

DIVORCE

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by Bill Graham

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DIVORCE

A Study of the Biblical Teaching concerning Divorce

Prepared at the request of Holy Trinity Mothers' Union.

by

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S.A.

Divorce is a subject which is a lively, current issue for debate in our society. It is debated by legal authorities, politicians, churchmen, social workers, and the rank and file of society. Recently our Commonwealth Government revised the laws concerning divorce in our country. Legal experts differ as to their opinions concerning the adequacy and nature of these revisions. Social workers find themselves involved directly with the human problems created by broken homes, deserted families, unhappy marriages and divorce cases. Churchmen make pronouncements about Christian standards regarding divorce and sometimes about the question of the re-marriage of divorcees.

One thing is obvious from a survey of the situation from a Christian point of view. The issues are confused. The average Christian finds it difficult to know what to think about the subject. Some Church leaders and denominations express very rigid views concerning divorce, and especially the re-marriage of divorcees, while others have a liberal attitude on the subject.

In the light of all that has been written and said by experts from the Legal, Sociological, Theological, and Ecclesiastical fields, it would be impertinent for me to offer an authoritative solution to the problem. In this paper my aim is to summarise what seems to me to be the relevant Biblical teaching on divorce, and thus, perhaps, give some help to those who are concerned about the subject from a Christian point of view. As a result of my study, I have arrived at certain conclusions, some of which seem to me to be clear and definite, while others are only offered tentatively.

I. THE OLD TESTAMENT and MARRIAGE.

The Old Testament strongly upholds the sanctity of marriage. From Genesis Chapter 2 and other passages, the following facts seem clear.

1. Marriage was God's creation and was intended to be the normal experience for man and woman.
(G.A.F. Knight, a prominent Old Testament scholar, writes - "In the first place man is not merely male. The true meaning of

the word 'adham (Adam) comprehends both male and female as one (Genesis 1:27; 5:2)" "man, created in the image of God, is to be understood as having the form of a union of male and female." - "the biblical picture of Adam and Eve, however, implies what Martin Buber has taught us to call the 'I/thou' relationship between two equal persons. Yet, in the Biblical view, these two persons are one flesh (Genesis 2:24). That is to say, while man is two, yet he is one. Nay, more. The word 'adham (Adam) comprises the conceptions that man is perhaps at least three before he is fully man. Adam and Eve are not complete in the Biblical story until Adam really 'knew' his wife (Genesis 4:1; 5:3), and a child is born of that knowledge." (A Christian Theology of the Old Testament: S.C.M. pp. 22-25)

2. There is no substitute for the husband-wife relationship.
3. Because male and female are two essential parts of a unity that unity is only realised and completed in marriage.
4. There is no relationship between the fall of man and the institution of the marriage relationship. However, just as the perfection of every other aspect of man's nature has been depraved by the Fall, so, too, has the marriage relationship.
5. Procreation was part of God's original commission to man.
6. Because the harmony of the marriage relationship was disrupted by the Fall, the Old Testament religion gives a prominent place to the safe-guarding of the sanctity of marriage. Carefully legislated laws protect the rights of male and female, parents and children, and husband and wife. Severe penalties were prescribed against transgressors.
7. Provision was made for divorce by this legislation under certain circumstances. The rights of both parties (especially the woman) were carefully protected in those divorce laws.

II. THE OLD TESTAMENT and DIVORCE.

In Matthew 19:8 Jesus says that Moses "suffered" (i.e. allowed) divorce because of the hardness of the people's hearts.

This suggests that Moses did not command divorce, but regulated an existing situation. The form of the divorce law given in Deuteronomy 24:1-4 supports this understanding. The form of

The Septuagint (Greek) version of the Old Testament, the Revised Standard Version of the Old Testament, and the commentators Keiland & Delitzsch, and Driver, among others, all make the word IF extend to the end of Verse 3 in their translation of the Hebrew of Deuteronomy Chapter 24,, and so the legislative section is only Verse 4. Verses 1-3 envisage the situation; verse 4 gives the legal judgment.

1. When a man takes a wife and marries her,
IF then she finds no favour in his eyes because he has found some indecency in her, and he writes her a bill of divorce and puts it in her hand and sends her out of his house and she departs out of his house
2. and -
IF she goes and becomes another man's wife,
3. and the latter husband dislikes her and writes her a bill of divorce and puts it in her hand and sends her out of his house or
IF the latter husband dies, who took her to be his wife
4. THEN her former husband, who sent her away, may not take her again to be his wife, after she has been defiled for that is an abomination before the Lord.

Thus, the Law of Israel "ALLOWED" Divorce. It also ALLOWED the re-marriage of both parties in a divorce, except where they wished to re-marry a previous spouse subsequent to an intervening marriage and divorce.

It is important to notice from this Old Testament passage what are the grounds for divorce mentioned. The husband may divorce his wife "if he has found some indecency in her" (A.V. some uncleanness; R.V. some unclean thing). Literally the phrase is "nakedness or thing". The exact interpretation of this phrase in practice is obscure, and we will return to consider it

when examining the New Testament evidence.

The Old Testament law specifically forbids divorce in two situations:

- (1) Deuteronomy 22:13-19. When a man has falsely accused his wife of pre-marital unfaithfulness.
- (2) Deuteronomy 22:28-29; Exodus 22:16-17. When a man has had relationships with a girl and her father has compelled him to marry her.

Twice in the Old Testament we find that divorce was insisted upon. Both references apply to the Jews who, on return from exile in Babylon, had married pagan wives (Ezra 9, 10; Nehemiah 13:23ff; Malachi 2:10-16).

From the above survey of the Old Testament evidence, two main points relevant to our study arise:

- (1) Divorce was allowed by the Israelite Law;
- (2) Re-marriage of the two parties of a divorce was allowed.

III. THE NEW TESTAMENT and DIVORCE.

In order to understand the New Testament teaching on the subject it is necessary to know something of the contemporary situation against which Jesus spoke and to which the New Testament writers applied His teaching.

William Barclay has given a comprehensive description of this in Volume 1 of his commentary of Matthew, which all are urged to read. The following brief description is substantially drawn from Barclay's work and Edersheim's "Life in the Time of Jesus the Messiah".

At the time of Jesus the world was in danger of witnessing the break up of marriage and the collapse of the home. The situation in 3 distinct cultures must be considered as relevant to our subject.

1. The Jews:

Theoretically the Jews had the highest ideals concerning marriage of all the nations. Divorce was said to be abhorrent to their God (Malachi 2:16). But tragically the Jewish practice fell far short of the fact that the Mosaic legislation defining

the legitimate grounds for divorce were obscure (Deut. 24:1-4). In practice the legal process of divorce among Jews was as follows. The husband must hand his wife a bill of divorcement in the presence of two witnesses. He would state-

"Let this be from me thy writ of divorce and letter of dismissal and deed of liberation, that thou mayest marry whatsoever man thou wilt."

The central problem was how to interpret the phrase "some unclean thing" in Deut. 24:1-4. Two schools of interpretation existed following the Rabbis, Shammai and Hillel respectively.

(1) The School of Shammai. The teaching of this school was strict, severe and austere. Shammai defined 'some unclean thing' as meaning unchastity. 'Lest a wife be as mischievous as the wife of Ahab she cannot be divorced except for adultery.'

(2) The School of Hillel. The teaching of this school was liberal, broad-minded, and generous. Hillel defined 'some unclean thing' in the widest possible terms; e.g. if a wife spoiled her husband's dinner by putting too much salt in the food, if she went in public with her head uncovered, if she talked with men in the street, if she was quarrelsome, if she spoke disrespectfully of her husband's parents in his presence. Rabbi Akiba said - 'if he found a woman whom he considered more attractive than his wife.'

One can easily guess which of the two schools was the most popular. It is reported that in the days of Jesus the situation had deteriorated to such a state that many girls were unwilling to contemplate marriage because it was insecure.

2. The Greeks:

For many hundreds of years Greek culture dominated the entire mediterranean world as a result of the conquest of Alexander. Even the rigidly nationalistic Jews succumbed to a great degree to its influences. In Greek society relationships outside marriage carried no stigma whatsoever and were accepted as the normal thing.

The Greek writer, Demosthenes, declared, 'We have courtesans for the sake of pleasure, we have concubines for the sake of daily cohabitation, we have wives for the purpose of having children legitimately and of having a faithful guardian for all our household affairs.'

From his wife the Greek demanded the most complete moral purity, for himself he demanded the utmost license. The great temple to the Goddess Aphrodite in Corinth boasted 1000 priestesses who were sacred prostitutes and there was a proverb, "Not every man can afford a journey to Corinth". The Greek social system became based on relationships outside marriage. Divorce required no legal process whatsoever; all a man needed to do was to dismiss his wife in the presence of two witnesses and return to her dowry.

3. The Romans:

The history of marriage among the Romans is a tragedy. Traditionally Roman religion and society was based on the household. The father retained supreme authority till he died even though his son may rise to a higher position. The Latin Jurist Modestino said "Marriage is a life-long fellowship of all divine and human rights." Prostitution was held in contempt. During the first 500 years of the Roman Commonwealth there was not one single recorded case of divorce. The first record of a divorce dates from the year 234 BC when one Spurius Carvilius Ruga divorced his wife because she was childless.

Rome, of course, conquered Greece eventually by military power but morally and socially Greece conquered Rome, and by the 2nd Century BC Greek morals began to infiltrate Rome. Divorce became as common as marriage. Seneca writes of women who identified the years, not by the usual method - the names of the consuls, but by the names of their husbands. Marriage became little more than an unfortunate necessity. Eventually, special taxes were levied on unmarried men and the unmarried were prohibited from entering into inheritances. Laws had to be manipulated to rescue the very necessary institution of marriage.

This, then, was the state of contemporary culture in the days of Jesus as regards marriage and divorce. This was the context in which Jesus and His Apostles spoke and made their statements concerning the Christian standards of marriage and divorce. With all this in mind, let us turn to what Jesus and His Apostles taught.

1. Jesus: The first word concerning divorce recorded in the New Testament is found in Matthew 5:31-32; "It was said also,

Whosoever shall put away his wife let him give her a writing of divorcement: but I say unto you, that every one that putteth away his wife, saving for the cause of fornication, maketh her an adulteress: and whosoever shall marry her when she is put away committeth adultery."

It needs to be remembered that this whole section (the Sermon on the Mount) clearly sets out to contrast the spiritual interpretation and fulfilment of the Old Testament Law as revealed in Christ with the Rabbinic application of the Law expressed in the time of Jesus. Jesus is illustrating what it means 'except your righteousness shall exceed the righteousness of the Scribes and Pharisees.'

In our text Jesus begins by quoting the traditional rabbinic teaching which as far as the letter is concerned agrees with Scripture. However, Jesus, while He is interested in the letter of the law (5:17-20) is more seriously concerned with its spirit. So it is in Verse 32 He claims authority to interpret the Law of Moses ('But I say unto you') and does so. In doing so Jesus refers to the key Old Testament reference Deut. 24:1 which cites as a ground on which a man may divorce his wife if he found in her 'some unclean thing'. Jesus goes on to define 'some unclean thing' in similar terms to the school of Shammai, i.e. unchastity. He declares that if a man divorces his wife for any other reason than unchastity, and she remarries, he shares in her sin of adultery. (Under the social system of the day most women were totally dependent on their husbands, and if widowed or divorced found existence extremely difficult. A younger woman with no children to support her and no relatives to provide for her would be forced to re-marry - Cf. the case of Ruth in the Old Testament, and some would even be forced into a life of prostitution to live). If the husband divorced his wife because of her unchastity he was freed from responsibility to her. From this passage it seems clear that Jesus regards divorce as contrary to the spirit of the Law and only to be considered justified where there has been unchastity. He also seems to speak against a man marrying a divorced woman.

We need to notice that under such circumstances He does not make any statement about sin on the woman's part. She had little say in the whole matter, and if she had been guilty of unchastity

she was at fault already. If she were divorced by her husband for a lesser matter it was primarily him who was responsible for any sin that followed. It is also important to notice that Jesus does not make any direct comment about the unquestioned practice of the man re-marrying.

Some commentators claim that because the clause "saving for the cause of fornication", does not appear in Mark's version that it was not therefore in the original manuscript of Matthew, but was interpolated at a later date by Christians who were influenced by Jewish customs and traditions and the problems of the early Christian Church. From all that I can discover, however, this suggestion must be rejected because

(a) there is no reliable manuscript evidence which really supports the claim. The only support comes from one manuscript of the 5th & 6th centuries. All other earlier manuscripts maintain the clause.

(b) to remove the clause seems to me to miss the whole point that in this passage Jesus is agreeing with the interpretation of the school of Shammai.

The second reference to divorce appears in Matthew 19:3-12 and agrees with and clarifies much of what we have seen in Matthew 5:31-32. The following points should be noticed from this passage -

(1) The matter is raised by the hostile Pharisees who are 'testing Jesus'. They are aiming to force Jesus into conflict with the rabbinical schools, and therefore the current controversy will be the key to interpreting what Jesus says. Perhaps also the fact that this incident takes place in the region of Herod is significant. Herod had executed John largely as a result of John's criticism of Herod's matrimonial adventures. To involve Jesus in such a controversy may prove helpful to the treacherous cause of the enemies of Jesus. All this should lead us to expect that what Jesus says will not be designed primarily as teaching for the disciples but will be necessarily in the form of polemics or apology.

(2) The point of the question asked by the Pharisees is not whether or not divorce was permissible, but what constitutes legitimate grounds for divorce, so they ask, "Is it lawful for a man to put away his wife FOR EVERY CAUSE?" In this way, they

sought to implicate Jesus in the current controversy between the narrow and liberal Rabbinic schools. Incidentally, this phrase is to me strong support for the authenticity of the clause recorded in 5:32 and 19:9, 'except for fornication'.

(3) In His reply, Jesus strongly asserts the sanctity of marriage and the Divine intention that it should be a life-long union, Verses 4-6.

(4) The Pharisees detect in the reply a possible clash between the teaching of Jesus and Moses, and pounce on this as a possible way of disgracing Jesus, Verse 7.

(5) Jesus parries their attack skilfully. The first point to notice in His reply is that He uncovers an inaccuracy in their arguing. They state that Moses **COMMANDED** divorce. Jesus points out that Moses **ALLOWED** divorce (V. 8). He enlarges on this by showing that it was because of the most unsatisfactory situation existing from the beginning in pre-Mosaic times resulting from the hardness of men's hearts that Moses legislated regulations to protect the institution of marriage and the parties, especially the woman.

(6) In 19:9 Jesus repeats His statement in 5:32, but adds the words, "and shall marry another". From this it seems clear that where a man divorces his wife because of her unchastity he is free to re-marry. In effect then, Jesus is stating in reply to the phrase **FOR EVERY CAUSE** the only cause is **UNCHASTITY**.

These then are the basic Gospel references to the subject and are paralleled in Mark 10:2-12 and Luke 16:18. Mark gives a similar version to Matthew but omits the clause concerning the exception. Luke limits his comment to a one-verse summary of the teaching of Jesus. It seems to me that there are several possible reasons why Mark and Luke have less complete reports of the words of Jesus on the subject than Matthew. Firstly, they were probably writing for gentiles who came from a pagan society such as described in the earlier section of this study where the ethics involved in marriage and divorce were scandalous. The writers, therefore, speak with a definite voice to this specific situation. Their reason for their omission of the notorious phrase of exception may be explained by the fact that no Roman,

Greek, or Jew ever doubted that adultery constituted a ground for divorce.

Finally, before we pass to the other important passage in the New Testament, we should recall the background against which Jesus is speaking. Those to whom He speaks are men who are seeking to trap Him; men who suspect, and would like others to suspect Him of liberalism regarding the law of Moses (already they have found His attitude to the Sabbath disturbing). For this reason we must not regard these words as legislation for the disciples nor directions for the pastoral ministry of the disciples. In the pastoral situation Jesus speaks with a vastly different tone, probably accurately reflected in the story of the woman taken in adultery.

The following quote from Tasker's commentary is helpful.

"But Jesus is not laying down in these words addressed to the pharisees any fixed rule which must be followed by His disciples at all times in the future. It is strange that Christians, who have been ready enough to see that Jesus, in dealing with other matters of conduct, is not legislating, have often been reluctant to bring the same consideration to their interpretation of His teaching on marriage and divorce. But in Palestine in the first century, to mention only one all-important consideration, the social and economic status of women was vastly different from what it was destined in divine providence to become. No fixed rules therefore about divorce could possibly have been given which were equally capable of being applied to Christians in the first and in the twentieth centuries. The only static factors are first that the divine ideal for the relationship of men and women remains the same, and secondly, that men and women remain the same frail creatures who often find it extremely difficult to achieve in a particular marriage relationship the unity which could alone be truthfully described as a 'joining together by God'. Jesus, we may surely believe, expects His followers, far from perfect themselves, to recognise this frailty; and to treat it with sympathy; and it may well be that all who fail to do so have not yet fully learned the lesson of the story of Jesus and the woman taken in adultery found in John 8:1-11.

"It is difficult, then, to feel that this section of

Matthew's Gospel gives us any ground for supposing that Jesus expected His Church to become an 'anti-divorce society', which would make no provision for 'the hardness of men's hearts' or would debar from communion those, often more sinned against than sinning, whose marriages have been dissolved. Nor have we any reason to think that He would approve of the somewhat naive assumption made by some sacramentalists, that any marriage that happens to have begun with a religious ceremony is 'ipso facto' a union which God has created. Nor is it defensible, on scholarly considerations, to justify a rigorous attitude to divorce by ruling out the words 'except it be for fornication' as an interpolation on the ground that they are not found in the parallel passage in Mark; for it is an arbitrary canon of criticism to assume that, where there are differences between Matthew and Mark, Matthew must always be in error. This was, however, the position taken by the very influential Anglican, Bishop Charles Gore; and it has been one of the factors which has led to a hardening of many modern Anglican churchmen on the subject of divorce which would have surprised and distressed many of their predecessors".

2. St. Paul. The other important New Testament passage on the subject of divorce is Paul's advice to the Christians in Corinth recorded in I Cor. 7.

In summarising Paul's teaching in these chapters it is important to remember that he is writing to Christians, the majority of whom had been converted from paganism, especially from the paganism of the cosmopolitan Greek city of Corinth. Among other boasts, Corinth could boast as being the most morally licentious city in Greece, perhaps in the whole empire. When writing to such a situation it is likely that Paul will be somewhat careful concerning the degree to which he emphasises any liberty that the Gospel may have brought. Whereas the problem among the Galatian Christians was legalism - it seems more likely that the Corinthian Christians were more in danger of a wrong use of freedom.

The following points should be noted from the passage.

(1) Paul recognises the dangers of the pagan society in which these Christians live, and emphasises the sacredness with which believers should view the marriage relationship (vs. 1-5).

(2) Paul recognises that in the light of the contemporary situation Christians may find it desirable to remain single where convenient (v. 6-9).

(3) Paul recognises the permanence of marriage, and speaks against separation. If for some reason a separation does occur (a divorce is here envisaged), then the partners should not re-marry, but if possible, be reconciled (v. 10-11).

(4) Even where a Christian has a non-Christian spouse (supposedly the believing partner was married before conversion), there is no need for a separation (v. 12-14).

(5) However, if the unbeliever decides to separate, then the believing partner must not feel that he has any blame (v. 15-16).

The general interpretation of this passage is that Paul rules out any possibility of the re-marriage of divorcees. There are, however, two verses in this Chapter which may suggest this to be too dogmatic an interpretation of the words of Paul.

(1) 7:15. In such a case the brother or sister is not bound. At least four commentators, J. S. Wright, J. A. Thompson, Leon Morris, Calvin, all suggest that this indicates freedom to re-marry. They argue that there can be no other sensible meaning for the phrase, "is not bound".

(2) 7:27,28. The phrase "are you free from a wife" may also support this argument. The New English Bible translates v. 27, "Are you bound in marriage? Do not seek a dissolution. Has your marriage been dissolved? Do not seek a wife." The sense of the argument would then be, "if you are married, don't try to be free from your wife, reckoning that this is the right course for a Christian. On the other hand, if you have been freed from a wife, perhaps because the unbeliever has departed as suggested in v. 15, don't seek to get married again under the present situation".

This interpretation is very tentative, but has some support, and it should act as a deterrent to rigid legalism.

One further possibility that seems to emerge from this im-

important passage is that there are at least two entirely different pastoral situations in which a Christian counsellor may be called to give advice concerning divorce. I Cor. 7:1-12 sets out the principles that should guide in the case of a marriage where both partners are Christians. The situation, however, is vastly different where the marriage has taken place prior to the conversion of the Christian partner in the mixed marriage. Such verses as 15 and 27-28 may give a clue to the line of thought required in such a situation.

CONCLUSION:

Whatever the outcome of our study of the Biblical evidence concerning divorce as it relates to the Christian, one point is clear. No Christian can justify a condemning attitude towards a brother or sister who has had the experience of the tragedy of a broken marriage. Furthermore, no church has the right to sever fellowship with, or in any way discriminate against, a person who had had such an experience. This is clearly so from I Cor. 6:9-11. When one went to church in Corinth one could not be sure what moral failure the person who sat next to you had been involved in.

In conclusion, the following 8 points seem to arise out of all that has been said.

- (1) The question of the Biblical teaching on divorce is far more complex than many who hold dogmatic views would admit.
- (2) The sanctity of marriage is a fundamental teaching of the Bible.
- (3) That divorce is contrary to the Divine Will is clear.
- (4) That divorce is allowable under certain circumstances because of the hardness of men's hearts, seems to be clearly established from both the Old Testament and New Testament.
- (5) Two Christians should never allow their marriage to deteriorate to the point where divorce is contemplated. Where both partners in a divorce are Christians, divorce is wrong, not primarily because divorce itself is wrong, but because they have failed to follow the more excellent way outlined in I Cor. 13.

- (6) Where one partner in a marriage is a non-Christian divorce is allowable, but not necessary.
- (7) Where, however, under the circumstances of point 6, divorce occurs, then re-marriage seems to be allowable.
- (8) Christians have no right to withdraw fellowship in any way from another Christian on the grounds that he has been divorced.

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This study of the Biblical teaching concerning marriage and divorce was prepared at the request of the Holy Trinity Branch of the Mothers' Union.

The Mothers' Union has traditionally refused admittance to women who have been divorced on the grounds that this would imply a view of marriage lower than what God requires.

But Bill Graham's examination of the Bible's message on the subject encourages us to regard divorce in a different way - and to realise that God is more merciful than we may have thought.

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