concession had been used as if it were a law, hence the question.

¹ For a fuller discussion of this see section 11 in Piper, John, ‘Divorce & Remarriage: A Position Paper’, 1986

Jesus responds by saying that it was because of “your hardness of heart” that Moses wrote “this commandment.” The commandment that Jesus refers to is not a commandment allowing divorce, but commanding that following a divorce and remarriage a woman cannot return to her original husband (Deuteronomy 24:1-4). Jesus does not condone divorce or marriage after divorce here, he simply notes that Moses had to acknowledge its existence and limit it because of their “hardness of heart.”

Jesus’ teaching on divorce then follows. Jesus refers to the creation ordinance of Genesis 1:24,25 and concludes that the married couple are no longer two people but one flesh, and that God has thus joined them, and that man must not try to separate them. Thus he demonstrates that the legality of divorce is not the point, rather it is the indissoluble God-wrought ‘one flesh,’ that determines the ‘wrongness’ of divorce. Jesus at this point clearly overturns the popular misunderstanding of his day that Moses legitimised divorce.

This seems to satisfy the Pharisee and Jesus waits until he is in private with his disciples before he draws out the implications of this teaching on divorce for remarriage (Mark 10:11, 12) which are simple, and which should be considered along with the stark, almost contextless, statement in Luke 16:18.

First (Mark 10:11) “whoever divorces his wife and marries another commits adultery against her,” second (Mark 10:12) “if she divorces her husband and marries another, she commits adultery” and third (Luke 16:18b) “he who marries a woman divorced from her husband commits adultery.”

The statements in Mark would suggest that if either the man or woman seek divorce and then remarry they are committing adultery. There is no consideration of injured parties in this passage; if *anyone* seeks divorce and remarries they commit adultery. Similarly, in Luke, the suggestion is that if someone has been divorced (it is not clear at whose instigation) then anyone who marries that person is committing

adultery. So even if someone divorced against their own will were ‘innocent,’ anyone marrying them would be guilty of adultery.

Thus it seems that while Jesus concedes that Moses looked the other way with regard to the fact of divorce, he will not. For Jesus, the knowledge that Moses permitted the Israelites to end their marriages, does not allow them to interpret that as freedom to remarry.

This clear teaching is confused somewhat by the account of Matthew of a similar event, where Matthew adds the concession “*except on the ground of sexual immorality.*”

The first passage from Matthew concerning divorce comes from the Sermon on the Mount in chapter five, where Jesus corrects the misunderstanding of several Mosaic principles. He uses a formula of the sort “You have heard it was said... but I tell you...” and in this manner he addresses issues such as anger, lust, divorce, oaths, retaliation and love for enemies. When addressing divorce (Matthew 5:1,32) Jesus refers to the misunderstanding of the Mosaic law, and then makes a statement entirely consistent with the teaching given in Mark and Luke. Jesus teaches that if anyone divorces his wife he makes her commit adultery if she remarries. In this case the “except on the ground of sexual immorality” adds nothing, since if she has been sexually immoral she has *already* committed adultery (unless we take ‘sexual immorality’ to be broader than adultery). Jesus again asserts that anyone marrying a divorced woman is committing adultery with her.

The second passage in Matthew (Matthew 19:3-9) follows a very similar line to that in Mark. The Pharisees approach Jesus to test him with a question about divorce. In this case they are asking not just about the legality of divorce but the acceptable grounds for divorce, that is “for any cause.” In the following conversation Jesus again refers to the creation ordinance as the foundation for his conclusion (Matthew 19:9) “What therefore God has joined together, let not man separate.” When challenged by the Pharisees about the Mosaic