
DIVORCE & REMARRIAGE IN THE CHURCH

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By the 2nd century AD, knowledge of 1st century language and culture, and critical facts about Jewish divorce, had gone missing, causing the church to misunderstand the Bible's teaching. Recent studies and discoveries, however, have given us new, helpful insights to enable us to understand the statements of Jesus and Paul on divorce and remarriage.

God's plan from the beginning, according to **Genesis 2:24**, was for a couple, upon marrying, to (1) set up new household, and (2) stick together as though one person. This remains his plan.¹

THE BIBLICAL BACKGROUND

Outside Israel in ancient times a man could walk out on his wife and have no further obligations towards her. He could claim her and the children back at any time. This made remarriage hard because the new husband could lose all he had worked for if the previous one claimed her back. But in Israel, **Deuteronomy 24:1** gave the woman a right to a certificate of divorce, which declared her free from such claims and thus made remarriage a viable option.²

Adultery was a capital offence in OT times, but it was not always implemented. Deuteronomy 24 recognised that the marriage had been killed off by the adultery and allowed divorce rather than capital punishment.

Exodus 21:10-11 extends the grounds for divorce to include abuse and neglect.³ In this passage, the married person has the right to expect food, clothes and conjugal love. True, the context is one of polygamy and slavery, but this is case law, not statute law, so the principles are more important than the details. The rabbis rightly argued that if a slave wife had the right of divorce in such circumstances, a free wife certainly did. And if one of two wives did, so did a single wife. And if a woman had this right, a man did too.

Jewish wedding vows, based on Deuteronomy 24 and Exodus 21, included four elements. The couple would:

- Feed one another (the man would provide food, the wife would cook it)
- Clothe one another (the man would provide material, the woman would sew it)
- Exchange conjugal love
- Be faithful

These can be summarised as providing *material support* (food and clothing) and *physical affection* (conjugal love). Physical and emotional abuse are simply extreme forms of neglecting to provide material support or physical affection.

The *four grounds for divorce*, then, are:

1. Sexual immorality (adultery)
2. Failure to provide food
3. Failure to provide clothing
4. Failure to provide conjugal love

¹ **Genesis 2:24** 'That is why a man leaves his father and mother and is united to his wife, and they become one flesh.'

² **Deuteronomy 24:1** 'If a man marries a woman who becomes displeasing to him because he finds something indecent about her, and he writes her a certificate of divorce, gives it to her and sends her from his house...'

³ **Exodus 21:10-11** 'If he marries another woman, he must not deprive the first one of her food, clothing and marital rights. ¹¹ If he does not provide her with these three things, she is to go free, without any payment of money.'

God is himself a divorcee (Hosea 1-3; Ezekiel 16, 23; Jeremiah 3-4; Isaiah 50), and these four reasons are all relevant to his divorce of Israel, who broke the covenant. Marriage is a covenant or contract (the same thing, both Hebrew *berit*). The only unbreakable covenant is the New Covenant. Certainly Malachi sees marriage as a breakable covenant (see also **Jeremiah 3:8**).⁴ God does not criticise the person who divorces their partner or he would have to criticise himself. He criticises the one who by breaking the vows makes the marriage intolerable.

Only the victim can initiate divorce proceedings – which is what God did with regard to Israel.

Some people believe that the NT introduces a much harsher attitude to divorce and remarriage than that of the OT, but this is a mistake. OT principles carried through into the NT era. In Matthew 5 Jesus affirmed (and amplified) many OT laws, underscoring their moral principles. Much modern law is based on the OT (e.g. murder and injury in Exodus 21) and no-one would think of rejecting it simply because it is not repeated in the NT. The church should not teach OT morals concerning sex outside marriage and reject those concerning neglect or abuse within it, which formed grounds for divorce.

By AD 30 groundless divorce among Jews – for men only – had become very widespread, based on *Rabbi Hillel's* interpretation of Deuteronomy 24:1. Hillel interpreted this verse to give two grounds for divorce, a particular and a general. The particular was 'sexual immorality' and the general 'any cause', which might be as trivial as the wife's burning a meal or beginning to lose her looks.

Rabbi Shammai, by contrast, interpreted Deuteronomy 24:1 as permitting divorce for sexual immorality alone. And of course he accepted the Exodus 21 grounds, too, since these were never in dispute.

Hillel's view quickly prevailed and 'Any Cause' divorce became widespread. 'Any Cause' became a common legal term and was used by Philo and Josephus as well as the rabbis. In 'Any Cause' divorce no court evidence was required, so it was in effect groundless divorce. A man simply had to give his wife the certificate and that was it. Many women liked this type of divorce as they could still claim their marriage inheritance (*ketubah*), which they couldn't if divorced for adultery. Joseph planned to divorce pregnant Mary this way to spare her the embarrassment of a court hearing (Matthew 1:19).

JESUS' TEACHING

In **Matthew 19:3** the rabbis asked Jesus his views on 'Any Cause' divorce: 'Is it lawful to divorce one's wife for "Any Cause"?'⁵

They were not asking him about the lawfulness of divorce in itself – that was clear from the law of Moses. Mark's account omits what is to us the key phrase because any 1st century reader would have mentally added it. It's like our asking, 'Is it lawful for a 16-year-old to drink?' We mentally add 'alcoholic beverages'. Matthew added the key phrase because he wrote a little later, when the Hillel-Shammai debate had died down somewhat.

In answer, Jesus sided with Shammai. He added that if someone got divorced on 'Any Cause' grounds they were not in fact properly divorced and if they remarried would be committing adultery (**Matthew 19:9**).⁶ It is vital to see that Jesus was here answering a specific question about the meaning of Deuteronomy 24, not making a universal statement about divorce in general.

Between verses 3 and 9 of Matthew 19 Jesus – who shows himself more concerned about marriage than divorce – underscored some basic principles about marriage. He stressed especially that monogamy was the biblical ideal from the start, an important reminder in view of the fact that polygamy was widespread in 1st century Palestine, being allowed in that country (and only that one) under Roman law. Jesus also pointed out that Moses didn't *command* divorce for adultery, he merely *allowed* it; there was the preferable option to forgive.

⁴ **Jeremiah 3:8** 'I gave faithless Israel her certificate of divorce and sent her away because of all her adulteries...'

⁵ **Matthew 19:3** 'Some Pharisees came to him to test him. They asked, "Is it lawful for a man to divorce his wife for any and every reason?"'

⁶ **Matthew 19:9** 'I tell you that anyone who divorces his wife, except for sexual immorality, and marries another woman commits adultery.'

Jesus also said that Moses allowed divorce for *hard-heartedness*, which means stubbornness, that is, stubborn persistence in behaviour that gave grounds for divorce. The word is linked with divorce in **Jeremiah 4:4** (LXX), where Jeremiah warned Judah that God was likely to divorce Judah as he had done Israel, because she was being stubborn in her spiritual adultery.⁷ We should therefore forgive an erring partner as our basic stance, but may divorce a partner who stubbornly refuses to change their ways – as God did with Israel.

This conversation made the disciples realise the seriousness of marriage (Matthew 19:10) and caused them to wonder whether its demands were too great. To this Jesus replied that marriage was optional – a radical statement since Jews viewed it as compulsory to fulfil God's command to be fruitful and multiply (Genesis 1:28).

Note also the wording of **Matthew 19:6**, where the Greek word *chorizo*, translated 'separate', is a technical term for divorce.⁸ Some misquote the verse as 'What God has joined together, no-one *can* separate' – taking this to teach that marriage cannot be dissolved and somehow continues in God's sight, even after the legalities of a divorce. Neither this nor any other part of the Bible teaches that. The verse literally says, '...let man not separate.' In other words, divorce is possible but undesirable.

Elsewhere in their Gospels, Matthew and Luke summarise the divorce debate of Matthew 19 in one sentence and they had to decide which aspect to focus on. They chose the 'Any Cause' aspect, which lay behind almost every divorce at the time. Thus **Luke 16:18** and **Matthew 5:32** both emphasise that the invalidity of 'Any Cause' divorce made remarriage adultery.⁹

PAUL'S TEACHING

1 Corinthians 7 is the key passage.

Under Roman law, the Emperor Augustus made marriage compulsory in 18 BC. Paul, however, teaches – like Jesus – that marriage is optional. This was especially true in view of 'the present distress' (v26) – almost certainly a reference to the great famine at that time. His language of 'pleasing' one another (v32-34) summarises the need to provide material support: food and clothing – difficult in a time of prolonged famine.

Some Corinthians were anti-sex (v1) and one woman had apparently already left her husband (v10-11). In answer to this, Paul stresses the responsibility of married people to provide conjugal love (v3-4), talking in the 'slavery' terms which form the context of Exodus 21:10-11.

Abuse is implied in the law against neglect. If a husband is not allowed to starve his wife or refuse her money for clothes he is certainly not allowed to beat, rape or imprison her – and similarly the wife to the husband.

Remedy for the victim was easy under Roman law: '*divorce by separation*' - similar in practice to the Jewish 'Any Cause' walkout. No grounds were needed and the other partner often became the victim of what could be no more than a whim. Paul says Christians shouldn't practise this (v10-11) because, biblically, divorce can only be based on broken vows. In v10, 'not I but the Lord' is almost certainly a reference to Jesus' rejection of 'Any Cause' divorce.

Those who have already parted using the 'divorce by separation' provision of Roman law (v11) should not view themselves as divorced but remain unmarried and try to reverse the situation. But a Christian victim of such a divorce should let their non-Christian partner go (v15).

Some believe that a marriage can only be ended by death, arguing (wrongly) from the silence in **Romans 7:2**.¹⁰ But divorce does not enter this picture at all, which is simply illustrating the relationship of believers to the

⁷ **Jeremiah 4:4** (LXX) 'Circumcise yourselves to God, and circumcise your **hardened heart**, O men of Judah and those who dwell in Jerusalem, lest his anger go out like a fire and burn, and there will be no one who can quench *it* from the presence of your wicked practices.'

⁸ **Matthew 19:6** 'So they are no longer two, but one flesh. Therefore what God has joined together, let no one **separate**.'

⁹ **Luke 16:18** 'Anyone who divorces his wife and marries another woman commits adultery, and the man who marries a divorced woman commits adultery.'

Matthew 5:32 'But I tell you that anyone who divorces his wife, except for sexual immorality, makes her the victim of adultery, and anyone who marries a divorced woman commits adultery.'

¹⁰ **Romans 7:2** 'For example, by law a married woman is bound to her husband as long as he is alive, but if her husband dies, she is released from the law that binds her to him.'

Law, because the Law, as husband, would never desert the believer. Nor can one make the point from **1 Corinthians 7:39**, which is addressed to widows to free them from the OT law of levirate marriage (Deuteronomy 25:5-10) and where the key phrase is 'anyone she wishes'.¹¹ Divorce is simply not relevant in either of these contexts.

It is wrong to advise, say, an abused wife to *separate* from her husband but to forbid her to *divorce* him. Paul says married couples may not separate (1 Corinthians 7:10-11). They should either stay together or, in appropriate circumstances, get divorced.

Paul refers to the Exodus 21 grounds for divorce in 1 Corinthians 7: conjugal love in v3-5 and material support of food and clothing in v32-34. His readers, both Jewish and Gentile, would have known immediately that this is what he was referring to: the Jews because of Exodus 21, the Gentiles because the same factors were the basis of Graeco-Roman law at that period.

In Ephesians 5:28-29 Paul urges the husband to (1) love, (2) nourish (literally 'feed') and (3) cherish (literally 'keep warm') his wife – the three obligations mentioned in Exodus 21:10.

REMARRIAGE

Jesus condemned remarriage only after an invalid divorce. Apart from this, both Jesus and Paul are silent on the issue. In the 1st century, however, everyone believed remarriage was permissible – in fact most thought it necessary.

Jewish divorce certificates invariably said, 'You may marry any Jewish man you wish.' Paul quotes a Christian version in 1 Corinthians 7:39 in the context of the status of widows, implying that a widow should have the same right as a divorcee to remarry whom she wishes, rather than be bound by levirate marriage laws.

'Not bound' in **1 Corinthians 7:15** means free to remarry, because it was addressed to people who were already divorced (by Roman divorce-by-separation, which Paul accepted as valid when a believer was rejected by an unbelieving partner).¹² 'Not bound' is literally 'not enslaved' – with obvious echoes of Exodus 21. The grounds for divorce-by-separation were not legally specified, but Paul looks behind it and sees a form of neglect which, when the other criteria are met, validates the divorce.

Paul says that Christians who have undergone divorce-by-separation should work at coming together again (1 Corinthians 7:11). But obviously if the thrown-out party has remarried that is impossible. The marriage is over and the guilty party is also free to remarry.

Jesus uses typical Jewish hyperbole when he says that a person remarrying after an 'Any Cause' divorce is committing adultery. In its Matthew 5 context it is one of several such statements which we should hesitate to take too literally. There, a lustful look equals adultery, and anger equals murder, but Jesus was not implying that these should be punished as such. Nor is he implying that the remarried 'Any Cause' divorcee, now technically an adulterer, should divorce their current partner and try to remarry the original one. Two wrongs don't make a right.

The phrase 'God has called you to peace' (1 Corinthians 7:15) echoes the phrase 'for the sake of peace' in Jewish legal rulings. It meant a *pragmatic decision in everyone's best interests* rather than a legalistic imposition of the law, which was not always possible or appropriate. People who had remarried after divorce-by-separation were technically adulterers, but there was nothing they could do about it now, so Paul says the situation should be accepted.

Divorce is not the unforgivable sin.

¹¹ **1 Corinthians 7:39** 'A woman is bound to her husband as long as he lives. But if her husband dies, she is free to marry anyone she wishes, but he must belong to the Lord.'

¹² **1 Corinthians 7:15** 'But if the unbeliever leaves, let it be so. The brother or the sister is not bound in such circumstances; God has called us to live in peace.'