

On Divorce and Remarriage: A Brief Treatment of Important Biblical Texts

Despite most evangelical teaching, this paper suggests that both Jesus and Paul permitted divorce under certain conditions. The following brief study will address important questions that are not typically taken into account on a more traditional view and challenge that view where necessary. Due to the sensitive nature of the topic, it is strongly suggested that prayerful and reflective biblical consideration be given to this study before reaching any conclusions about one's own circumstances.

Why Has Remarriage Traditionally Been Understood As Adultery?

Prohibition against remarriage rests on two main arguments:

- Marriage is permanent.
- Divorce does not dissolve the original marriage, hence subsequent remarriages are adulterous.

It is important, at the outset, to define "marriage" and "adultery." Marriage is a bilateral covenant/contract/agreement/commitment between two persons to uphold their end of the contract. It entails three bonds or unions between the man and woman.

- Moral bond = the relationship of unconditional love and life-long commitment to the opposite partner. This is the metaphysical relationship between a man and woman. In Jewish culture it occurs at the betrothal stage. A biblical example would be Joseph who is said to want to divorce Mary while still pledged to be married (Mt. 1:18-19).
- Legal/Social bond = the public ceremony that was officiated by community elders/certified licensed officials.
- Sexual/One-flesh bond = the sexual union between man and woman. It is not some mystical union whereby the identity of one covenant member becomes lost in the other.

Adultery is marital unfaithfulness. This may or may not take the form of sexual unfaithfulness. Hence, there is sexual and non-sexual adultery. Physical abuse, for example, is a form of non-sexual adultery (see, Ex. 21:10 for essential responsibilities of the husband). Jer. 3:1-10 is an example of non-sexual adultery where Israel commits adultery against God by worshipping idols.

What Does "one flesh" Mean?

The expression, "one flesh" is used nowhere else in the Old Testament except Gen. 2:24. It is used in the New Testament in three places (Mt.19:5; 1 Cor. 6:16; Eph. 5:31).

- **1 Cor. 6:16** – if "one flesh" is synonymous with the marriage bond, then how do we explain Paul's use of it as a sexual bond outside of marriage? In this passage, "one flesh" was intended to be used to constitute the illegitimate physical union between a man and a woman, hence Paul's command to "flee immorality" (1 Cor. 6:18). Being physically united to another without a commitment to that person is considered treason in God's moral order.
- **Mt. 19:5, 6** – Jesus quotes Gen. 2:24. He explains "one flesh" constitutes a social unit that ought not be broken. But, if the marriage ought not be broken, this implies that it could. It is possible for the bond, moral, legal, and physical, to be broken. Therefore, there is nothing intrinsically permanent to the marriage covenant itself. The permanence is one of intent, not of fact.
- **Eph. 5:31** – Paul cites Gen. 2:24 in the context of the Church's relationship with Christ and the husband's relationship with his wife. Just as Christ cares for his Church, so too the husband is to care for his wife. The union between the husband and wife is similar to the union between Christ and his Church, but it is not the same. For example, there is no explicit

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indication in the analogy regarding the duration of the union. Dissimilarities in the analogy include:

1. The husband is not the savior of the wife
2. The husband is not the sanctifier of the wife
3. The union between Christ and the Church is unilateral (conditioned upon one party, viz., God), whereas the union between husband and wife is bilateral (conditioned upon two parties).

Therefore, an analogy should never be used to illustrate more than one point. In this text, Paul is simply saying that the husband must sacrificially love his wife just as Christ sacrificially loved the Church. That Paul goes on to expound a bit on Christ and the Church is due to his high Christology. He's not intending to teach more than one point to the husband.

Does "cleave" (NASB) or "united" (NIV) Imply Permanence?

Some (J. Carl Laney, *The Divorce Myth*, 1981 and Paul E. Steele and Charles C. Ryrie, *Meant to Last*, 1983) suggest this term, as used in the OT, implies permanence. However, consider the following:

- Regarding "cleaving": The word is used of dirt clods sticking together in the rain (Job 38:38) and of Israel's alliance with the people of Canaan (Josh. 23:12). In Job, the point is not to demonstrate the permanence of dirt clods but the mighty acts of God in designing weather patterns. So, it's a major leap to go from mud to marriage! Joshua actually indicates that the alliance is not permanent. The context is prohibiting alliances with pagan nations. And the history of Israel clearly shows that this prohibition was not heeded. Did God see these alliances as permanent? Obviously not. The prophets, who are inspired by God, are continually calling Israel to break off such cleavings and return to God. Here is a case where cleaving is immoral and leaving is the order of the day!
- **In Mt. 19:5, 6** – Jesus is stressing the importance of men keeping their end of the bargain in the marriage covenant. Jesus never said it was impossible for the covenant to be broken. He only addresses the morality of keeping the covenant, not its duration. That a marriage ought to be life-long is not the same as saying it is life-long.
- **1 Cor. 6:16** – Paul admonishes the Corinthian men to break off relationships with temple prostitutes, which necessarily presuppose a temporary relationship. Who, in their right psychological mind, would think of anyone being permanently bound to a sexual partner from their past? Although our therapeutic age may capitalize on such notions, there's no biblical warrant for this whatsoever.

Is the Marriage Relationship Really Permanent?

If the marriage union entails some inseparable, mystical union between two souls that lasts indefinitely, then how do we explain Jesus' teaching in Mk. 12:25 that the marriage union does not extend beyond the grave? Could it be that the marriage union was intended, by design, to be temporary? Life-long and not eternal?

What is lost in a marriage is not individuality but independence. Members of a Christian marriage covenant are two distinct individuals that make up a team or unit who have chosen to live dependently upon each other under the headship of Jesus Christ.

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What About the "Certificate of Divorce" in Deut. 24:1-4?

This passage is explaining an aspect of stealing. The man who has stolen the woman's dignity by illegitimately divorcing her does not have the right to have her back. This passage does *not* say:

- The woman cannot remarry another.
- The first husband cannot remarry someone else.

The divorce legislation of Deut. 24:1-4 falls within a larger pericope beginning at 23:15 and ending at 24:7, in which we find Moses' explication on the 8th commandment (viz., prohibition against stealing). This is not to say that marriage partners are mere property or chattel, but more in the spirit of "belonging" (e.g., SS 2:16). It is possible, therefore, that 24:1-4 is explaining an aspect of stealing whereby the man who has stolen the woman's dignity by illegitimately divorcing her does not have the right to have her back.

Deut. 24:4 could read "since she has been made to declare herself defiled,". Note the reflexive passive form of the Hebrew *Hothpa'el*, possibly meaning that the divorce legislation is a provision for the woman to remarry and she is not responsible for her own defilement. Naturally, the fact that the verb "defiled" is a *hapax legomenon* (one-time occurrence) doesn't help with any type of dogmatic conclusion, but the *Hothpa'el* form with the once-only "defiled" is strange. Could it be that Moses went out of his way to make this verb unusual? Practically speaking, although the stigma of defilement is upon the woman, she may very well be the innocent party in an unjustifiable divorce by the hardness of the man (much in the way that the stigma of a raped woman is more a reflection upon the rapist rather than upon her). Hence, the stigma of defilement (stolen dignity?) in Deut. 24:1-4 does not carry with it the burden of moral guilt upon the woman nor her subsequent remarriage. Therefore, the legislation of divorce in Deut. 24:1-4 could be seen as a provision for the innocent woman, wrongly divorced by her first husband, to remarry (This comports with 1 Cor. 7:15ff.).

Is There a Legitimate Biblical Example of Divorce?

In **Ezra 9-10** we find a kind of spiritual apostasy of God's Remnant who had intermarried with their pagan neighbors. Ezra, taking Shecaniah's counsel, put all of Israel under oath to do "God's will" (10:11) and separate themselves from their foreign (spiritually, that is) wives; the high-level principle being that *intentional interfaith marriages compromise the believer's walk and invites disaster into the kingdom of God* (cf., perhaps 2 Cor. 6:14 for the corresponding NT application). Scripture does have at least one example that presents divorce as an act of obedience. This seriously complicates the equation of the doctrine of divorce and remarriage. In this passage we find that divorce is the morally proper corrective for spiritual apostasy. However, whether this is a precedent to follow is *not* clear and application of Ezra 9-10 is tenuous at best.

Jer. 3:1-10 records a different kind of adultery and divorce. God divorces "faithless Israel" due to her repeated spiritual idolatries, which is tantamount to moral adultery. Hence, Scripture speaks of adultery in a variety of ways: moral, physical, as well as sexual. Obviously, there was no sexual adultery between the Northern Kingdom and its "foreign gods" (v. 13). Rather there was a moral adultery involved, which invoked God's discipline of divorce (v. 8). A spouse can be an adulterer(ess) without being physical with another (see, Mt. 5:28). While Ezra 9-10 (see above) is an instance of divorce as a form of obedience, Jeremiah demonstrates divorce as a form of discipline.

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Is Paul's Teaching Consistent with Jesus' Teaching? Comparing Mt. 5:31-32 & 1 Cor. 7:10-16

When counseling the Corinthian Church, Paul speaks of two kinds of divorce: 1) *Christian couples*, i.e., divorce between two believers (1 Cor. 7:10-11), and 2) *mixed marriages*, i.e., divorce between a believer and unbeliever (1 Cor. 7:12-16). Although Paul does not explicitly say that he is speaking about Christian couples in the first instance (7:10-11), it seems apparent that he has Christian couples in mind. First, he refers to Jesus' teaching ("not I, but the Lord," v. 10), presumably referring to the Sermon (Mt. 5:31-32). If, therefore, some of Paul's teaching on divorce refers to the teaching of Jesus (comp., 1 Cor. 7:10-11 with Mt. 5:31-32), and the Sermon (Mt. 5-7) is primarily referring to those who are pursuing kingdom righteousness (= believers), then the divorce statement in both Mt. 5:31-32 and 1 Cor. 7:10-11 is exclusively referring to Christian couples. In the second instance (divorce between mixed marriages), Paul is careful to say that his instructions come from himself, not the Lord. That is, the teaching on divorce *in the case of mixed couples* has not been expounded by Jesus until Paul.

If it is the case that Jesus' teaching in Mt. 5:32 is addressed exclusively to Christian couples (and this comports with Paul's teaching in 1 Cor. 7:10, 11), then the adulterous situation Jesus refers to in remarriage does not apply to a divorce born out of a mixed marriage. In Mt. 5:31-32 the prohibition to remarry may very well be given to the man who was presumably guilty for illegitimately divorcing his wife.

Moreover, it is *men* whom Jesus condemns for their flippant attitude toward the marriage covenant in Mt. 19:8, 9 (note the masculine pronouns throughout). This is also true in Malachi 2:13-16 where the famous "I hate divorce" statement lives. Does God hate *all* divorce or the the kind being referred to in Malachi where men were notoriously unfaithful to their original wives by divorcing them. In addition, there is a variant reading in Malachi 2:16. It could read "For he [the Israelite husband] has hated, divorced, says the LORD God of Israel, and covered his garment with injustice." The verb "hate" in the Hebrew is not first person ("I hate"), but third person ("he hates;" see the English Standard Version).

Observations from Mt. 5:31-32

- Jesus is addressing Christian couples.
- Jesus allows divorce if a believing spouse is unfaithful to their covenant obligations.
- Jesus does not explicitly say how the remarriage commits adultery.

"Causes her to become an adulterous" (NIV) does not mean the woman is literally an adulteress, but that the improper grounds of the divorce has caused the woman to be stigmatized. In essence, the woman has been framed by the husband. Yet, the intent of Deut. 24:1-4 is to remove the moral stigma of the divorced woman and emphasize the protection of the innocent wife, whereas Mt. 5:31-32 emphasizes the culpability of the divorcing husband.

"Anyone who marries the divorced woman commits adultery" may mean any divorced woman who is not legitimately divorced. The definite article is not in the Greek and may indicate "any" illegitimately divorced woman (see NASB).

If divorce occurs between two believers, Jesus prohibits remarriage of the offending party since that is an adulterous situation. However, neither Jesus nor Paul explicitly say how long the believing divorced spouse is to remain unmarried who is illegitimately divorced. Presuming it is an indefinite period of time (i.e., life-long) is going beyond the biblical text. So too, it is presumptuous to make it merely a matter of weeks or even months before the divorced believer

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is free to remarry. Nevertheless, the timing of remarriage is simply not addressed by Jesus nor Paul.

Additional Questions for Mt. 5:32b

Exactly what breaks the covenant relationship between two people? Is it the remarriage or the unrepentant heart of the unfaithful partner? Isn't it true that the "immorality only occurs because the first wife has been unjustly divorced?" (Luck, *Divorce and Remarriage: Recovering the Biblical View*, 146).

Is the marriage covenant *really* sacred where it cannot be broken under any circumstances? After all, how can adultery be committed against a covenant? In the biblical schema, adultery is committed against persons, not things.

If remarriage by the faithful, innocent spouse adulterizes the original unfaithful spouse, where is the blame laid? According to traditional teaching it is upon the one who remarries. Why? Yet the unfaithful spouse is where the offense is, and hence where the guilt belongs. Why must such a burden be put upon the faithful, innocent spouse when he/she desires to remarry?

Although the woman in Mt. 5:32b may be the same person as in Mt. 5:31-32a, is it possible that it is the same man (if not the same male attitude) remarrying in v. 32b as in vv. 31-32a? If so, then the man is the adulterer many times over.

If the period of time to wait and remarry is not life-long, how long should the innocent divorcee from a mixed marriage remain unmarried?

Summary

How long a believing, divorced spouse is to remain unmarried is not addressed by Jesus nor Paul. To presume it is an indefinite period of time is going beyond the explicit biblical texts. If the period of time for the innocent, Christian divorcee is not life-long, then necessarily he/she is free to remarry. I suspect this is the "freedom" or "peace" Paul speaks to in 1 Cor. 7:15, 16. The believing spouse who was illegitimately divorced is free not only *from* the former marriage bond, but free *to* secure another. Finally, adultery cannot occur unless there is some act of unfaithfulness. Therefore, it is not the remarriage that constitutes adultery, but the breaking of a covenant relationship. The person who breaks faith with their partner becomes the adulterer(ess) and is, therefore, the guilty party (e.g., Jer. 3:1-10).

Potential Implications

- If a divorce is born out of a mixed marriage (believer + unbeliever) and was initiated and consummated by the unbelieving spouse, the believing spouse is free from any covenant obligations to the first marriage and, therefore, free to remarry (1 Cor. 7:15).
- If it is the case that Jesus' teaching in Mt. 5:32 addresses exclusively Christian couples, then Mt. 5:31-32 does not apply to an adulterous situation in a mixed marriage.
- If the moral, legal, and sexual bonds that make up a covenant relationship between husband and wife are severed by an unbelieving spouse, and divorce ensues, then the believing, innocent party is free to remarry.
- Given these conditions, there is no biblical possibility that the remarriage of a believer to another believer constitutes living in an adulterous situation. Since it is true that adultery cannot occur unless there is some act of unfaithfulness, then where is the unfaithfulness when another believer chooses to marry a believing divorcee who was illegitimately put out of their covenant relationship by an unfaithful spouse.

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NOTE: The majority of these findings come from *Divorce and Remarriage: Recovering the Biblical View*, 1987, by William F. Luck. Sadly, this book is no longer in print and a limited number of copies were originally produced by Harper & Row. For an equally important treatment, refer to *Divorce and Remarriage in the Bible: The Social and Literary Context*, by David Instone-Brewer.