

Christians and Divorce

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Introduction

In this paper I do not intend to give a comprehensive discussion of divorce, though I will cover a lot of ground. On Sunday nights I have been preaching through the Sermon on the Mount and this week we tackle Matthew 5:31-32 where Jesus discusses divorce. Since I will need to preach on divorce, it is a good time to solidify my own understanding of divorce. This paper is a sort of dumping ground for my thoughts.

Let me say that I recognize the seriousness and sensitivity of this issue. I do not approach the issue lightly. Many people have experienced a great deal of pain because of divorce. But because it is so serious in society today we must strive all the more to understand what the Bible teaches us about divorce.

Summary

For the 98% of you that will not want to wade through my five pages of discussion, here is a summary:

The first place to start when considering divorce is to consider marriage. This special covenant between a man and a woman is a work of God and should never be ended lightly. One should not try to find ways to divorce one's spouse. One should instead work for ways to reconcile a troubled marriage. But while divorce is far too common in our society, there are times when a man or woman is justified in divorcing his or her spouse. Certainly in the case of adultery the offended spouse would be justified if he or she decided to divorce, but other cases of marital failing can also justify a divorce. Examples would be abuse and neglect. But only in the case of adultery are the individuals allowed to remarry. A divorce is a legal proceeding in which the state recognizes the dissolution of a marriage but God only recognizes a marriage's end when a spouse dies or if a spouse commits adultery. For example, a woman might divorce her abusive husband for the safety of her and her children but she is not automatically allowed to remarry (see the discussion below for an example of when she might be permitted to remarry). She should seek reconciliation where her husband repents and turns from his violence.

On Divorce and Remarriage

There are only a handful of passages on divorce in the Bible. Since these notes began with my sermon work on Matthew 5:31-32, we will begin with a look at the gospels.

In the gospels there are four instructions on divorce: Matthew 5:31-32; Matthew 19:3-9; Mark 10:2-12; and Luke 16:18. Matthew 19 is a longer version of the account in Mark 10, while Matthew 5:31-32 and Luke 16:18 seem to be summaries of Jesus' teaching.

In each of the longer passages, Jesus first shows that the primary issue is not divorce but marriage. The Pharisees wanted to know how one could end a marriage. Jesus wanted them to know marriage should never end in divorce. Hence his words in Mt 19:6 and Mk 10:9 that *what God has joined, let not man separate*. When two people are united in marriage, their union is a covenant before God and he will not end that covenant lightly or often.

But Jesus does go on to give further instructions. In Mt 5:31-32, Mt 19:3-9 and Mk 10:2-12 make direct reference to the Mosaic law and its instruction on divorce. The reference is to Deuteronomy 24:1-4 where Moses gives instructions on the following scenario:

A man and a woman are married. The man finds something indecent in the woman and writes her a certificate of divorce. The woman goes on to marry someone else and then either divorces the new husband, or the new husband dies. She is single again, but the original husband is not permitted to marry her for *she has been defiled*.

There are a few questions here. First, why has the man divorced his wife, what is the indecency? Second, what does the certificate of divorce entail, what does it actually do to the marriage? Third, what about the wife's remarriage defiles her? Fourth, why is the husband not permitted to remarry his former wife?

The first question has received the most debate and is the one the Pharisees presented to Jesus. Can a man divorce his wife for anything he finds indecent, whether it be sexual immorality, abusive behavior, or burnt toast? Or does the command only apply to sexual immorality? What are the grounds for divorce?

One observation can eliminate many of the options. Under the Mosaic law there were already penalties in place for many sexual sins. Adultery, for example, was punishable by stoning. You did not divorce an adulterous spouse, the spouse was stoned. The indecency was not adultery or other sexual sins already covered by the Mosaic law.

The word *indecency* occurs 52 times. Fifty of those occurrences are translated as *nakedness* in the ESV. In the context of Deuteronomy 24:1-4, it does not mean nakedness but some sort of vulgarity, something morally repugnant. In Deuteronomy 23:14 the camp of Israelites in the wilderness is to be kept holy because the Lord is in their midst and he should not see anything indecent among them.

As relates to marriage, the word implies gross marital failing. The spouse has fallen far short of reasonable marital expectation, though no law has been broken outright. In our day we might give examples such as neglect and recklessness, when a spouse does nothing to contribute

to the family but on the contrary squanders the family's money on foolish things. No law might be broken but the behavior is indecent for a spouse.

Moving on to the second question, what does the certificate of divorce entail? What exactly happens legally and spiritually when the man in Deuteronomy 24:1-4 divorces his wife? It is worth noting that Deuteronomy 24:1-4 does not institute the practice of divorce, nor does it exactly regulate the practice. Divorce is not the primary focus of this passage. But in the passage we see how divorce was to be handled in Israelite society. If for some reason the husband divorced the wife, he was to give her a certificate of divorce.

Most commentators I read say the certificate was a public notice of divorce showing that the woman was now free to marry someone else. I have a few issues with this view. First, it clashes with what Jesus says in the gospels about divorce and remarriage. We will come back to that. Second, the only example we have of a certificate of divorce being issued is when God symbolically issues one (a decree of divorce, which is the same thing) against Israel in Jeremiah 3:8. One cannot argue that God intended to free Israel so Israel could be wed to another god. God continued to call Israel to repent and reconcile.

In the time Deuteronomy was written, it was often assumed that following a divorce both husband and wife would remarry. But I argue that such should not have been the case. They should not remarry. This leads us to the third question: what caused the wife to be defiled?

Follow the details of the scenario carefully. Man and woman marry. Husband issues a certificate of divorce. Ex-wife marries someone else. The new husband either dies or they divorce. Original man is not allowed to remarry his ex-wife. Had she never remarried anyone else, the original husband and his ex-wife could have remarried. Since she married someone else, she is defiled.

Why is the man not defiled? Why is the woman defiled? What defiled her?

Nowhere does the text say that the man remarried after divorce. It is often assumed that he did, but we must be careful not to assume too much. We know the woman married and was defiled. I believe that the certificate of divorce did not end the covenant made before God, it only ended the contractual arrangement on earth. In a real sense the man and woman remained bound even after divorce. For one of them to remarry would be to commit adultery. The woman remarries, thus committing adultery, and is defiled by her sin. We are not told that the husband remarried, so he is not defiled. (This answers the fourth question: why can't the man remarry his ex-wife if she has been subsequently married to someone else? Because she is defiled by her sin of adultery.)

All of this might not be clear from the Old Testament alone. We benefit by having the revelation of the New Testament. So let's take my view of Deuteronomy and see how it lines up with New Testament teaching.

In Matthew 5:31-32 Jesus states, *But I say to you that everyone who divorces his wife, except on the ground of sexual immorality, makes her commit adultery. And whoever marries a divorced woman commits adultery.*

This shows us two things. First, Jesus does not automatically prohibit all divorce. The possibility is left open that one spouse might divorce the other for reasons other than adultery. Only in the case of adultery, however, is the spouse allowed to remarry. Second, even in Jesus day it was assumed that a divorced spouse would remarry.

Some people make much of the word Jesus used for *sexual immorality*. It is not the ordinary word used in the New Testament for adultery. Instead, Jesus uses a more generic word that covers various sexual sins. Some have tried to argue that Jesus had something other than adultery in mind. The problem with that argument is that while the word Jesus used does not specifically mean adultery, it includes adultery. Jesus wanted to be clear that all acts of sexual sin can be legitimate grounds for divorce and remarriage.

Seeing this, we remember that in Deuteronomy one did not divorce because of sexual sin. Sexual sin was a capital offense, so divorce took place for other reasons.

By New Testament times Jews were generally not permitted to carry out capital punishment. This is why the Jews took Jesus to Pontius Pilate - the Romans did not allow Jews to execute prisoners. So by this point sins such as sexual immorality were not punished with execution (there were exceptions that violated Roman law, such as the near stoning of the woman caught in adultery in John 8). Adultery was handled not by stoning but by divorce. Adultery was seen as destroying the marriage covenant and divorce, then, severed the marriage relationship. The offending spouse became dead to the offended spouse. By allowing remarriage in the case of adultery, Jesus acknowledged that in the sight of God the marriage covenant has ended, having been destroyed by the sin of adultery. The offended party is able to remarry because God no longer recognizes the marriage.

On the other hand, if a divorce were to take place due to any other issue, the divorce would only be recognized by the state. One can become legally divorced in the eyes of the state and still be bound in marriage in the eyes of God. The marriage covenant is only nullified with the “death” of a spouse (Romans 7:2-3). Physical death and adultery are the only ways for this to happen. Nothing else nullifies the marriage covenant.

Earlier I said that Jesus seemed to acknowledge that one might divorce for reasons other than adultery, but only in the case of adultery can there be remarriage. This fits what we see in Deuteronomy where the divorce is for reasons other than adultery and, I think, the divorced parties are defiled if they remarry someone else. It also fits with what Paul says in 1 Corinthians 7:10-11. There Paul says that a wife should not divorce her husband (and vice versa) for any reason, but if a divorce does take place, the wife (or husband) should remain unmarried, seeking

reconciliation. Like Luke 16:18, Paul is almost certainly assuming the reader knows about the exception for adultery. He is giving instructions for divorce not involving adultery.

Paul first tells Christians not to divorce. It does not appear that he is setting an absolute rule since he then gives instruction on what to do if a believer does divorce. He first presents the ideal - Christians ought not divorce. But there are times when Christians might divorce, even for reasons other than adultery.

In the case of adultery, the offended spouse does not have to seek reconciliation. In any other case, the offended spouse is to seek reconciliation. Even though the marriage has been legally ended, it still exists in the eyes of God and the husband and wife should seek reconciliation.

In 1 Corinthians 7:12-16 Paul gives one example of divorce for reasons other than adultery. If a believer is married to an unbeliever, Paul says the believer must not divorce the unbeliever. But, if the unbeliever divorces the believer, the believer is free to go along with the divorce. Many have argued that Paul here is adding to the exception clause, saying this is another case when a believer might divorce and remarry. I don't agree. Adultery is a violation that destroys the marriage covenant. No other marital sin has that same effect, so no other cause allows remarriage following divorce. I don't think Paul is justifying remarriage; he is illustrating one case when divorce might occur. In Matthew, Jesus is adamant: no other cause but sexual immorality can allow remarriage. Paul also says, if you divorce, do not remarry.

In Corinth, the scenario in 7:12-16 would have been common. Every Christian in Corinth was a new believer, a new convert, and many of them would have been married to unconverted spouses. Should I leave my spouse to marry a Christian? Paul answers no. Believers ought not divorce. But if your unbelieving spouse seeks a divorce, do not fight. Let them go, but seek reconciliation.

One can easily imagine a number of other scenarios when a divorce might occur. Some obvious examples would be cases such as abuse or neglect. In these a spouse could be justified to divorce, or at least separate, but the spouse could not remarry.

Reasons for Divorce

I want to say a little more on why a husband or wife might decide to divorce his or her spouse.

Scripture does not offer many specific examples. We know in the case of adultery divorce is permitted. And we know from Deuteronomy 24:1-4 that there might be other situations that make divorce permissible. How might a husband or wife decide if a divorce should take place?

First, we recognize that divorce is never mandated in Scripture. Even in the case of adultery, divorce does not have to occur. In the case of adultery, the decision rests with the offended spouse.

But we noted from Deuteronomy that a spouse might divorce for various kinds of indecent behavior, actions that are repugnant to the married life. We also said that abuse is one example. If a man is abusing his wife and/or children, his wife would be justified in divorcing her husband and getting herself and her children to safety. Or if a wife is a drug addict and refuses to give up her addiction, her husband is justified to divorce in order to protect himself and his children from the consequences of drug use. Many other examples of this sort could be given.

The thing to remember is that the offense cannot be casual. The Jews found ways to justify divorce if the wife burned her husband's breakfast or other similar nonsense. Today a husband might divorce if he wants to marry someone he finds more attractive or appealing. None of these cases involve justified divorce. Similarly, one cannot divorce with the claims of incompatibility. I believe it is sin to divorce for any reasons involving selfish motive or ambition or how one feels about the quality of a marriage.

Divorce is justified if one spouse is chronically engaged in sinful activity that is harmful to the spouse or the children and he or she refuses to repent and turn from his or her sinful actions. A husband or wife may find divorce the last resort, the only way to be protected from spousal sin. Even after divorce reconciliation should be sought, working to lead the sinning spouse to repentance.

Scenario

All of this leaves me with questions from a hypothetical scenario.

In the scenario, a man and woman marry, the man decides he is unhappy with the marriage and seeks a divorce. The wife has done nothing to justify divorce but she cannot stop her husband from divorcing her. Neither party has committed adultery, so neither party is supposed to remarry following the divorce. But what happens if the husband then remarries or is known to sleep around? Does his post-divorce sexual activity constitute adultery and would that then free the woman to remarry? I think so. Jesus is clear in Matthew 19:9 that *whoever divorces his wife, except for sexual immorality, and marries another, commits adultery*. Even if the man and woman have already received a legal divorce, the covenant still exists in the eyes of God. If the man then engages in sexual activity with a woman not his original wife, he has committed adultery and has destroyed the marriage covenant with his first wife. She is free to remarry.

Now, the original wife (or husband, if the situation were reversed) should have continued seeking reconciliation as long as possible. Once her husband remarries, reconciliation is not possible. He cannot divorce his new wife in order to return to his first wife. He sinned by

remarrying but the sin must not be compounded by further unfaithfulness. His new marriage is binding and all the expectations regarding marriage and divorce apply to it. But if the man does not remarry, the original wife is to seek reconciliation. It would be horrific for her to hope he sins so that she could remarry. Her desire for herself and for him should be holiness and obedience to God. She will pray for him and be faithful to him and desire his holiness.

Conclusion

The final word is to return where Jesus began. We must never be like the Pharisees, trying to figure out how we can justify a divorce and remarriage. Our goal must not be a new spouse but the preservation of marriage. In Ephesians we learn that the marriage relationship paints a picture of Christ and the church. We must not destroy that picture with failed marriages and casual divorce. Divorce is the last resort when all other attempts fail to fix a marriage.

In our society when so many people have had one or more divorces we also need to remember the forgiveness of God. In Deuteronomy the woman who became an adulterer by her remarriage is called defiled but through Jesus Christ the defiled can be made clean. There is forgiveness and restoration but we must truly repent of our past marital sins and failings, striving to live in holiness from here on out.