



Divorce: A Divine Solution for Hurting Hearts

Dr. Stanford E. Murrell

“...let him write her a bill of divorcement...”

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Divorce: A Divine Solution for Agonizing Hearts

Dr. Stanford E. Murrell

A Post Paradise Period

When Adam violated the known will of God in the Garden of Eden (Gen. 3:1-7) he sentenced all of his posterity to a life of pain and suffering. As the Federal Representative of the Human Race, the sin of Adam became the sin of all in principle. *Wherefore, as by one man, sin entered into the world, and death by sin; and so death passed upon all men, for that all have sinned.* (Rom. 5:12) The immediate punishment for Adam and his wife Eve was an expulsion from the Garden of Eden with the prohibition not to eat of the Tree of Life. Having rebelled and eaten of the Tree of Knowledge of Good and Evil, God realized they would rebel again and eat of the Tree of Life and live forever in a fallen state. So the Lord placed a cherub with a flaming sword on the road leading into the Garden. Adam and Eve and their descendent would have to live in a post paradise world.

Part of the experience of the Post Paradise Period decreed by God was conflict. In the act of administering divine justice upon all who took part in the Great Rebellion, the Lord made certain there would be tension between good and evil. *And I will put enmity between thee and the woman, and between thy seed and her seed; it shall bruise thy head, and thou shalt bruise his heel.* (Gen. 3:15) Rather than become partners with Satan in sin, the Sovereign God placed a natural hostility between the Devil and now fallen men.

One reason for this line of spiritual demarcation was because the Lord was determined to redeem souls for Himself and be glorified through the manifestation of grace and mercy. Where sin abounded, grace would much more abound. (Rom. 5:20) Nevertheless, Satan would have some success as he ruled the world of darkness with delight. (2 Cor. 4:4) Satan would challenge God for every soul that came into the world. He would use every weapon in his arsenal to keep the spiritual conflict going including divorce. (2 Cor. 2:11; Eph. 6:11) Behind every divorce is an expression of satanic hostility against the Lord and against His ideal design, which was that marriage be permanent.

It was in the Garden of Eden that the first wedding took place. It was a very lovely and tender moment when God presented Eve to Adam who had just awakened from a deep sleep. *And the Lord God caused a deep sleep to fall upon Adam, and he slept; and he took one of his ribs, and closed up the flesh instead thereof; And the rib, which the LORD God had taken from man, made he a woman, and brought her unto the man.* (Gen. 2:21,22) When Adam saw Eve, there was love at first sight. *And Adam said, This is now bone of my bones, and flesh of my flesh: she shall be called Woman, because she was taken out of Man.* (Gen. 2:23) Matthew Henry notes that, *The woman was made of a rib out of the side of Adam; not made out of his head to rule over him, nor out of his feet to be trampled upon by him, but out of his side to be equal with him, under his arm to be protected, and near his heart to be beloved.*

Having brought Adam and Eve together the Lord instituted the home for children and grandchildren and greatchildren were anticipated. *Therefore shall a man leave his father and his mother, and shall cleave unto his wife: and they shall be one flesh.* (Gen. 2:24) The divine ideal of love and happiness between a man and a woman based on intimacy and mutual respect was shattered with a single sin. All the good that God intended for the crowning act of creation was tarnished by the transgression. There would still be marriage, but not in Paradise. There would still

be physical intimacy and companionship, but the woman would be subordinate (not sub-serviant) to her husband and in sorrow would she bear children. (Gen. 3:16) There would still be offspring but there would also be conflict. (Gen. 4:8-9) In the Post-Paradise Period everything would be permeated by the presence of the penalty and pollution of sin.

When the Heart is Hardened

Today, the world is still held in the stronghold of sin. (2 Cor. 4:4) Mankind still exists in a Post Paradise Period with all of its complexity and concerns, including divorce. Divorce represents dissolution of the Divine ideal. Divorce is a multiplication of the woman's sorrows. Divorce speaks of broken homes and wounded hearts. Divorce produces abandoned children. And God hates divorce. (Mal. 2:13-16) God hates all of the sin involved that leads up to divorce. And yet, God has permitted divorce in the Post Paradise Period because of the harness of the human heart. (Matt. 19:8) The challenge for society in general and the Christian community in particular is to return to the Divine ideal. Having said that, there is another challenge for Church and that is to deal realistically and compassionately with those who find themselves contemplating divorce, going through a divorce, or recovering from the divorce procedure. The Church must understand that divorce is the Divine concession for dealing with a facet of human failure.

The Solution is not so Simple

Unfortunately, over the centuries, the Church at large has come to treat marriage in a very simplistic manner. Rooted in romanticism, the concept has been embraced that a man and a woman are attracted to each other, grow to love one another, and live together in the holy state of matrimony for ever. If the love in the marriage dies out, the vows of matrimony are still to be honored. And if there is lack of genuine affection, if there is lack of proper provision, and if there is lack of communication, that is just the burdens of a bad choice for divorce and re-marriage is equivalent to committing adultery. Theoretically, spousal abuse and every form of aberration are to be endured. If the situation becomes unbearable or physically dangerous, a separation might be allowed, but no further action is to be tolerated by the Church. Certainly the Christian is not to initiate a divorce and definitively they are not to re-marry as long as the former spouse is unmarried or alive.

Walking Between Two Boundaries

Certainly the heart of any conservative Christian gravitates towards the romantic view of marriage with the state of wedlock idealized. Unquestionably the heart of the conservative Christian abhors any activity that would undermine or destroy the bonds of matrimony. After all, marriage is designed to be permanent. (Matt. 19:16) Therefore, for many, a biblical divorce and remarriage is not allowed for *any* reason other than adultery. (Matt. 5:31,32) And even where there is adultery, some would not allow a re-marriage to take place as long as the other spouse is unmarried or alive. (Rom. 7:1-3) It is all as simple as that.

Unfortunately, life does not allow for simplicity. Individuals are clever and cunning. People can be cruel and vicious. And it does not help for the Church to remain in Scriptural ignorance in order to insist on spiritual burdens, which are too burdensome for others to bear. (Matt. 23:4) Here then is the problem for many conscientious pastors. If the process leading to divorce is intrinsically evil—and it is, then so is a failure to recognize that God has much more to say about the subject of divorce than what is recorded in the gospels. In other words, the teaching of Christ must not be pitted against other passages of Scripture such as Exodus 21:9-11. Because all Scripture is God

breathed, all Scripture is profitable. (2 Tim. 3:16) The Christian must not be more broadminded than the Scriptures allow, nor must the Christian be more legalistic than is warranted. The believer is to walk between the two boundaries of Christian compassion and divine confinement.

Marriage is not Mandatory

Though the Bible assumes that people will marry, it is not mandatory to do so. In fact, the state of celibacy is highly recommended in Scripture reflected by the life of Paul and Christ. Since Paul was a devout Pharisee it is possible that he was married at least for a while for he was a member of the Sanhedrin and that was a pre-requisite. But Paul did not re-marry in order to concentrate on his work for the Lord. (1 Cor. 7:22,23) Paul referred to the state of singleness as a gift from God. (1 Cor. 7:7) which not everyone had. The Lord spoke with favor of those who remained celibate *for the sake of the kingdom*. (Matt. 9:12) Having said that, it is also to be noted that a sign of false doctrine being taught is that of forbidding people to get married. (1 Tim. 4:3)

Marriages Made by Man

Though a state of singleness is commendable, it is a special state. Both the Word of God and society assumes that individuals will marry. A study of the Scriptures reveals the following about marriage in the Old and New Testament reflecting Jewish culture and Divine provisions.

1. The Scriptures begin with the general assumption that marriages will take place according to a divine mandate (Gen. 2:18) and that they will be under-girded by with general principles.
 - A. Marriage makes two individuals one. *Therefore shall a man will leave his father and mother, and shall cleave unto his wife and they shall be one flesh*. (Gen. 2:24)
 - B. The unity of marriage is achieved by physical intimacy as well as by divine activity. *What therefore God hath joined together, let not man put asunder [i.e. sever]*. (Matt. 19:6)
 - C. Marriage is intended to last for a lifetime, but only for a lifetime. Jesus taught this truth when He answered the question of the Sadducees about a woman whose husbands died one after the other. (Matt. 22:24ff; Mark 12:19ff; Luke 20:28ff) There are no marital relationships in heaven.
 - D. The contract of marriage was to be honored. However, the scriptures realize that the marriage contract can be broken. In such situations, abusive relationships are not to be protected. In grace God provided a process for an innocent party to be set free from acts of sin proceeding from hardened hearts. (Deut. 24:1; Ex. 21:10,11) When the divine provision for righting a wrong is legitimately used, there is no sin involved. Even God is recorded as being divorced. The Lord uttered the divorce formula against Israel in Hosea 2:2 when He says, *for she is not my wife, neither am I her husband*.” According to Jeremiah (3:8) God wrote out a certificate of divorce for Israel. *And I saw, when for all the causes whereby backsliding Israel committed adultery I had put her away, and given her a bill of divorce; she her treacherous sister Judah feared not, but went and played the harlot also*.

2. The establishment of *large* families through marriage is encouraged. (Psa. 127:3,5; 128:3)
3. Despite the joys of sexual intimacy reflected in the Song of Solomon, this activity did make a couple ceremonially unclean. (Lev. 15:18)
4. When presenting themselves to God the Jews had to refrain from sexual activity. (Ex. 19:15)
5. During days of war there was generally no sexual contact. (1 Sam. 21:4-5; 2 Sam. 11:11)
6. The most frequent term referring to families in the Old Testament was “house” (Gen. 14:14; Ruth 4:11) and “household” in the New Testament. (John 4:53; 1 Cor. 16:15; Phil. 4:22)
7. The family included not only those bounded together by marriage vows but extended family members as well as concubines, slaves, servants, visitors, widows, and orphans. (Gen. 17:23,27; 46:5-7; Isa. 49:43; Matt. 10:35-36; 1 Tim. 5:16)
8. There was a great sense of unity in the family that reached both backwards and forward. (Ex. 20:5; 34:7; Deut. 5:9; 23:2; Jer. 31:29-30; Ezek. 18:2; John 9:2)
9. To offend one family member was to offend all. (Num. 35:19; Deut. 19:4-10; 2 Sam. 3:27)
10. The father was the head of the family with the power of life and death over others. (Ex. 21:7, 15-17; Deut. 13:6-10; Judges. 11:30-40).
11. The good parent was the one who could manage the household well (1 Tim. 3:4) manifested by protecting it (Deut. 1:31), showing love (Hos. 11:1-3) and instructing the children (Psa. 78:4; Prov. 1:8; Joel 1:2,3) without making them angry (Eph. 6:4; Col. 3:22)
12. The good father disciplined the children. (Prov. 13:24; Eph. 6:1)
13. The influence of the mother was important. She was to teach (Prov. 1:8; 6:20) and provide a role model to follow. (Prov. 31:1-28)
14. Children were expected to honor their parents. (Ex. 20:12; Deut. 5:16; Eph. 6:1) by obedience (Prov. 1:8; 4:1-4; 5:20; 15:5; Eph. 6:1; Col. 3:20) and living in such a manner that their parents would be proud. (Prov. 10:1; 15:20)
15. Children were valued. (Psa. 127:5; 128:3; Prov. 17:6) though sons were preferred to daughters.
16. If a woman could not bear children, she could cover her barrenness by having a surrogate mother bear the children. (Gen. 30:1,3) Rachel demanded from Jacob that she have a son through her slave, Bilhah.
17. Women squatted to give birth to children. Bilhah would have squatted across the knees of Rachel so that in a symbolic way Rachel could say, *God hath judged me, and hath also heard my voice, and hath given me a son: therefore called she his name Dan.* (Gen. 30:6)

18. Either the mother (Gen. 4:1,25 cf. 5:3; 16:11 cf. 16:15; 19:37,38) or the father would name the child. (Gen. 4:26; 5:3,28-29; 16:15)
19. The son's family was expected to care for his parents. (Psa. 127:3-5)
20. When the daughters married they became members of the husband's household.
21. Special laws were provided for daughters who were sold into slavery. (Ex. 21:7)
22. Through debt, an entire family could be placed into bondage. (Lev. 25:39ff)
23. Children had few rights. A son who cursed or struck his parent could be killed. (Ex. 21:15-17; Lev. 20:9; Deut. 27:16; Prov. 30:11)
24. When Israel went into a state of apostasy they would offer their children in sacrifice to God. (Judges 11:30-40; 1 Kings 16:34) or to "Molech" (2 Kings 23:10; Jer. 32:35). The offering of children in sacrifice was prohibited. (Ex. 34:20; Deut. 18:10)
25. The first born son was to be dedicated to the Lord. (Ex. 13:1; 22:29) by offering a substitutionary sacrifice of redemption. (Ex. 13:13; Num. 18:15)
26. Marriages occurred when a man "took" a wife. (Gen. 19:14; 2 Chron. 13:21) or when a father "gave" his daughters in marriage. (Gen. 29:19,28; Ex. 2:21)
27. The betrothal of a woman to a man was considered a marriage (Deut. 28:30; 2 Sam. 3:14) though no sexual activity had taken place. (Matt. 1:24,25)
28. Monogamy was the divinely ordained practice (Gen. 2:24) but bigamy was allowed. Lamech, a descendent of Cain, had two wives, Adah and Zillah (Gen. 4:19). Elkanah married Hannah and Penninah (1 Sam. 1:2; study Deut. 21:15)
29. In addition to monogamy and bigamy, polygamy was also prevalent. Jacob married both Leah and her sister Rachel while siring children through the slaves Zilpah and Bilhah. (Gen. 30:1-24). Esau had many wives (Gen. 36:1-5) as did Gideon (Judg. 8:30) and King David. (1 Sam. 18:27; 25:42; 2 Sam. 11) Solomon has a harem of seven hundred wives. (1 Kings 11:1-3)
30. With the coming of Christ and the Christian era, polygamy rapidly declined in Jewish culture. It was finally prohibited in the eleventh century AD.
31. The Law of Moses prohibited marriage with foreign women (Deut. 7:3-4; Ex. 34:16; Judg. 3:6) though it was not honored. Esau married three women from Canaan (Gen. 36:2); Joseph married a woman from Egypt (Gen. 41:45); Moses married a Midianite; Gideon married a Canaanite woman (Judg. 8:31); Boaz married Ruth who became an ancestor of David (Ruth 1:4; 4:13-17).
32. Many foreign women were married having been captured in war. (Deut. 21:9-13; Judg. 5:29)

33. During the days of Ezra and Nehemiah the rampant marriage between Jewish and foreign wives was reversed and divorces were demanded. (Neh. 10:30; Ezra 10:3ff).
34. During the days of the New Testament, Paul forbade the marriage of Christians with non-Christians. (2 Cor. 14-16)
35. However, if a Christian did marry a non-Christian, the marriage was to continue because there was the possibility that a conversion could take place. (1 Cor. 7:12-16; 1 Pet. 3:1-2)
36. The Law of Moses prohibited incest. (Deut. 22:30; 27:20,22-23; Lev. 18:6-20; 20:11-23)
37. Children of incest were prohibited from being part of the religious gatherings. (Deut. 23:2)
38. However, when incest occurred, a marriage could take place as the lesser of two evils. (2 Sam. 13:13)
39. Sarah was the half sister of Abraham. (cp. Gen. 12:10-20 cp. 20:12) They shared the same father but not the same mother.
40. Rebecca, the wife of Isaac, was his cousin. (Gen. 24:15)
41. Lot engaged in sexual activity with his daughters to produce the Moabites and the Ammonites. (Gen. 19:30-38)
42. Prior to the destruction of Jerusalem in 586 BC by the Babylonians, incestuous relationships were common in the Holy City. (Ezek. 22:10-11) Ezekiel believed that incest provoked the Lord to destroy Jerusalem.
43. The apostle Paul condemned an incestuous relationship in the Church of Corinth. (1 Cor. 5:1)
44. Despite the laws of incest, there was something known as “levirate” from the Latin *levir*, meaning “brother-in-law.” The Law of Moses (Deut. 25:5-10) stipulated that if a man died without leaving a male heir to carry on the family name, the man’s brother was to take the widow as a wife and to name the first son born of this marriage after the dead man.
45. In a levirate relationship, the widow was prohibited from marrying outside of the dead husband’s family. She was considered property. (cp. Ex. 20:17)
46. If a brother might refused to perform the matrimonial services for his dead brother he was to suffer public humiliation. The widow was to remove his sandal and spit in his face for failing to honor the family duties. (Deut. 25:7-10)
47. There are only two examples of the levirate law being pursued in Scripture. There is the story of Tamar (Gen. 28) and the experience of Ruth.

48. The apostle Paul never commented on the Law of the Levirate. He advocated marriage for those who could not control their passions (1 Cor. 7:9) and told widows they were better off if they did not marry. (1 Cor. 7:8,40) If widows did remarry, they should only marry other Christians. (1 Cor. 7:39)
49. Couples married at a young age, sometimes as early as fourteen as did Amon and Josiah, or sixteen Johoiachin.
50. Marriages were usually arranged by fathers on behalf of the children with impute from the mother. (Gen. 24:55)
51. The father initiated the search for a bride, usually among kin (Gen. 34:8) but he “gave” (i.e. sold) his daughter in marriage. (Gen. 29:23,28; Ex. 2:21) for a large dowry was expected. (Judg. 14:5)
52. Daughters could be given in marriage as a prize in war (Josh. 15:16) or captured (Judg. 21:23).
53. A woman who was not betrothed but was raped was compelled to become the wife of the rapist. The rapist was expected to pay the woman’s father fifty silver pieces as the bride price. (Deut. 22:28-29)
54. A man who raped a betrothed woman was to die. (Deut. 22:25) Nothing was to be done to the woman if she cried out for help.
55. The wedding feast was a very important ceremony. Food was shared and the details of the relationships were formalized. (Gen. 26:28-30 cp. Gen. 31:54; 2 Sam. 3:20) Salt in the food symbolized the binding of the provisions. (study Lev. 2:13; Num. 18:19; Ezek. 43:24)
56. Children did not have much choice in the matter of who they would marry. Marriage was a business transaction reflected in the story of Jacob with Leah and Rachel. (Gen. 29-30 cp. 31:15)
57. Different commodities were offered to buy the bride. Jacob labored for his wives (Gen. 30:15-30) while Shechem offered land for Dinah (Gen. 34:12). David was required to produce a very unusual item as payment for Michal. (1 Sam. 18:17-25)
58. The wedding feast was extravagant. Wine flowed freely. (John 2:1-10) The wealthy would provide an abundance of food. (Matt. 22:4)
59. To reject a wedding invitation was a grave insult. (Matt. 22:1-7)
60. Guests who came to the weddings were expected to be dressed appropriately. (Matt. 22:11)
61. The bride left her father’s home accompanied by her bridesmaids amidst shouts of joy. (Psa. 45)

62. The first intimate encounter took place in an area provided by the bride's family.
63. As proof of her virginity, the bride's family kept the sheets from the wedding night. Blood from the tearing of the hymen was expected to be preserved. (Deut. 22:13-21)
64. There were no requirements of virginity for men. Furthermore, it was hard to charge them with adultery because of the practice of polygamy and the acceptance of concubines. However, if a man was caught in a provable adulterous liaison, he could be stoned to death. (Deut. 22:22-27)
65. A woman who was accused of adultery by her husband was subjected to a series of unusual tests. (Num. 5:11-28)
66. In the book of Proverbs there were two kinds of women: good and bad. (Prov. 12:6; 18:22) The good wife was hard working and able to be trusted. (Prov. 12:24; 31:10-31) She was affectionate (Prov. 5:19), quiet, and peaceful. (cp. 1 Pet. 3:7; Eph. 5:22; Col. 3:18; 1 Pet. 3:1, 6)
67. If a marriage was dissolved, the power was with the husband. Despite the fact that God hates divorce (Mal. 2:16) it was common among the Jews. A wife could be divorced for adultery (Jer. 3:8; Matt 19:9) and for any trivial reason as well. (Deut. 24:1)
68. Once a man determined to divorce his wife he was to give her a written decree before dismissing her from the home. (Deut. 24:1; Jer. 3:8; Isa. 50:1)
69. The certificate of divorce had the practical effect of making the woman available for remarriage to someone else. (Deut. 24:2)
70. If the woman did remarry, her first husband was not to reclaim her—though King David did exactly that with Michal. (1 Sam. 18:20-27 cp. 1 Sam. 25:44) Technically, he could reclaim her for her had not divorced her in the first place. (2 Sam. 3:14-16) In the case of Hosea claiming his wife after her divorced, he could do so because he had not remarried. (Hos. 2:2)
71. During the days of the New Testament, women had been given the authority to divorce their husbands.

Marriage Considered as a Social Contract

For many Christians in the Western world steeped with romantic and idealistic concepts of marriage, the thought that Jewish marriages were contractual by nature is revolutionary. The implication of this social arrangement is obvious. If a contract is violated it is broken. If a contract is broken it is null and void. And that is exactly how the Bible looks upon the marriage covenant or contract. The marriage covenant is either honored or dishonored. Sin causes people to dishonor their vows of commitment one towards another. Of course, God hates the breaking of the marriage covenant and says so in unmistakable terms. (Mal. 2:14,16) However, the important point to note is that in Scripture marriage was regarded in the scriptures as a "covenant." Concerning Israel, the Lord the covenantal language of marriage. *I swear unto thee, and entered into a covenant with thee, saith the Lord GOD, and thou becamest mine.* (Ezek. 16:8)

Four Sayings of the Savior

With a general background of the Jewish culture in mind, it will be easier to appreciate the New Testament teaching on divorce and re-marriage. Perhaps a good starting point in the study is to cite the teachings of Christ in particular on this topic before proceeding to the Pauline epistles.

Matthew 5:31-32

It hath been said, Whosoever shall put away his wife, let him give her a writing of divorcement: But I say unto you, That whosoever shall put away his wife, saving for the cause of fornication, causeth her to commit adultery: and whosoever shall marry her that is divorced committeth adultery.

Matthew 19:3-12

The Pharisees also came unto him, tempting him, and saying unto him, Is it lawful for a man to put away his wife for every cause? And he answered and said unto them, Have ye not read, that he which made them at the beginning made them male and female, And said, For this cause shall a man leave father and mother, and shall cleave to his wife: and they twain shall be one flesh? Wherefore they are no more twain, but one flesh. What therefore God hath joined together let not man put asunder. They say unto him, Why did Moses then command to give a writing of divorcement, and to put her away? He saith unto them, Moses because of the hardness of your hearts suffered you to put away your wives: but from the beginning it was not so. And I say unto you, Whosoever shall put away his wife, except it be for fornication, and shall marry another, committeth adultery: and whoso marrieth her which is put away doth commit adultery. His disciples say unto him, If the case of the man be so with his wife, it is not good to marry. But he said unto them, All men cannot receive this saying, save they to whom it is given. For there are some eunuchs, which were so born from their mother's womb: and there are some eunuchs, which were made eunuchs of men: and there be eunuchs, which have made themselves eunuchs for the kingdom of heaven's sake. He that is able to receive it, let him receive it.

Mark 10:2-12

And the Pharisees came to him, and asked him, Is it lawful for a man to put away his wife? Tempting him. And he answered and said unto them, What did Moses command you? And they said, Moses suffered to write a bill of divorcement, and to put her away. And Jesus answered and said unto them, for the hardness of your heart he wrote you this precept. But from the beginning of the creation God made them male and female. For this cause shall a man leave his father and mother, and cleave to his wife; And they twain shall be one flesh: so then they are no more twain, but one flesh. What therefore God hath joined together, let not man put asunder. And in the house of his disciples asked him again of the same matter. And he said unto them, Whosoever shall put away his wife, and marry another, committeth adultery against her. And if a woman shall put her husband, and he married to another, she committeth adultery.

Luke 16:18

Whosoever putteth away his wife, and marrieth another, committeth adultery: and whosoever marrieth her that is put away from her husband committeth adultery.

A Historical Debate

In the twenty-four verses that summarize the Lord's teaching on divorce, it is obvious that a scholarly debate of some sort was in progress, with political and social implications. Both Matthew and Mark note that the Pharisees initiated the debate with the Lord while He was traveling through Perea—the territory of Herod. This was not accidental. It was probably the intention of the Pharisees to draw the Lord's teaching out into the open in order to arouse the implacable hatred of the Herodians against Him as their hatred had been leveled against John the Baptist. (Matt. 14:1-5) But even if that did not happen, the Pharisees were still interested in involving Christ in controversy with some of the Rabbinic Schools. A record of that debate can be found in the *Mishnah* (lit. *to repeat* or *to memorize*), which is a collection of the early literary efforts of the Pharisees. The *Mishnah*, which is the most ancient part of the Jewish Talmud, originally reflected the memorable summaries of the significant debates on the meaning of the Law by the rabbis. [Note. Though the term *rabbi* was not used formally until after AD 70, the term *rabbi* in the sense of *teacher* was used much earlier.]

Two Schools of Thought

There were two leading rabbinic schools that were followed founded by two great *rabbis* or *teachers*, Hillel and Shammai. They lived a century before Christ. Because the people respected their religious teachers they were allowed to settled social disputes and pass judgment on legal questions including divorce. Appealing to Deuteronomy 24:1, Hillel and his followers made great allowances for divorce while Shammai and his followers did not. According to the Mishnah, ***The Party of Shammai says: A man may not divorce his wife unless he find indecency in her, for it says: 'Because he found in her a matter of indecency.'*** (Deut. 24:1) In contrast, the Party of Hillel stated that a man could divorce his wife ***even if she spoiled the broth, for it says; [any] matter.*** (Deut. 24:1) During the days of Christ, the differences between the two schools of thought were still being hotly debated. Was Hillel right when he said that divorce was limited to some sort of sexual uncleanness, or was Shammai right to allow divorce on any basis no matter how trivial? Jesus was tempted by the Pharisees to side with one or the other. The ultimate question is this: what constitutes a legitimate divorce?

Four Biblical Grounds for Divorce

Before examining the Lord's response to the tempting question of the Pharisees, it would be profitable to note that the rabbis did agree on at least four grounds for divorce based on two passages of scripture: Deuteronomy 24:1 and Exodus 21:10-11. The four uncontested grounds for divorce were (1) illegitimate sexual activity, (2) failure to provide food, (3) failure to provide clothing and, (4) failure to provide physical affection. While the privilege of divorce was historically reserved for the man, by the time of Christ it was possible for women to petition a rabbinic court to consider her domestic situation. If she could prove that her husband neglected to meet her needs or to love her, the court could compel the husband to grant the wife a certificate of divorce. Though this happened very rarely, it could be done.

The Rite of Bitter Water

The charge of adultery in the classical sense of the word was not often used because it was very difficult to authenticate. Proof of promiscuity required the testimony of two witnesses, which was not easy to obtain since by nature sexual sins are committed in private. However, if a man wanted to press his accusation of adultery, then the woman had to be examined by the Jewish Council in Jerusalem and then taken to the Temple in order to endure the Rite of Bitter Water. (Num. 5:12-28) It was believed that if the wife was guilty of adultery, the water would cause internal injury to her vital organs. If no injury was discerned, she was presumed innocent and her husband was to be punished for bringing forth a false accusation. Part of his punishment prohibited him from ever divorcing his wife however unpleasant she might become after her ordeal.

The Easy Way Out

Because it was difficult to prove adultery, most people preferred to use the Hillelite court for divorce, which allowed divorce *for any matter*. Even Joseph chose to use the Hillelite divorce when he thought Mary had been unfaithful to him during the betrothal period. Not wanting to place Mary before the public in disgrace, Joseph, being a just and righteous man, determined to divorce her quietly. (Matt. 1:19) It can be argued that, by pursuing this form of divorce Joseph was not only gracious but was acting in a morally superior manner.

Divorce Provides the Inherent Right to Remarry

When a divorce did take place according to biblical grounds, there was freedom to remarry. On this point the scriptures are clear. *When a man hath taken a wife, and married her, and it come to pass that she find no favor 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. And when she is departed out of his house, she may go and be another man's wife.* (Deut. 24:1,2) Notice the three stages in the process.

- The man was to personally write out a bill of divorce. This forced the man to think about what he was doing. Later, a scribe was allowed to be hired to write out the divorce certificate, provided that he sold the man the pen and ink used in the writing of the bill.
- The divorce certificate was to be handed to the wife personally by the man. This forced a final meeting to take place and allowed for the possibility of reconciliation.
- The man was to put the wife out of the house.

Each of these steps took time and delayed the process of divorce in thereby demonstrating the seriousness of the situation, allowing emotions to subside, and providing opportunity for reconsideration by all involved.

In the end, the certificate of divorce was important not only because it freed the individual for remarriage but also, for the woman, the certificate was a legal document that gave her a right to her dowry. The dowry of a woman [i.e., the price of her marriage] had to be returned to her if she were divorced for any reason other than sexual unfaithfulness. If the sexual unfaithfulness took the form of adultery, the woman was to be stoned. (Deut. 22:22) The custom was for the husband to obtain from the rabbis—who were always involved in the whole process of divorce—a Deed of Quittance stating that he had repaid her dowry. (*Mishnah Ketubah 9.9*)

An Important Question

Because divorce did provide the right to re-marry, multitudes who found themselves in an unhappy marriage eagerly sought to be free again to choose another spouse. Appealing to the rabbis for guidance many men desired to legitimize putting away their wives **for any and every cause** no matter how ridiculous the “cause” might be. It is that point which became the focus of controversy. One day, during the ministry of Christ, a group of Pharisees approached Him, tempting *him, and saying unto him, Is it lawful for a man to put away his wife for every cause?* (Matt. 19:3) Rather than avoid the question the Lord gave His answer. *Have ye not read, that he which made them at the beginning made them male and female, And said, For this cause shall a man leave father and mother, and shall cleave to his wife: and they twain shall be one flesh? Wherefore they are no more twain, but one flesh. What therefore God hath joined together let not man put asunder. They say unto him, Why did Moses then command to give a writing of divorcement, and to put her away? He saith unto them, Moses because of the hardness of your hearts suffered you to put away your wives: but from the beginning it was not so. And I say unto you, Whosoever shall put away his wife, **except it be for fornication, and shall marry another, committeth adultery: and whoso marrieth her which is put away doth commit adultery.*** (Matt. 19:4-9)

Siding with the School of Shammai

It is not uncommon for modern conservative Bible commentators to readily attribute the response of Jesus as siding with the school of Shammai, which taught that divorce cannot lawfully take place except on the basis of sexual indecency. Certainly the Lord’s response is narrower than the rabbis of the school of Hillel who argued that the Law permitted divorce for *any* matter. (Deut. 24:1) If a woman burned her husband’s supper, that too could be a basis for divorce, according to the school of Hillel. But things are not as simple as they appear. Lingering questions remain. What did Jesus mean when He said, ***Whosoever shall put away his wife, except it be for fornication, and shall marry another, committeth adultery: and whoso marrieth her which is put away doth commit adultery.*** (Matt. 19:9) Did the Lord merely side with the school of Shammai without saying anything more about the matter of marriage and divorce? The answer to that is, *No!* The Lord had some definite things to say about marriage in general and divorce and particular. Christ did not simply side with one rabbinic school over another. Consider the evidence.

Reaffirmation of the Fundamentals of Marriage

In His response to the inquiry of the Pharisees the Lord reaffirmed the original design of marriage. He reminds His hearers that God intended marriage to be lifelong and monogamous. Therefore, polygamy, which the Jews still practiced, was not part of the original will of God. Appealing to scripture, the Lord quoted Genesis 1:27 but in so doing added His own divine commentary by inserting the word “two”: *and they twain [two] shall be one flesh.* (Matt. 19:5b) The original Hebrew text does not have the word “two.” By injecting this word into the quotation the Lord was reminding everyone that marriage was made for two people and no more. Then, to underscore this point Christ went on to say that when a couple comes together they are *one flesh* and, *What therefore God hath joined together let not man put asunder.* Nothing could be said more clearly that the divine ideal is for marriage to be between two people for life. (cp. Gen. 2:24; Mark 10:7)

Pressing the Point

Not satisfied with the Lord's initial response, the Pharisees pressed their point as to the lawfulness of divorce for any reason by asking, *Why did Moses then command to give a writing of divorcement, and to put her away?* (Matt. 19:7) Now the Pharisees have gone too far and Jesus calls attention to that fact. Moses did not "command" anything. Divorce was already widely practiced when the Law was given. What Moses did, by divine authority was to regulate the hardness of the human heart by permitting men to divorce their wives. *But from the beginning it was not so.* (Matt. 19:8)

With these words Jesus once more restates the divine ideal but He also concedes that there is a basis for divorce because of the hardness of the heart. What is the basis for divorce? "Fornication." But what is *fornication*? The word is *porneia* in Greek and refers to *sexual indecency*. That is significant. The term does not refer to "indecency" in general nor to "any matter" whatsoever. It is very precise terminology and for that reason the people were shocked when they heard that the Master said the only basis to set the law in motion was if some sort of sexual indecency was found in the spouse. Even the disciples were amazed at this answer. In private they came to the Christ to ask for clarification. *His disciples say unto him, If the case of the man be so with his wife, it is not good to marry.* (Matt. 19:10) Rather than back down on His pronouncement the Lord said unto the disciples, *All men cannot receive this saying, save they to whom it is given. For there are some eunuchs, which were so born from their mother's womb: and there are some eunuchs, which were made eunuchs of men: and there be eunuchs, which have made themselves eunuchs for the kingdom of heaven's sake. He that is able to receive it, let him receive it.* (Matt. 19:11,12) The reason why the disciples were surprised by the Lord's answer to the Pharisee was because it was the general practice and opinion of the culture that any marriage could be terminated at will. If marriages could not be terminated *for any cause* maybe it was better if men did not marry! And Jesus agreed! In fact, He noted that some people might choose to remain celibate for the sake of the gospel. Of course, not all can do that and so most will marry. But the point is established: when asked a specific question about a specific situation, divorce for any cause, Christ said that divorce was not open-ended. There had to be a specific good reason for divorce proceedings.

Did Jesus forbid Divorce?

Care must be taken at this juncture not to read more into the Lord's teaching than is warranted for the teaching of Christ takes place within the whole context of the whole Word of God. The Bible says of itself that *All scripture is given by inspiration of God, and is profitable.* (2 Tim. 3:16) Therefore, the teaching of Christ must not be made to conflict with the teaching of Moses or the teaching of Paul. In other words, it must not be **assumed** that Christ forbade divorce and remarriage. It must not be assumed that the Scriptures have nothing more to say on the topic. They do. What Christ did in the gospels was to regulate divorce and remarriage in accordance with the Law of Moses. The words of the Lord upheld Deuteronomy 24:1. If some sort of sexual indecency (homosexuality, lesbianism, bestiality, pedophilia, exhibitionism etc.) could be proven against a spouse then the motions of the Law could go into effect. If a valid divorce took place there would be the right to remain.

A Summary of the Savior's Teaching on Divorce

From the biblical narrative, it is evident that Christ did not forbid divorce as much as He emphasized the divine ideal that marriage should be lifelong. Jesus did condemn all divorces that were based upon a loose interpretation of Deuteronomy 24:1 offered by the followers of Hillel. In condemning a loose interpretation of the Law, Christ condemned many of the divorces prevalent at that time. He pointed out that individuals were in essence committing a form of adultery. Adultery (Gk. *moiceia, sexual sin with a married person*) could be charged because the previous marriage was not properly dissolved.

The Pharisees were shocked as were the disciples but Jesus did not retract what He had said. Yes, divorce was permitted by Moses, but only because of the hardness of the human heart. Yes, a person who got a divorce on valid grounds was free to remarry. No, divorce is not the divine ideal. Marriage was designed by God to last for a lifetime between two people. However, divorce is not sinful. If it were, then Jeremiah would not have mentioned that God divorced Israel. (Mal. 2:14) No, divorce is the divine solution to human sin and weakness. Divorce is not sin. Rather, the sin is in the hardness of the heart leading to the legal proceedings. If Deuteronomy 24:1 is appealed to as the basis of divorce then there must be some sort of sexual uncleanness. If there no sexual uncleanness then Deuteronomy 24:1 cannot be used to justify a divorce for *any cause*.

A Call for Caution

Care must be taken that the 'exception clause' not be unduly pressed so that it comes into conflict with other passages that teach on the subject of divorce and remarriage. Specifically, the 'Pauline exception' (as it has come to be called) in 1 Corinthians 7 allows a non-Christian to divorce a Christian with the believer being free to re-marry, but only in the Lord. If the teaching of Jesus is restricted to one reason for divorce, adultery, then there is conflict between Paul and Christ.

A Legitimate New Question

Having asked their question about the lawfulness of divorce *for any cause*, the Pharisees ended their questioning of the Lord. They had their answer regarding Deuteronomy 24:1. However, another legitimate inquiry does arise. A new question comes, not from the Pharisees of old, but from members of the body of Christ today. The question of concern is this. *If Jesus upheld a valid divorce and remarriage based upon Deuteronomy 24:1 while reminding people of the divine ideal concerning matrimony, are there other grounds for divorce and remarriage mentioned in Scripture that the Lord might have upheld if asked about?* Without being presumptuous the answer is a simple, *Yes!* and for good reason.

The Bible teaches that the Lord did not come to destroy the Law but to fulfill it. (Matt. 5:17) Now the Law provided three other bases for a valid divorce to take place other than sexual indecency. With a valid divorce came the right to remarry. The three provisions are found in Exodus 21:10,11. *If he take him another wife [in an act of polygamy]; her food, her raiment, and her duty of marriage, shall he not diminish. [I.e. board and bed] And if he do not these three unto her, then shall she go out free without money. [I.e. a dowry repayment]*

Rabbinic Interpretation of Exodus 21

Based on this passage the rabbis taught that a man had three basic obligations to his wife: to provide her with food, clothing, and intimate affection. If these things were not fulfilled, then a valid divorce could take place with the freedom to remarry. The Jews were not trying to read more into a passage than was warranted, but they did search for general principles on which to base their

daily decisions. Exodus 21:10,11 offered general principles of personal conduct within marriage because it is the only passage in the Old Testament which supplies specific details on this matter. So, all total, when Exodus 21:10,11 was united with Deuteronomy 24:1, there were forth *four* duties within marriage: sexual fidelity, sufficient food, decent clothing, and appropriate physical affection.

The New Testament Interprets the Old Testament

When Jesus taught on divorce He did so in a response to a specific question raised about Deuteronomy 24:1. When Jesus taught about divorce He upheld the validity of a divorce—with the right to remarry—provided that a *valid* reason was provided in the form of sexual indecency (*porneia*). But there is more to be learned about biblical divorce and remarriage from the apostle Paul who had to deal with the subject because of issues within the Church in Corinth. As will be discovered, Paul reaffirmed the provisions of Exodus 21:10,11 in solving the problems at Corinth. The apostle appealed to the Old Testament principles to guide the New Testament expression of the Church. Realizing this bring harmony to the Scriptures as it broadens the average Christian's understanding of the grace of God in a Post Paradise Period regarding the human tragedy of divorce.

A Crisis in Corinth

Paul's teaching on marital problems arose because of a social crisis within the local assembly of saints in the city of Corinth. Chapter 7 of 1 Corinthians begins with a quotation from a letter Paul had received from someone within the Church. *Now concerning the things whereof ye wrote unto me: It is good for a man not to touch a woman.* The word for "touch" in this passage is a euphemism for sexual intercourse. Apparently, some Christians at Corinth had come to believe that sex within the bonds of holy matrimony was something to be avoided. As a result of such thinking, some of them were refusing to be intimate with their spouses and others were getting divorced in order to avoid sex. The apostle condemns both of these practices, which may have arisen because of the unhealthy influence from certain religious groups.

- ❖ There were the priests of Artemis who had themselves castrated while the priestesses remained virgins.
- ❖ There were the Pharisees who engaged in discussions about the appropriate time to cease from sex. (*Mishnah Yebamoth* 6.6)
- ❖ There were Greek Gnostics in Corinth who avoided sex and fasted on a regular basis in order to demonstrate their rejection of the physical world for the spiritual. It is possible that some Christians were enamored by such religious zeal and sought to bring the philosophy and practice of the Gnostics into the assembly.

In contrast to these overzealous religious groups, Paul believed legitimate sex was to be a vital part of healthy matrimony. He did not encourage a suppression of natural sexual desires but an expression of them within marriage. (cp. Prov. 5:18f)

The Sanctification of Sex

Conceding that a state of celibacy would be good in order to advance the work of the gospel freely (1 Cor. 7:32-35) in an hour of danger (1 Cor. 7:26), Paul does counsel marriage in order to avoid fornication. *Let every man have his own wife, and let every woman have her own husband.* (1 Cor. 7:2) Paul continues. Within the marriage relationship, *Let the husband render unto the wife due benevolence: and like wise also the wife unto the husband.* (1 Cor. 7:3) In plain language, spouses are not supposed to withhold physical affection from each other. The Law of God (Ex. 21:10, 11) and the Law of Nature agree. *The wife hath not power of her own body, but the husband: and likewise also the husband hath not power of his own body, but the wife.* (1 Cor. 7:4) Because this is true, there is to be long term acts of physical separation unless there is mutual consent for spiritual activity. (1 Cor. 7:5) But even when there is mutual consent, there is to be a return to the bedroom *that Satan tempt you not for your incontinency.* (1 Cor. 7:6) Paul felt that his counsel was wise, even though it had not been commanded by any specific teaching of Christ. In fact, if the truth were told, Paul felt that a state of celibacy was preferable, in order to labor more diligently for the Lord who return was near. (1 Cor. 7:29-31) Nevertheless, *every man hath his proper gift of God, one after this manner, and another after that.* (1 Cor. 7:7) In like manner, to the unmarried and to the widows, the apostle counsels marriage if the gift of celibacy is not present. (1 Cor. 7:8,9) It is better to marry than to burn with unsatisfied sensual longings. Wives in particular are to remember that and return to their husbands. (1 Cor. 7:10) It is the will of the Lord.

However, if a married woman does depart from her husband in order to avoid sexual contact, she is to remain unmarried, or be reconciled to her husband. (1 Cor. 7:11) *And let not the husband put away his wife.* (1 Cor. 7:11b) The reason is obvious. Christians are to be reconciled. Christians are to love each other. And Christian spouses are to love each other intimately. It is true that the Law would have allowed a divorce on the basis of depravation of affection (Ex. 21:10,11) but the option of divorce need not be exploited if the ethics of the gospel are lived out in the home.

A Mixture of Marriages

From the specific situation of Christian spouses defrauding one another sexually, the apostle turns to another situation believing that he has the mind of Christ. (1 Cor. 7:12a) The apostle deals with those situations that involve a marriage of an unbeliever with a believer.

- ❖ The first situation concerned a Christian man married to an unbelieving wife. What should be done? The apostolic answer is this. If the unconverted wife be pleased to dwell with the Christian man in marriage, he is not to *put her away* [divorce her]. Lack of Christian trust is not a ground for a valid divorce. (1 Cor. 7:12) There is something else. It is possible that the Christian husband might lead his unconverted wife to faith. (1 Cor. 7:16)
- ❖ The second situation concerned a Christian wife married to an unconverted husband. If the unconverted husband is pleased to stay married to his Christian wife, she is not to leave him (1 Cor. 7:13) nor is she to avoid sexual relations with him for the children of this union are still holy before God. (1 Cor. 7:14) Besides, it is possible that the testimony of the Christian wife will lead her husband to faith. (1 Cor. 7:16)
- ❖ However, it is possible that the unconverted husband may decide that he wants to leave his Christian wife or an unbelieving wife may decide she wants to leave her Christian husband. Roman law allowed for marital desertion and recognized it as an official form of divorce.

There was no need for any legal proceedings. If a Christian woman found herself being dismissed by a pronounced decree that the marriage was over, what should she do? The answer is straightforward: *If the unbelieving [husband] depart, let him depart.* (1 Cor. 7:15) And if an unbelieving wife decides that she wants to desert [divorce] her Christian husband, then let her go. *A brother or sister is not under bondage in such cases: but God has called us to peace.* (1 Cor. 7:15b)

- ❖ The final situation Paul addresses is set against the dual situation that the return of Christ was near (1 Cor. 7:29) and physical persecution was severe. (1 Cor. 7:26) As the early Church considered the possibility of an imminent return of the Lord amidst persecution, it affected the thinking of the saints in various ways. Some people who were married thought it might be better to prepare for the Lord's return by being single. Others who were unmarried thought that the best preparation for the end was to go ahead and get married as soon as possible. Paul counsel was practical: *Art thou bound unto a wife? Seek not to be loosed. Art thou loosed from a wife? Seek not a wife. But if thou [the latter] marry, thou hath not sinned and if a virgin marry, she hath not sinned.* (1 Cor. 7:27,28) Marriage might bring its own pressure points (1 Cor. 7:28) but they need not be mentioned at the moment.

The Urgency of the Hour

Having discussed sexual depravation, having given practical counsel concerning desertion by a marriage partner—let them go in peace—, having suggest that a *status quo* would be practical during days of persecution, the apostle returns to a sense of urgency that the return of the Lord was to be realized in the near future. Because time was short final preparations were to take place. (1 Cor. 7:29-31)

By saying what he did, Paul did not mean to alarm anyone. (1 Cor. 7:32, 35) He was simply stating the obvious, especially in the sphere of marriage. The unmarried Christian is able to concentrate on the service of the Lord in a way that the married man cannot. (1 Cor. 7:32,33) Likewise, a married woman is unable to concentrate on the Lord's work in the same way that a virgin or an unmarried woman can. (1 Cor. 7:34) Nevertheless, despite the persecution and despite the soon coming of Christ, marriages are permissible. There is no sin. (1 Cor. 7:36-39) Finally, if a woman's husband dies and she finds herself free to remarry, she might do so, but only in the Lord. (1 Cor. 7:39,40) One gets the feeling that Paul wishes she would not.

A Summary of St. Paul's Teaching

What does all of this mean? First and foremost it means that Paul had a high view of marriage despite the fact that divorce was rampant in Jewish, Greek, and Roman culture. It was said with humor that *Women count the years not by the consuls but by their husbands.* (*Seneca de Beneficiis* 3:16.2) Paul did not want women to *depart* [*chorizo*, lit. *to place room between or, divorce* cp. Mark 10:12], nor did Paul want the husband to *put away his wife* [*aphiemi*, lit. *dismiss, send away*, i.e., *divorce*]. (1 Cor. 7:10,11 cp. Mark 10:11) Like Christ, Paul stressed that marriage is for a lifetime, even when Christians are married to non-Christians. (1 Cor. 7:10-14) Those who had simply walked out on their spouse, for even for spiritual reasons, were to remain unmarried and seek reconciliation, which is the great purpose of personal redemption. (2 Cor. 5:8)

Second, Paul held a high view of conjugal fidelity. Christians who wanted to refrain from sexual relations with their spouses in the name of spirituality were forbidden to do that. Neither should they divorce their spouses in order to seek a state of celibacy. It would be inappropriate to use the Law in such a manner.

However, Paul was realistic. If a non-Christian did not want to remain married to a Christian, the resultant divorce should go uncontested. God has called His people to peace. (1 Cor. 7:15) The divorce was valid under the cultural law and there was freedom to remarry for *A brother or sister is not under bondage in such cases*. The victim of desertion is in a different category than the Christian who deserted their spouse. Paul could not tell a person who had been divorced by desertion to seek reconciliation because under Roman law there was nothing to effect reconciliation with. The divorce was already considered complete. When that is the case, there is freedom to move on and to remarry. Ideally, the end to a marriage comes with the death of one of the partners. (1 Cor. 7:39; Rom. 7:2)

In all of this, it must be kept in mind that Paul's teaching on divorce and remarriage was not exhaustive. There are many situations that he did not cover because they were not an issue in the Church of Corinth. In 1 Corinthians 7 Paul speaks to those who had, or who were planning to, desert (divorce) their spouse who was not a Christian. Paul forbade that and emphasized that marriage should be for a lifetime. He did concede that if a divorce by desertion took place, there was freedom to remain single or to remarry, but only another Christian.

Practical Application Concerning the end of a Marriage

While not every method for terminating a marriage in Scripture is called divorce, the terminology is convenient as the Church struggles with practical application of proper divorce principles for recognizing the end of a marriage.

- ❖ **Divorce by death.** The most common form of divorce provided for in Scripture is divorce (or permanent separation) by death. (Rom. 7:2; 1 Cor. 7:39) This includes death from both natural causes *and* by legal execution after due process of law. Historically and universally the Church has recognized that the death of a spouse frees the person from that marriage bond with the right to remarry. Likewise, when a spouse has been convicted of a heinous crime for which the Old Testament scriptures prescribe a capital punishment (adultery, homosexuality, pre-meditated murder, abortion, kidnapping etc.), a suggested guiding regulation for the Church might be recognition of freedom from the marriage—if such recognition is sought—even though the civil courts may be negligent in administering divine justice. Of course great care should be given in consideration of this proposal and its practical administration for there are extenuating circumstances. For example, the cursing of a parent and the striking of the same might not mandate a capital punishment penalty since marriage changes that relationship. Then there is the matter of false religion. Under the Old Testament economy there was a justifiable execution of a person for being a wizard, a false prophet, or an apostate. The New Testament teaching allows for the state of marriage to continue between a believer and an unbeliever. Therefore, the clear guidelines of the New Testament should superseded.
- ❖ **Divorce by breach of contract.** Many passages of scriptures viewed marriage as a social contract. Accordingly, marital law carried the obligation to provide food, raiment, and intimacy. (Deut. 24:1; Ex. 21:10,11) Though these provisions were for primarily intended for indentured servants, the rabbis interpreted the Mosaic provisions in principle as being equally applicable to

wives. The apostle Paul referred to this portion of the Law in 1 Corinthians 7:3-5 where a requirement of sexual relations and all due benevolence is specified as a responsibility to be performed within the marriage relationship. By way of application, any desertion of “bed and/or board” was—and still can be—viewed as a form of willful desertion. In such cases, the divorce is not to be contested and there is freedom to remarry for the innocent party.

- ❖ **Divorce by Divine authority.** Because certain types of marriages are inherently sinful, they are invalid and should be broken. This would include marriage within the bounds of certain bloodlines (father/daughter; brother/sister; mother/son etc., note 1 Cor. 5:17).
- ❖ **Divorce by Divine permission.** This view of divorce refers to the single exception clause granted by Jesus as per Matthew 19:9. (cp. Matt. 5:32) Once more, it is important to note that the word the Lord used for *fornication* is *porneia* while the word for adultery is *moicheia*. The distinction is significant for these passages do not say that *fornication equals* adultery. Rather, the Lord taught that marrying a woman who is divorced for invalid reasons or reasons other than *fornication causes* adultery because the basis of marriage is not authentic. In other words, a proper divorce has not taken place. But having said that, it must also be realized that the Lord did recognize a legitimate basis for divorce reflected by the word *fornication*. *Fornication* or *porneia* includes many forms of illicit sexual intercourse.

- In Romans *porneia* is seen as sexual sins in general. (Rom. 1:29)
- In Corinthians *porneia* refers to sex with prostitutes. (1 Cor. 5:1) Also in Corinthians *porneia* refers to the sexual lewdness of mental and social behavior resulting from forced marital abstinence. It is associated with uncleanness and lasciviousness. (1 Cor. 6:13)
- In Galatians *porneia* is associated with the works of the flesh. (Gal. 5:19)
- *Porneia* brings divine judgment. (Rev. 2:21, 22)

Because of the broader usage of the word *porneia*, a better translation of *fornication* in the gospels would be *sexual impurity* or *sexual indecency*. *Porneia* should not be limited to the idea of sexual intercourse outside of the bonds of marriage by the two unmarried people.

The Question of Separation

A viable alternative to divorce for many Christians is the idea of separation. However, today’s legal separation accomplishes nothing. In fact, the modern practice of marital separation works against lasting peace. Differences are not resolved, only avoided. A legal separation mandates the expediter of large sums of money on lawyers, separate dwelling places and all that goes into establishing an independent lifestyle. *In the final analysis separation is nothing more than a mutual decision to dishonor all marriage vows by deserting one another.* When a couple separates, each spouse is consciously refusing material, financial, and emotional support for the other.

No Room for Negotiation

There is one scenario in scripture that prohibits a remarriage between a man and his wife. The supportive text is Deuteronomy 24:1-4. *When a man hath taken a wife, and married her, and it come to pass that she find no favor 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.*

And when she is departed out of his house, she may go and be another man's wife. And if the latter husband hate her, and write her a bill of divorce, and giveth it in her hand, and sendeth her out of his house; or if the latter husband die, which took her to be his wife; Her former husband, which sent her away, may not take her again to be his wife, after that she is defiled; for that is abomination. before the Lord: and thou shalt not cause the land to sin, which the LORD thy God giveth thee for an inheritance.

The Issue of an Illegitimate Divorce

What should leaders in the Church do when individuals get a divorce for non-biblical reasons? Several steps are suggested.

- ❖ Those who wrongfully pursue a divorce apart from biblical grounds must not be excused for what they have done; it is sin. But because it is sin it is forgivable upon confession. *If we confess our sins, He [God] is faithful and just to forgive us our sins, and to cleanse us from all unrighteousness.* (1 John 1:9) Those who have gotten a divorce on non-biblical grounds should be exhorted to repent of what they have done.

Special note. The argument has been set forth that divorces today do not fit into any of the categories which Jesus addressed for the simple reason that today's divorces are settled in a secular court while the Lord spoke of divorces which had gone through the Jewish ecclesiastical based legal system. This argument should not be dismissed too quickly. It is true that the Church has lost jurisdiction over the formal divorce proceedings. It is true that ministers are not involved in the whole process of the divorce proceeding in the same manner that the Jewish rabbis of old were. And it is true that few decisions are left to the Church. The Church still has the authority to (1) to administer Church discipline to those who transgress the policies and practices of the local assembly and (2) the Church has the authority to decide whether or not to perform a re-marriage for those who have been divorced. (3) The Church has the discretion to recognize the decisions of the secular court—which is precisely the point. Jesus says nothing about divorces that have been processed through a secular court because that was not an issue during His day. When Paul faced the situation of secular divorces he gave a clear ruling: the opinion of the secular court was to be honored. When Rome decreed that divorce by desertion could take place, Paul held that decision to be valid and binding and the Christian was free to remarry.

- ❖ Those who wrongfully divorce should seek reconciliation with their former spouse and remain unmarried until that is accomplished, if possible. Realistically, in the major of cases, it will not be possible to be reconciled to one's spouse following a divorce. Nevertheless, an attempt should be made to right as much wrong as one can and in as many areas as possible.
- ❖ There should be a refusal to indiscriminately remarry individuals who have been divorced. Careful consideration should be given to every request for marriage, but extra care is demanded in those situations involving a remarriage. Ultimately, a judgmental call will have to be made by the pastor. Difficult tasks cannot be avoided if the minister of the gospel is to work with individuals in a fallen world. The Bible calls upon Christians to judge righteously and with compassion, not legalistically or self-righteously. *Judge not according to the appearance, but judge righteous judgment.* (John 7:39) It would be easy for a local Church to establish a marital

standard so high that no one would ever be remarried by the minister who has been divorced, but such a standard would do nothing to solving the long term consequences of divorce nor would it help to right any wrongs that have accrued. It is far better to realize that divorce is not the unpardonable sin. Nor is divorce itself a sin. The real sin is in the breakable of the marriage vows. Divorce is a divine remedy to human agony.

After the Fall

- ❖ Because the divorce (legal) procedure itself is not necessarily sinful, the Church can play a role in helping couples be reconciled even while they are in the process of finalizing their legal recourses. *God hath called us to peace.* (1 Cor. 7:15)

- ❖ The Church can and should receive the divorced into the fellowship for no sin is too great for the grace of God. Certainly, those who have been divorced prior to salvation come into the Church no longer linked to their sin. Those who have been divorced after salvation should also enjoy Church forgiveness and acceptance based upon repentance. By having a gracious attitude towards individuals who have fallen into sin and been divorced the Church is not condoning broken marriages any more than Christ validated the lifestyle of the publicans and sinners when He engaged in fellowship with them. By His presence in the midst of men and women of known sin, the Lord called individuals to Himself and to a better way of life. The Lord did this, not by denunciation but by demonstration of divine goodness. *But go ye and learn what that meaneth, I will have mercy, and not sacrifice: for I am not come to call the righteous, but sinners to repentance.* (Matt. 9:10-13) It has been said that the Church is to be a hospital for sinners, not a museum for saints.

- ❖ Preventive measures can be and should be taken to reduce and eliminate more divorces in other marriages but especially within the body of Christ. The local assembly has a holy obligation to teach on courtship, marriage, and the home. Life experiences must be explored. Questions must be raised as to how time will be spent and what attitudes towards money will be expressed. Childhood experiences must be shared. Attitude towards sex and role-playing is to be brought out. Because many couples do not talk about serious matters in depth during the dating period, there are any number of surprises after marriage—and bitter disappointment. The Church can help prepare people for marriage through the gift of teaching. In the process of teaching, the Church must reaffirm over and over again the biblical principles which undergird marriage: faithfulness, emotional support, material support, and the honoring of one's vows before God and man to "love, honor, and cherish" their partner until by death they do part.

If a Remarriage is Performed

If and when a remarriage is performed for a penitent person, wrongly divorced, some pertinent questions would be proper.

- Have you asked the Lord to forgive you for your part in the events leading up to the divorce?
- Have you sought forgiveness from those whom you have been hurt?
- Have you made every effort to be reconciled to others where possible?
- Have you made every effort to right all wrongs within your power?
- Have you assumed and fulfilled all legal obligations to the best of your ability?

Where Sin Abounds

Though divorce is allowed by Christ and by the apostle Paul under certain conditions, and though divorce is regulated by the Law of Moses and the ethics of the kingdom of God, it is not mandatory. Many spouses have found the inner strength and the grace of God to forgive those who have sinned grievously against them by sexual unfaithfulness and multiple acts of cruelty. Given the condition of the human heart and its natural depravity (Jer. 17:9) the amazing thing is that there are not *more* divorces than are currently registered. The ethics of the Christian faith have gone a long way in minimizing the divorce rate for Jesus taught His followers to avoid lust outside of marriage (Matt. 5:27,28) and to be long-suffering. (Matt. 5:38-41)

Hurting Hearts

There is a final word to be said on this whole matter under discussion and it deals with a misconception by many that marriage is trivialized by divorce and is somehow an easy and cavalier process. No doubt, for some, putting away their spouse may be an easy thing. However, the reality, for most people who have traveled the treacherous road of divorce, is that the whole experience is one of the most traumatic and agonizing processes that a person can ever endure in life. The average heart cannot help but *hurt* and *hurt deeply* when romantic hopes and dreams are shattered, children are made to choose between parents or become the object of verbal battles, property has to be divided, court costs have to be paid, normal daily routines have to be reconstructed—and a multitude of other details have to be dealt with. Though every divorce is the result of sin there is still much pain and sorry and agony that grips the soul.

Very few people know about the sleepless nights, the anxious moments, the unspoken fears and secret shames those in a failed marriage experience. The moment of remarriage, if and when that happens, gives a false impression to others that “everything is all right” and “the future looks bright!” Not at all. Every divorce has far reaching effects that will overshadow any and all new relationships. Once a person is divorced they are never the same again. Something has been lost. Something has been ripped apart. Something has been torn out of the body and spirit. The initial intimacy has been violated and the sin that caused that violation is visited upon others.

Unless a person has been divorced or been close to someone who has, it might be difficult to appreciate the wretchedness that the process brings—and that is not bad. Divorce should not be easy. In His infinite wisdom God has built into the natural universe not only moral laws but penalties and natural pain when His divine ideals are not realized. When the principles of marriage are perverted, when faithfulness is not honored, when emotional support is withdrawn, when material support ceases, when physical cruelty replaces promises of tenderness, when physical neglect is obvious, when emotional cruelty causes the heart to cry out in protest, when desertion becomes the determination of the hardened heart then divorce really does become a divine solution to hurting hearts. And with a valid basis for divorces, there is freedom to remarry.

Twenty-five Reasons NOT to Divorce

Realizing that divorce is a Divine solution to the agony of the heart does not mean that the divorce process is to be rushed into. Divorce is only to be utilized as the *last* recourse when all efforts at reconciliation have failed to produce harmony in the home. Multitudes could testify to the validity of the following.

1. Divorce is a violation of the perfect will of God.
2. Divorce is man putting asunder what God said should not be done.
3. Divorce is a ripping apart of two souls and two lives.
4. If there are children, they will be profoundly affected by divorce all the days of their lives.
5. The process of divorce brings out the worse in people. In order to gain legal advantages one spouse has to trash the other.
6. Divorce causes the darkest thoughts of the human heart to surface: jealousy, bitterness, envy, lust, sarcasm, self-righteousness, and self-justification.
7. Divorce induces self-loathing and hatred of other.
8. Divorce forces children to choose one parent over another—time after time after time.
9. Divorce depletes financial resources. Often, the woman suffers the most financially.
10. Divorce fails to set a proper role model for children in handling adult conflict.
11. Divorce is a violation of the vows made before God and man.
12. God hates the sins that lead to divorce.
13. Divorce is physically stressful. It induces any number of disorders needing medical treatment.
14. Often divorce leads to physical acts of violence even if there was not violence prior to the separation.
15. Divorce destroys the divine order of the family.
16. The divorce a couple disrupts not only their relationship but that of many others as sides are taken by family and friends.
17. Divorce places unnatural burdens on each parent to play roles they are not prepared for.
18. Divorce is a nightmare from which many never recover.
19. In many places, divorce places a social stigma upon one's personal and professional life.
20. During the process of divorce, there is daily tension and stress that can become unbearable.
21. A traumatic and disruptive childhood filled with verbal violence and insecurity cause many adults to have relationship problems without realizing the historical connection.
22. Divorce paves the way for remarriages with all of the problems of blending families.
23. Many people who divorce too quickly discover they have made a mistake. Sometimes reconciliation is possible in such instances and even a remarriage.
24. During the divorce process, people will be tempted to use harsh and even profane language not normally used.
25. Divorce causes unspeakable personal grief, lonely nights, and the shattering of hopes and dreams.

A Pastoral Prayer

For those who might be reading this work and are thinking about getting a divorce, my prayer is that you will think again and ask God for much grace to endure what surely must be a terrible time. You can hope that good will come through long-suffering. Perhaps it will be your testimony with the Psalmist, *weeping may endure for a night, but joy cometh in the morning.* (Psa. 30:5)

For those who have been divorced, the past is over. Whatever sins the Holy Spirit brings to mind, confess them. (1 John 1:9) If there is some act of reconciliation that can take place, pursue it. (1 Pet. 3:11) But in all things remember that, *the blood of Jesus Christ, his Son, cleanseth us from all sin.*

Appendixes

The Usual Jewish Form of a Divorce Decree

The Relation of the Believer to the Law in Romans 7

The End of a Marriage in 1 Corinthians 7:39

The Doctrine of Capital Punishment

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The Usual Jewish Form of a Divorce Decree

On the-- day of the week-- in the month-- in the year-- from the beginning of the world, according to the common computation in the province of-- I-- the son of-- by whatever name I may be known, of the town of-- with entire consent of mind, and without any constraint, have divorced, dismissed and expelled thee-- daughter of-- by whatever name thou art called, of the town who hast been my wife hitherto; But now I have dismissed thee-- the daughter of-- by whatever name thou art called, of the town of-- so as to be free at thy own disposal, to marry whomsoever thou pleasest, without hindrance from anyone, from this day for ever. Thou art therefore free for anyone who would marry thee. Let this be thy bill of divorce from me, a writing of separation and expulsion, according to the Law of Moses and Israel.

_____, the son of _____, witness
_____, the son of _____, witness

The Relation of the Believer to the Law in Romans 7

1. In Romans 7:2f the apostle is anxious to show the enslavement of individuals to the Law. In order to personify his point of concern, Paul appropriates the concept of a marriage covenant and death to illustrate the Mosaic Law and death with Christ and what the practical effect would be.
2. The apostle begins his argument by pointing out that the Law controls a person as long as that individual is alive. For example, according to the Law, a married woman is bound to her living husband. However, if her husband were dead, she would be free from the Law and could be remarried without any social penalty.
3. Now, if a woman did become the wife of another man [without a valid divorce and apart from his dying] she would be called an adulteress. Of course, if her husband died, she would be free from this regulation of the Law and would not be an adulteress if she became the wife of another man.
4. Paul's spiritual point becomes clear. The Jewish Christians were "married" to their husband—the Law. They had promised to honor and obey the Law. Then came Christ. The heart of the Christian longs to be with Him. But what about this relationship to the Law? Something must happen to the Law in order to free the Christian to be related to another in an intimate way. But the Law will not die! It cannot die! What is to be done? The suggestion comes that the Christian

die! In the act of dying comes spiritual freedom to be “married” to Another, even Jesus Christ the Lord.

5. The religious imagery and spiritual suggestion is not as outlandish as it might seem because, in the sight of God, by virtue of the death of Christ at Calvary, the Christian has *already* died a spiritual death. By faith, the Christian unites himself with the experience of Christ on the Cross so that the Old Man dies. Now there is freedom from the Old Covenant. Now there is new life by virtue of the resurrection with the freedom to unite with the Lord according to the terms of the New Covenant.
6. By using a familiar marital relationship, Paul was able to illustrate in a vivid way that bondage to the Old Covenant (the Old Husband) is broken through death thereby providing a legal way spiritually to be united to Christ.
7. The fact that Paul speaks of marriage ending by a death, does not negate the fact that a marriage can end in some other manner, such as divorce. It just means that in this illustration the Christian (personified by the woman) has no legal grounds to demand a divorce from her husband (the Law) because the Law keeps the marital obligations to the letter. The only hope of a divorce [or permanent separation] with freedom to be with Another lies in the marriage ending by death.
8. Of course, in the real world, not all husbands fulfill their marital obligations and so marriages end by divorce as well as by death.
9. It is important to keep in mind while studying Romans 7 that the issue of divorce is not taught. Divorce is neither considered nor condemned. Paul’s only desire is to illustrate the relationship of the believer with the Old and New Covenant. He is not teaching on the topic of divorce and re-marriage. Therefore, according to the rules of interpretation, a passage should not be taken out of context to teach something it was not meant to teach.

The End of a Marriage: 1 Corinthians 7:39

1. In conjunction with Romans 7:2f, 1 Corinthians 7:39 is often used to teach that marriage can only end by death.
2. It is true that Paul teaches that *a woman is bound by the law as long as her husband liveth*. The point is uncontested. However, Paul does not say that marriage can *only* end by the death of a spouse. That is reading too much into the passage all the while neglecting other Scripture which teaches on the subject of divorce and remarriage.
3. In context, Paul is simply addressing those individuals who are free to marry as a result of the death of their spouse. He has already addressed other marital situations in the chapter.

4. Actually, while addressing those who are widowed and so have the right to remarry because their husbands are dead, Paul quotes the standard divorce certificate (*Mishnah Gittin 9.3*) in order to show that the widow has the same freedom as a divorced woman. *She is at liberty to be married to whom she will.* The only addition is that the Christian widow must marry a Christian man.

The Doctrine of Capital Punishment

1. Under the Mosaic Law the death penalty was administered for at least twenty-one reasons.

A. Premeditated murder	Gen. 9:5,6; Num. 35:16-21,30,33; Deut. 17:6
B. Adultery	Lev. 20:10; Deut. 22:24
C. Incest	Lev. 20:11,12,14
D. Bestiality	Ex. 22:19; Lev. 20:15,16
E. Sodomy (Homosexuality)	Lev. 18:22; 20:13
F. Certain forms of promiscuity	Deut. 22:21-24
G. Rape of a betrothed virgin	Deut. 22:25
H. Perjury	Zech. 5:4
I. Kidnapping	Ex. 21:16; Deut. 24:7
J. Upon a priest's daughter who committed fornication	Lev. 21:9
K. Witchcraft	Ex. 22:18
L. Offering human sacrifices	Lev. 20:2-5
M. Striking a parent	Ex. 21:15,17
N. Disobedience to parents	Deut. 21:18-21
O. Stealing	Zech. 5:3,4
P. Blasphemy	Lev. 24:11-14, 16, 23
Q. Violation of the Sabbath	Ex. 35:2; Num. 15:32-36
R. False prophesies	Deut. 13:1-10
S. Sacrificing to false gods	Ex. 22:20
T. Refusing to abide by legal decisions	Deut. 17:12
U. Treason	1 Kin. 2:25; Est. 2:23

2. The modes of execution varied.

A. Burning	Gen. 38:24; Lev. 20:14; 21:9; Jer. 29:22; Ezek. 23:25; Dan. 3:19-23
B. Stoning	Lev. 20:2,27; 24:14; Num. 14:10; 15:33-36; Deut. 13:10; 17:5; 22:21,24; Josh. 7:25; 1 Kin. 21:10; Ezek. 16:40
C. Hanging	Gen. 40:22; Deut. 21:22,23; Josh. 8:29

3. Minor offenses were punishable in less severe ways.

A. Scouring	Lev. 19:20; Deut. 22:18; 25:2,3; Prov. 17:10; 19:29; 20:30
B. Imprisonment	Gen. 39:20,40
C. Confinement within a given area	1 Kings 2:26,36-38

4. The administration of ultimate divine and social justice was to be done by the witnesses (Deut. 13:9; 17:7) or by the congregation. (Num. 15:35,36; Deut. 13:9)
5. Capital punishment could not be inflicted except on the testimony of two or more witnesses. (Num. 35:30; Deut. 17:6; 19:15)
6. The principle under-girding the administration of punishment is that individuals are accountable and will be dealt with according to their deeds. (Job 34:11; Psa. 62:12; Prov. 12:14; 24:12; Isa. 59:18; Jer. 17:10; Ezek. 7:3, 27; 16:59; 39:24; Zech. 1:6)
7. Sometimes the administration of a just form of punishment is delayed or reserved for a future time. (Psa. 50:21; 55:19; Prov. 1:24; Eccl. 8:11-13; Hab. 1:2)
8. The primary purpose of punishment is to secure righteous obedience and to administer a just penalty in payment for personal transgressions. (Gen. 2:17; Ex. 20:3; Lev. 26:14-39; Deut. 13:10,11; 21:21; Prov. 19:25; 21:11; 26:3)
9. There will be no escape from divine justice. (Job 11:20; Prov. 1:24-31; 11:21; 16:5; 29:1; Jer. 11:11; 15:1; 25:28, 29; Amos 2:14; Zeph. 1:18)
10. The worse form of divine punishment is eternal in nature. (Isa. 34:8-10; Dan. 12:2 cp. Matt. 3:12; 10:28; 18:8; 25:41; 3:29; Luke 3:17; John 5:29; Heb. 6:2; 10:28-31; Rev. 14:10,11; 19:3; 20:10)