

Marriage, Divorce and Remarriage: An Exegetical and Theological Enquiry

Dr Roland Chia

Introduction

It is not an exaggeration to assert that among advanced Western societies, the twentieth century is the great century of divorce. In England and Wales, the average divorce rate was 593 per year between 1900-1910. By the 1930s, this figure has increased nine-fold to 5,096 per year. The figure continues to escalate in the 1970s to 121,991 per year, and in the 1980s the average had reached a staggering 148,301. The rate of divorce per thousand married couples rose from 2.0 in 1960 to 13.4 in 1985. Within the 12 EC countries, there were 125,300 divorces in 1960. By 1988, this figure had risen four times to 534,200¹. In the United States, the rate of divorce per thousand married couples was 5.3 in 1981 and 4.9 in 1986. The absolute numbers are staggering. In 1975 there were 1,036,000 divorces. The number of divorces peaked in 1981 at 1,213,000 before dropping a little to 1,190,000 in 1985. In 1990, the estimate was at 1,175,000. The situation in Singapore is almost as alarming. In 1992, about six in 1,000 marriages ended in divorce, a rate that corresponded to that of Britain in the mid 1970s. This is an increase of four divorces in every 1,000 marriages from the statistics obtained in 1982, a 50% jump in one decade. If this trend persists Singapore would see a divorce rate that is equal to that of America's in the 1960s².

Many factors contribute to this trend. The way in which divorce is perceived by society has undergone a radical change in the twentieth century, aided no doubt by changes in law, therapy, social

¹ Andrew Cornes, *Divorce and Remarriage* (Grand Rapids: Eerdmans, 1993), p. 9-10.

² Lim Boon Heng, 'Family Values' at www.gov.sg/mita/speech/speeches/v18n699.htm. See also *Singapore Census of Population 1990* (Singapore: SNP Publishers Pte Ltd., 1992), p. 8 and *Census of Population 1990. Advance data Release* (Singapore: SNP Publishers Pte Ltd., 1991), p. 9.

sciences, the media and popular literature. Conventional values are being dismissed as old-fashion or excessively moralistic even as they are being replaced by a new rationality that challenges previous norms and judgements. This new rationality maintains that divorce will not harm children but will result in greater happiness and fulfilment for children and their single parents. Neither will divorce destroy the fabric of society. It would rather 'strengthen the social fabric by improving the quality of affective bonds between parents and children, whatever form the structural arrangements of their families might happen to take'³. What was perceived as a social problem, a threat to society during the early years of the twentieth century was no longer so perceived in the final quarter of that century. Thus, ironically, 'at the very moment when divorce had its most profound impact on the society, weakening the institution of marriage, revolutionising the structure of families and recognising parent-child relationships, it ceased to be a source of concern or debate'⁴. Consequently the 1960s and 1970s saw the rise in popularity of no-fault divorces in Western societies. As the name suggests, no-fault divorces 'recognise circumstances for divorce where no faults, responsibility, or offence is attributed by the law to either spouse'⁵. No-fault divorce is an example of the liberalisation of the divorce laws that resulted from the change in the way Western societies viewed divorce in the 20th century. Termination of the marriage contract is allowed when the married couple decides – without attributing fault – that the marriage has broken down. The various laws employ words like 'irremediable', 'irreconcilable', and 'irretrievable' to qualify breakdown.

The change in society's view of marriage is due in turn to the change in which it generally understands the individual's obligations to family and society. Marriage in the past was understood in the framework of mutual duties and rights, but it has now become a victim of an individualistic culture. This culture, which emphasises

³ Babara Dafoe Whitehead, *The Divorce Culture* (New York: Vintage Books, 1998), p. 6.

⁴ Whitehead, *Divorce*, p. 7.

⁵ Roderick Phillips, *Putting Asunder. A History of Divorce in Western Society* (Cambridge: Cambridge University Press, 1988), p. 564.

personal satisfaction and rights, has changed expectations in marriage. Family well-being became subjected to a new metric, and society judges the strength and health of the family on whether it can promote individual happiness, fulfilment and growth. ‘As a result, the conception of the family’s role and place began to change. The family began to lose its separate place and distinctive identity as the realm of duty, service, and sacrifice. Once the domain of the obligated self, the family was increasingly viewed as yet another domain for the expression of the unfettered self’⁶. The Russian writer Alexander Solzhenitsyn spoke of the growing preoccupation with rights in Western society at the expense of duties in an interview with *Time* in 1989. Once this individualistic culture obsessed with rights is injected with hedonism, the very fabric of human society begins to tear, and the emergence of a culture of narcissism is inevitable. This is not just the case of timeless human selfishness rearing its ugly head yet again. But as Christopher Lash has so convincingly argued, we witness the emergence of a new species, a new sensibility, derived from specific changes in our society and culture with its bureaucracies, proliferation of images, therapeutic ideologies, consumerism – in short, a changing pattern of socialisation⁷. This focus on the self has serious implications to the perception of marriage and divorce.

A thorough study of marriage and divorce must take into consideration the changes in cultural norms and tendencies, a responsible investigation of which is clearly beyond the scope of this essay. The culture of divorce that pervades the modern world, however, must be deconstructed, and, from the standpoint of theology, it must begin with the recovery of the scriptural teaching regarding marriage and divorce. This must be the first step. And, for the church, this first step is the most important, for it is on this basis alone that the church’s theological and pastoral decisions must be made. We begin therefore by articulating a theology of marriage. We then proceed to study the main passages related to marriage and divorce in both the Old and New Testaments. The paper will end

⁶ Whitehead, *Divorce*, p. 5.

⁷ Christopher Lash, *The Culture of Narcissism* (New York: W.W. Norton, 1979).

with a summary of our findings and some basic conclusions based on them. The pastoral implications of these conclusions, although important, will not be discussed here as they fall outside the scope of this essay.

A Christian Theology of Marriage

In his dialogue with the Pharisees on divorce (Matt 19:3ff.; Mark 10:2ff., cf. Matt 5:31f) Jesus shifts the point of reference from the law to the order of creation. The *arche* of creation therefore presents us with the standard for marriage, and at the same time serve as the criterion for the place or rank of the law concerning divorce⁸. It is therefore here with the creation story that we must begin our reflection on the nature of marriage. Genesis 2:18 ff. describes the creation of woman, who was to be the helper, partner and counterpart of the man. It begins with the remarkable statement, 'It is not good for man to be alone'. That this statement was made after the sevenfold refrain of 'and God saw that it was (very) good' is startling, and its significance cannot be missed⁹. The divine observation was that something was not right in man's situation: he requires a companion, a helper. The Hebrew word that is translated 'helper' (*ezer*) can be understood in the broadest possible terms, and in this context, it may best be understood as the one 'who is to be for man the embodiment of inner and outer encouragement'¹⁰. This one must be 'fit or suitable for him' (*k^enegdo*), an expression which suggests both similarity and supplementation. Thus the woman is one who both corresponds to the man as well as one who is 'over against' him, his opposite¹¹. Her creation is necessary because the Creator considers that solitude is not good for the man, for he is

⁸ Helmut Thielicke, *The Ethics of Sex* (New York: Harper and Row, 1964), p. 108.

⁹ Gordon Wenham, *Genesis 1-15* (Waco: Texas, 1987), p. 68.

¹⁰ Gerhard von Rad, *Genesis* (London: SCM, 1966), p. 82.

¹¹ Hence von Rad: 'Thus the narrator speaks first of the animals. He sees them allotted by God to man for service and use. Truly but not yet worthy assistants in the ultimate sense which God seeks. They are not yet beings like him, "as mirror of himself, in which he recognises himself". *Genesis*, p. 82.

created for sociability. 'The man', Westermann rightly argues, 'is created by God in such a way that he needs the help of a partner; hence mutual help is an essential part of human existence'¹². 'Helper' of course does not suggest that the woman has only subordinate status in relation to the man. The same word is used to describe Yahweh's relation to Israel: he is Israel's helper because he is the stronger one (Exod 18:4; Deut 33:7, 26, 29; Ps 33:20; 115:9-11; 146:5). The demand for similarity and supplementation is met by the creation of woman out of man (Gen 2:21-22), and the expression 'bone of my bone, flesh of my flesh' (2:23) bears this out. This is an expression of kinship, but it is also a formula that suggests that the man and the woman are equal as regards to their humanity¹³. The formula can also be taken, as Brueggemann has so eloquently argued, as a covenantal formula, which speaks not of a common birth but of a common, reciprocal loyalty¹⁴. The woman is therefore man's succour, who 'delivers man from his solitude'¹⁵. In this way, 'all of human community is centred around the community of man and woman'¹⁶, for human beings cannot fulfil their destiny in any other way apart from mutual assistance.

In Genesis 2:24, the narrator describes the first marriage, and applies the principle to every marriage. The essential aspects of the marriage relationship are mentioned here, the first of which is that the man must 'leave' or 'forsake' his parents. To be sure, this statement does not necessarily refer to the man moving from his parental home to set up home elsewhere, as is often the way in which this injunction is understood. Israelite marriage, it must be remembered, is patrilocal, and the man in most cases either live in or near his parents home after he marries¹⁷. Thus 'leaving' and 'forsaking' must be understood in a psychological and relative sense.

¹² Claus Westermann, *Genesis 1-11* (Minneapolis: Augsburg Publishing House, 1974), p. 227.

¹³ Wenham, *Genesis*, p. 68.

¹⁴ See Walter Brueggemann, 'Of the Same Flesh and Bone (Gn 2:23a)', *CBQ* 32 (1970), p. 532-42.

¹⁵ Victor Hamilton, *The Book of Genesis* (Grand Rapids: Eerdmans, 1990), p. 176.

¹⁶ Westermann, *Genesis*, p. 227.

¹⁷ Wenham, *Genesis*, p. 70. It is often the wife who leaves her home to join her husband.

The man emotionally 'leaves' his parents, and directs his emotional energy to his wife. Put differently, on marriage, the man's priorities change. Before marriage, his obligations are towards his parents, but after marriage they are to his wife. And so, forsaking his parents, the man now 'clings' (*dabaq*) to his wife. Wenham has pointed out that this action has two important implications. Firstly, it implies a relationship of passion, of strong and deep attraction. In Genesis 34:3, we read that 'Shechem's heart was drawn to Dinah daughter of Jacob'. The word translated as 'drawn' is the exact same word that is translated 'cling' in Genesis 2:24. Secondly, this word implies permanence. Numbers 36:7 records the following command by Moses: 'No inheritance in Israel is to pass from tribe to tribe, for every Israelite shall cling to the tribal land inherited from his forefathers'. Similarly, Israel is urged to cling to the Lord (Deut 10:20; 11:223, 13:4)¹⁸.

Thus united in marriage, the man and the woman 'become one flesh' (Gen 2:24). This statement means much more than the mere physical or sexual union of husband and wife, although it does include this¹⁹. The word 'flesh' (*basar*) refers to human existence as a whole. Thus, as Vawter has argued, this phrase 'become one flesh' 'should not be too narrowly interpreted as referring exclusively to the physical side of marriage. The flesh of man is his very being itself, his identity, his heart and soul (Ps 84:2). The union of man and woman in marriage, therefore, is set on the highest and most integral plane: it is a union of persons who together make up a new person'²⁰. Hamilton, with his stress on the covenantal nature of marriage, emphasises the fact that at this stage of the narrative, nothing has been said about the procreating roles that the man and his wife will assume. 'One flesh' is therefore meant to pinpoint solidarity: 'A man is by himself not one flesh. A woman by herself is not one flesh'²¹. But this phrase also implies kinship or blood relations. Thus, just as 'flesh and bone' refers to kinship, so marriage creates a similar

¹⁸ Wenham, *Genesis*, p. 71.

¹⁹ Paul, for instance, in 1 Cor 6, uses this phrase in relation to sexual intercourse.

²⁰ B. Vawter, *On Genesis: A New Reading* (London: Chapman, 1977). Quoted by Cornes, *Divorce*, p. 60.

²¹ Hamilton, *Genesis*, p. 181.

kinship between the husband and his wife²². This kinship-of-spouses principle is seen in the injunctions in Leviticus 18 and 20 where a man is not permitted to marry his wife's mother or sister (20:14; 18:18), and those who were not his blood relatives but have married his blood relatives (18:8, 14-16). Von Rad has noted that it is theologically important that one should recognise this narrative to be aetiological. It seeks to answer a definite question, namely 'the powerful drive of the sexes to each other'²³. But surely the narrative tells us more than this. It describes the very nature of the union of the husband and his wife²⁴.

Thus the appeal made by Jesus to the creation narrative brings the discussion to a higher plane, and drives home the point that marriage was instituted by God 'from the very beginning'²⁵. The

²² Wenham, *Genesis*, p. 71.

²³ Von Rad, *Genesis*, p. 85.

²⁴ Hence Barth: 'From the first angle the author wishes to say that the mutual relationship of man and woman in historical reality, their mutual love and adherence in marriage, conform to that which is laid down concerning them in the creation narrative. When a man forsakes his father and mother, i.e., his first and nearest and closest ties, when he cuts himself loose from his most natural roots and thus become independent man; when he finds in this woman the Thou without which he cannot be I, this man; when he cleaves to this Thou, i.e., is related to it with the same power with which he is I; when he turns to this woman with the same necessity with which he is this man; when with this other, an apparent stranger yet no longer a stranger to him, but his nearest and dearest, he becomes one flesh, an absolutely integrated whole; when he can now be man only in conjunction with her – then it is true that she is 'woman', 'this', 'Bone of his bones', because she is taken out of man, it is confirmed that it was not good for man to be alone; that he really need a helpmeet, and that without the existence of this helpmeet his own creation really would not have been complete. *CD III/1:304-5*.

²⁵ Paul's pragmatic, almost utilitarian view of marriage expressed in 1 Cor 7:8-9, it is true, does not take into account the order of creation at all. Instead marriage is seen as 'an emergency institution for fallen man', to borrow the phrase from Thielicke, an escape route for the person who on the one hand is being seduced by the sexual libido, and on the other 'is not sufficiently gripped by the coming of the Kingdom of God that the dominion of God may triumph over the dominion of this libido and the subjection to this world which it implies' (Thielicke, *Ethics*, 122). Fee does not believe that Paul's point is quite so stark. Paul was here addressing singles or formerly married who are already not living in continence to get married. 'For them, marriage is the proper alternative to their being consumed by

Mosaic legislation therefore was in some sense ‘a departure from the creation ordinance and from the practice to which it obligated men’²⁶. By this Jesus also stressed the fact that the marriage laws are in fact relative and provisional compared to the original divine institution of marriage. The Mosaic permission does not portray how the covenant of marriage is supposed to be according to the intentions of the Creator. Rather it points to a concession, one that is based on the weakness and depravity of man. Hence, ‘It was because your hearts were hard that Moses wrote you this law’ (Mk 10:5). The laws cannot be seen as portraying the will of God; they were made for and therefore define the ‘man in revolt’. Jesus, in his reply to the Pharisees, appealed to original divine intention in ‘order that this man may be disclosed in his state of depravity and then also for him to learn to see that he is what he is, it is necessary that the real standard of what man (and his marriage!) was meant to be in creation be clearly set forth, that it may relegate the law of this aeon to the rank of a mere regulation of necessity’²⁷.

Jesus further emphasised that the union of husband and wife is an act of God, based on the divine constitution that under-girds it. In contrast, divorce is a human legislation, and the human order cannot set aside the divine: ‘what God has joined together, let man not separate’ (Mk 10:9). The two whom God has joined together are now one flesh. By this statement, Jesus denies something even as he affirms something. He denies that the husband and wife are two any longer. They are not to be considered as two separate individuals. Neither are they to be seen as two separate individuals who are now also one. ‘It is God who has joined together the two in one’, writes Origen, ‘so that they are now no more twain from the time that the woman is married to the man’²⁸. This of course does not mean that they do not have different contributions to make in the marriage, or

their sins’. Gordon Fee, *The First Epistle to the Corinthians, The New International Commentary on the New Testament* (Grand Rapids: Eerdmans, 1987), p. 289-290.

²⁶ William Lane, *The Gospel of Mark, The New International Commentary of the New Testament* (Grand Rapids: Eerdmans, 1974), p. 356.

²⁷ Thielicke, *Ethics*, p. 110.

²⁸ *Comm. Matt 14:16*.

that their roles and responsibilities are denied. But just as ‘the junction of two streams make one river, the union of hydrogen and oxygen in certain proportions makes one substance, water, the mechanical joining of different parts fitted to each other makes one structure’²⁹, so the husband and wife are no longer two, but one flesh. Thus, Jesus grounds the sanctity of marriage on the authority of God himself³⁰. The husband and wife can never be autonomous, but must always be in the presence of God, and subjected to his commands and helped by his grace. Understood in this way, marriage serves as a testimony of the wisdom of the Creator and the grace of the Redeemer. Marriage is ‘life in community of two persons of different sexes, a community which is complete, based upon the natural foundation of sex love, but only fulfilled in the recognition of the fact that by divine appointment they belong to each other; through whose created distinctiveness the Creator maintains the human race, and through which the sex nature of man, which is disposed of community, can and should realise its personal character’³¹. And marriage is capable of serving as a simile for the relationship between God and his people, between Yahweh and Israel (Isa 50:1; Jer 2:1f., 3:1ff., Ezek 16:23, Hos 1-3) and between Christ and the Church (1 Cor 11:3; Eph 5:22ff). Thus although marriage is a temporal institution, it became the symbol in which the order of creation and the order of redemption converge³².

Ephesians 5, which compares the relationship between the husband and wife to that of Christ and the Church (Eph 5:22ff), provides us with important insights on how the man and woman who have become one are to relate to one another. The passage begins with the statement that wives should submit themselves to their husbands. In our modern world, this statement has resulted in mixed reactions and sometimes in heated debates. The passage must be read in the light of that which precedes it if it is to be clearly understood.

²⁹ Ezra Gould, *Gospel According to St. Mark The International Critical Commentary* (Edinburgh: T & T Clark, 1982), p. 185.

³⁰ Lane, *Mark*, p. 356.

³¹ Emil Brunner, *Divine Imperative* (Philadelphia: Westminster Press, 1937), p. 350.

³² Thieliicke, *Ethics*, p. 108.

5:18-20 contains two imperatives, not to be drunk with wine, and to be filled with the Spirit. The passage ends with verse 21, which contains an imperative that applies to the entire congregation: 'Submit to one another out of reverence for Christ'. 'If, then, it is the mark of being filled with the Spirit that a Christian submits to his fellow Christian, there must be occasions when a Christian man submits to the fellow Christian to whom he is closest: his wife'³³. It is in the context of the mutual submission one to another in the Christian community that the command for wives to submit to their husbands must be understood. 'Subordination' is an inclusive concept which is used also for slaves (see 1 Peter 2:18). The context must therefore determine the way in which the word is to be understood. Since in Ephesians, 'children and slaves are to be concerned with obedience rather than subordination'³⁴ (6:15), the subordination of the wife to her husband does not mean 'total subjection' – as if the wife is to obey her husband like a child or a slave. In the same way, the subordination of the members of the congregation one to another in 5:21 cannot mean 'total subjection'. Subordination here must therefore be distinguished from obedience³⁵. Even the force of verse 24 should not cause us hesitation in making this distinction. The author of Ephesians presents an idealised picture of husbands and wives which mirrors the relationship between Christ and the Church. But it must be remembered that 'the relationship of Christ and the church will never on the one side be servile nor on the other tyrannical'³⁶. Significantly, that wives should submit to their husbands because of the Lord³⁷ shows that the wife's relationship to her husband is not only a horizontal one, but includes a vertical dimension. '[T]he

³³ Cornes, *Divorce*, p. 70.

³⁴ Rudolf Schnackenburg, *The Epistle to the Ephesians* (Edinburgh: T & T Clark, 1991), p. 245-6.

³⁵ Contra Cornes, *Divorce*, p. 71.

³⁶ Ernest Best, *Ephesians, International Critical Commentary* (Edinburgh: T & T Clark, 1998), p. 538.

³⁷ The precise significance of *os* is unclear.

wife's subordination is then a religious act and has a wider context than that of the contemporary patriarchal understanding of family³⁸.

Husbands are to love their wives as Christ loves the Church (Eph 5:25), namely, sacrificially and selflessly. *Agape*, which is never used in Hellenistic literature in relation to households³⁹, is used here to depict the love that husbands should have for their wives. The purpose of Christ's self-giving love for the Church was to 'make her holy, cleansing her by the washing with water through the word, and to represent her to himself as a radiant church, without stain or wrinkle or any other blemish, but holy and blameless' (5:28). Although the primary reference here is to Christ and the Church, the writer of Ephesians also has in mind its applicability to the husband and wife relationship. The husband too 'should be concerned for his wife's holiness. He should long to see her morally pure and beautiful, just as he likes to see her physically attractive. It is part of his care for her total well-being'⁴⁰. In 5:28 the author continues to address the husband's responsibilities towards his wife in what appears to be the start of a new paragraph by asserting that husbands should 'love their wives as their own bodies'. This exhortation which is based self-love has caused confusion. But it should be noted that here the author has not departed from his christological model, but extends it. 'The idea that Christ loves, nourishes and cares for his Church, which is his Body (cf v 23c) is in the author's mind from the very beginning of this exposition'⁴¹. Although the author does not use the term 'one flesh' in this instance, he clearly implies it when he says 'He who loves his wife loves himself'. Cornes is therefore correct when he observes, 'Here again is Christ's understanding of what happens at marriage: husband and wife have become inseparable; together they form a single being, a single body'⁴².

³⁸ Best, *Ephesians*, p. 533.

³⁹ Best, *Ephesians*, p. 540.

⁴⁰ Cornes, *Divorce*, p. 75.

⁴¹ Schnackenburg, *Ephesians*, p. 252.

⁴² Cornes, *Divorce*, p. 76.

The Bible and Divorce

The Old Testament and Divorce

Deuteronomy 24:1-4 has often been taken as a law of divorce. This, however, is a misreading of the text for which the Authorised Version was by and large responsible. The AV translates verse 1 as follows: 'When a man taketh a wife and marrieth her, then it shall be, if she find no favour in his eyes, because he hath found some unseemly thing in her, that he shall write her a bill of divorcement. .'. This translation presents the text as saying that under certain circumstances (if the husband finds 'some unseemly thing' in his wife) the husband *must* divorce his wife. But this is not what the Hebrew is saying. The circumstances under which this law applies runs throughout the first three verses, and the action to be taken by the husband is found only in verse four. This law says that under certain circumstances – if a husband, finding some 'unseemly thing' in his wife, divorces her and she leaves and remarries – the man may not marry her again. Thus Deuteronomy 24:1-4 is not a law of divorce (the practice of divorce is here assumed), but a law to restrict remarriage. The first three verses are the protasis, stating the conditions, while 4a is the apodosis, stating the law⁴³. In fact, the laws of divorce are not found in the Torah, but are the subject of customary laws, and the little that scholars know about them come from prophecies, narratives and laws such as this one.

Craig observes that the statement in Deuteronomy 24:1-4 is 'so succinct that all the details are no longer clear'⁴⁴. The phrase which the NIV translates as 'something indecent' ('*erwat dabar*') has posed some problems for scholars. Literally translated, '*erwat dabar*' means

⁴³ Jeffrey Tigay provides a better translation: 'If a man takes a wife and possesses her, and she fails to please him because he discovers her doing something obnoxious . . . [v. 4] then the husband who divorced her shall not take her to wife again'. *Deuteronomy. The JPS Torah Commentary*. Philadelphia: The Jewish Publication Society, 1996, 220. See also Peter Craig, *The Book of Deuteronomy, The New International Commentary on the Old Testament* (Grand Rapids: Eerdmans, 1976), p. 304-5.

⁴⁴ Craig, *Deuteronomy*, p. 305.

'nakedness of a thing', and could refer to any indecent act or deficiency, from indecent exposure in which the woman has either voluntarily or involuntarily exposed her private parts⁴⁵ to a physical deficiency like the inability to bear children⁴⁶. The Israelites generally find nakedness to be disgusting (Exod 20:26), and the nakedness of a marriage partner totally unacceptable (2 Sam 6:12-20; Ezek 23:18). It is, however, doubtful if this term refers to a physical defect. The idiom refers to conduct rather than physical feature. '*erwat dabar* refers to an offensive conduct which includes suspicious long absences from home, the embezzlement of the husband's property, humiliating him or refusal of conjugal rights⁴⁷. To be sure, '*erwat dabar* cannot mean adultery, since according to the Mosaic legislation the penalty for adultery was not divorce but death (Deut 22:22; Lev 20:10; John 8:4f., cf. Gen 38:24). Neither could it mean pre-marital sex, either while the woman was betrothed (Deut 22:23f) or at any time before marriage (Deut 22-13-21). The clause is so vague that much latitude is given to the husband; he could divorce his wife for almost any reason, however subjective. This is how this clause was understood by Josephus, the School of Hillel, and Rabbi Akiba. The School of Shammai, however, restricts '*erwat dabar* to indecent sexual behaviour which includes indecent exposure, incest, and adultery (when she is no longer punishable by death).

Murray has rightly argued that the requirement of divorce was meant to protect the wife. Because the bill of divorce was a legal document, it would protect the wife firstly from 'frivolous, thoughtless and rash dismissal' by her husband⁴⁸. The bill also gave the woman freedom from marital obligations to the husband who sent her away. It also protected the reputation and well-being of the

⁴⁵ See A. Isaksson, *Marriage and Ministry in the New Temple* (Lund: Gleerup, 1965), p. 25-7.

⁴⁶ Craig, *Deuteronomy*, p. 305.

⁴⁷ Tigay, *Deuteronomy*, p. 221.

⁴⁸ The Mishnah contains several stipulations to prevent easy divorce. For instance, the bill would be considered to be invalid if it is not given to the wife formally (1.3). The bill was not legal if there were no witnesses to it, or if there were witnesses but bore no date, or if it bore a date but had one witness only (9.4).

wife, and freed her to remarry⁴⁹. The Old Testament provides many examples of what George Ewald has called the ‘redemptive aspect’ of divorce⁵⁰. Deuteronomy 21:10-14 describes a law that protects the rights of a slave woman to whom her master has chosen to marry. If after the consummation of the marriage, her husband is for some reason not pleased with her’, he must let ‘her go wherever she wishes’ (22:14). After the divorce, the man is not free to sell her as merchandise or exchange her for some other person or some goods⁵¹. As von Rad explains, this ordinance ‘rests on a humane motive’. The relationship of her husband with her must become a legal one, and when this is dissolved, ‘the woman’s status, which has been given her in the meantime, must not be impaired’⁵². But just as there are laws that allowed divorce, like the one above, there are also laws that restrict divorce. The first concerns a false accusation that is made by the husband that the woman he just married is not a virgin (Deut 22:13-19). Upon proof of her innocence, and the accusation to be slanderous, the husband is fined a hundred shekels of silver and forfeits the right to divorce her at any time and for any reason: ‘he must not divorce her as long as he lives’ (22:19). The second concerns rape (Deut 22:28-29). If a man uses force on a woman, he must marry her after paying a fine of fifty shekels of silver to her father, and ‘he must never divorce her for as long as he lives’ (22:29). ‘By insisting that the man marry the woman, the law protected the woman and any child that might be born as a result of the union. The woman is further protected by the law in that the man is prohibited from divorcing her’⁵³. What has now become clear is that the law which allows as well as restricts divorce are designed to protect the woman who in a strongly patriarchal society is at a significant disadvantage. These laws do not of course encourage easy divorce. Nor are they intended to replace the divine intention

⁴⁹ J. Murray, *Divorce* (Phillipsburg, NJ: Presbyterian and Reformed Publishing, 1961), p. 9.

⁵⁰ G. Ewald, *Jesus and Divorce* (Scotdale, Pa.: Herald Press, 1991).

⁵¹ Craig, *Deuteronomy*, p. 282.

⁵² Von Rad, *Deuteronomy* (London: SCM, 1966), p. 137.

⁵³ Craig, *Deuteronomy*, p. 295.

for marriage as it is presented in the creation narrative. They reveal rather 'God's compassionate interest in the abused wife',⁵⁴.

This must be borne in mind as we turn to what is debatably the most direct and categorical statement on divorce: Malachi 2:16. Malachi 2 deals with two practices that Yahweh found detestable – mixed marriages and divorce. The section, which begins from 2:13, describes the complaint of the Israelites, who were upset because Yahweh has rejected their offering. The Israelites came to this conclusion probably, as Verhoef suggests, because of the failure of their crops⁵⁵. Through the prophet, the displeasure of Yahweh was disclosed: 'you have broken faith with . . . the wife of your marriage covenant' (2:14). The two practices may be linked. The Israelites may have divorced their wives in order that they may 'marry the daughter of a foreign god' (2:11)⁵⁶. Be that as it may, the passage stresses unequivocally that marriage is a binding agreement, a covenant between the husband and wife, instituted by God and established in his sight. Its dissolution is taken very seriously. But the word 'covenant' can be reduced to a mere contract that is made voluntarily by both parties and can therefore be terminated. This is the view of Atkinson, who in his *To Have and To Hold. The Marriage Covenant and the Discipline of Divorce* argues that the marriage covenant, once broken, is destroyed⁵⁷. Luck brings this thesis much further and argued that 'If the marriage vows are broken, the covenant is off and a divorce writ is only a public statement of the facts'⁵⁸. But this understanding of the covenant as a mere bilateral agreement between two parties that is subjected to the fragile wills of the partners fails to take into account the vertical dimension in which God acts both as its basis and witness. This understanding of the marriage covenant fails to reflect the covenantal

⁵⁴ Ewald, *Divorce*, p. 27.

⁵⁵ Pieter Verhoef, *The Books of Haggai and Malachi. The New International Commentary on the Old Testament* (Grand Rapids: Eerdmans, 1987), p. 273.

⁵⁶ Eugene H. Merrill, *Haggai, Zechariah, Malachi. An Exegetical Commentary* (Chicago: Moody Press, 1994), p. 424.

⁵⁷ *To Have and to Hold. The Marriage Covenant and the Discipline of Divorce* (London: Collins, 1979), p. 134ff.

⁵⁸ W.F. Luck, *Divorce and Remarriage. Recovering the Biblical View* (San Francisco: Harper and Row, 1987), p. 29.

relationship between God and his people. Despite the unfaithfulness of Israel, who was guilty of gross adulteries and even prostitution, Yahweh continues to be faithful and patient. He abandons Israel only for a brief period, but quickly work towards reconciliation and restoration (Isa 54). The very strong language of 2:16 has made it difficult to reconcile Malachi's treatise on divorce with Deuteronomy 24. The bad state of the text may have been due to scribal efforts to soften it. Modern commentators have also tried to soften the language for various reasons. Merrill has argued that '[o]ne cannot deduce from this statement that a universal principle is being articulated. To the contrary, the word of YHWH here is limited to the horrible travesty of covenant-breaking expressed by the break-up of Jewish marriages. YHWH has no word here beyond that'⁵⁹. Petersen maintains that the key to understanding this statement is to follow what he calls the 'formula of divine identification', namely, that 'divorce is like a garment that covers wrongdoing'. He therefore concludes that the author of Malachi looked at divorce so negatively not because 'divorce is illegal or improper', but because it was used as a cover up for something evil⁶⁰. These arguments fail to convince. Malachi 2, like Genesis 2, teaches that marriage as a divine institution, is permanent and principally meant to be unbreakable. The prophecy of Malachi, Verhoef rightly asserts, endorses the stricter stipulations regarding marriage and divorce, 'and provides in this respect the ultimate in the OT revelation'. In this way, it anticipates the teaching of Christ on the subject:

... Christ appealed to the 'Law' (Gen 2:24) when he responded to the question of some Pharisees whether it is lawful for a man to divorce his wife for any and every reason (Matt 19:3). He did it because the Jews regarded the 'Law' as more authoritative than the

⁵⁹ *Malachi*, p. 424.

⁶⁰ David L. Petersen, *Zechariah 9-14 and Malachi, The Old Testament Library* (Kentucky: Westminster John Knox Press, 1995), p. 204-5.

‘Prophets’. Christ’s answer, however, is already stated in Mal 2:14-16: I hate divorce, says the Lord⁶¹.

Jesus and Divorce

Jesus responded to the Pharisees’ questions regarding divorce (Matt 19:3ff) by emphasising that Moses had ‘permitted’ (*epetrepsen*, 19:8) – in contrast to ‘commanded’ (*eneteilato*) in the preceding verse – divorce because of the people’s hard-heartedness. Divorce, in other words, was never the intention of God who ‘at the beginning’ in the creation of man and woman had instituted marriage (Matt 19:4-6). Jesus wanted to show that in Deut 24:1, although divorce was tolerated, it was not authorised or sanctioned⁶². It was allowed because of human wickedness or weakness, and in this case, divorce is the concession for the sake of the woman. Thus, Jesus, by bringing the Pharisees back to the original intention of God, alerted them to the fact that divorce was granted because of human perversity, a rebellious and calloused attitude of the heart which is termed as ‘hard-heartedness’. ‘The Mosaic legislation in Deut 24:1-4 was thus not normative but only secondary and temporary, an allowance dependent on the sinfulness of the people’⁶³. By bringing his hearers back to the original divine intention for the institution of marriage, and by measuring the realities of this aeon by the standards of the original order of creation, Jesus is here also calling for repentance⁶⁴. To be sure, the realities of this present aeon cannot be removed or abolished simply by their being called to question in the name of the order of creation. But they are relativised in the light of the original divine intention. Put differently, ‘these realities cannot become determinative norm for man; they are not real judgements before which he might be able to know himself, rather these realities

⁶¹ Verhoef, *Malachi*, p. 280-1.

⁶² William Lane, *The Gospel of Mark, The New International Commentary of the New Testament* (Grand Rapids:Eerdmans, 1974), p. 355.

⁶³ Donald Hagner, *Matthew 14-28. The Word Biblical Commentary, Vol 33b*. Dallas (Texas: Word Publishers, 1995), p. 248.

⁶⁴ Thielicke, *Ethics*, p. 118.

themselves are under judgement'⁶⁵. When this teaching is set in the Sermon on the Mount, within the schema of the six antitheses, it is best understood in the background of the *Urzeit=Endzeit* equation. 'The coming of the kingdom is the beginning of the restoration of paradise, the union of creation and redemption, the final realisation of what God intended from the beginning'⁶⁶.

The Matthean version of Jesus' teaching contains the exception clause, 'except for marital unfaithfulness' (19:9; cf. 5:32), which is not found in the Mark (10:10). Some scholars hold that Matthew had liberalised Mark⁶⁷. Several reasons were suggested for this addition. Stein has maintained that Jesus was not a legalist, and that his absolute prohibition of divorce therefore served only as a guideline, which the Matthean community revised when adherence to it was no longer possible. Others have argued that Matthew had felt it necessary to align Jesus' teaching with that of the school of Shammai in the wake of the rabbinic debates of his day. Still others opined that the exception clause had applied only to incestuous marriages, which were becoming more common as Gentile presence increased in the Matthean community. Carson has argued convincingly that none of these suggestions are tenable⁶⁸. In the first place, the absolute prohibition cannot be stigmatised in this way. The word 'legalist' is a loaded word that does not always have a negative connotation. It can either refer to someone who sets up absolutes or to someone who thinks that he can gain divine acceptance by the strict adherence to the law. Jesus can be considered as a 'legalist' in the first sense, but not in the second. Secondly, there is no clear evidence to support the view that Matthew was compelled to align his Gospel to the school of Shammai. Does not the same Gospel record the teachings of Jesus that urged that the righteousness of his

⁶⁵ Thielicke, *Ethics*, p. 119.;

⁶⁶ W.D. Davies and D.C. Allison, Jr., *Matthew. International Critical Commentary* (Edinburgh: T & T Clark, 1982).

⁶⁷ See David R. Catchpole, 'The Synoptic Divorce Material as a Tradition-Historical Problem', *BJRL* 57 [1974-5]: 92-127, and R.H. Stein, 'Is it Harmful for a Man to Divorce His Wife?' *JETS* 22 [1979]: 115-21.

⁶⁸ D. A. Carson, *Matthew, Expositor's Bible Commentary*, Frank Gaebelin (Ed.) Volume 8 (Grand Rapids: Zondervan, 1984), p. 415.

disciples should surpass that of the Pharisees? (5:20) And finally, it is doubtful if Matthew would consider incestuous marriages as legitimate, and therefore subjected to divorce. There is thus no need to presume a redaction here. The exception clause is not in Mark and Luke simply because it was assumed, and because these Gospel writers were addressing Gentile audiences⁶⁹. The main problem here is that the exception clause appears to contradict Jesus' strong words in 4-8 in which he draws attention to the divine will. But even here Jesus acknowledges that the concession is made because of the hardness of the people's hearts. Thus Carson could argue:

Would Jesus say human hearts were any less hard in his own day? Might there not therefore be some exception to the principle he lays out, precisely because *porneia* was not in the Creator's mind in Genesis 1-2? More importantly sexual sin has a peculiar relation to Jesus' treatment of Genesis 1:27; 2:24 (in Matt 19:4-6), because the indissolubility of marriage he defends by appealing to those verses from the creation accounts is predicated on sexual union ('one flesh'). Sexual promiscuity is therefore a *de facto* exception⁷⁰.

But exactly what did Jesus have in mind when he said 'except for marital unfaithfulness' (Matt 5:32; Matt 19:9)? *Porneia* is such a broad word which can take on a variety of meanings – from prostitution to fornication to illicit sexual alliances like incest (1 Cor 5:1) – that one must be sensitive to the context to glean its intended meaning. Roman Catholic scholars have argued that *porneia* refers to marriage within prohibited degrees, namely, incest⁷¹, and appeals to 1 Cor 5:1 to support their interpretation. As mentioned above, it

⁶⁹ Ewald, *Divorce*, p. 60.

⁷⁰ Carson, *Matthew*, p. 417.

⁷¹ See J.A. Fitzmyer, 'The Matthean Divorce Texts and Some Palestinian Evidence', *Theological Studies*, 37 [1976]: 208-211. Wenham and Heth includes homosexuality and bestiality as well. Gordon Wenham and William Heth, *Jesus and Divorce* (Nashville: Thomas Nelson Publishers, 1983), p. 137.

is, however, difficult to conceive of Matthew as recognising an incestuous marriage that should be terminated by divorce rather than an affair that should simply be terminated. The fact that divorce is here presented as a permission and not mandatory also argues against this view. Furthermore, in 1 Cor 5:1, Paul was referring not to an incestuous *marriage*, but an incestuous *affair*⁷². And in the context of the epistle, *porneia* is used to refer to prostitution as well (1 Cor 6:13, 16). A. Mahoney alluded to the analogy which is often used by the OT prophets and argued that *porneia* refers to spiritual harlotry⁷³. According to this view, *porneia* refers specifically to mixed marriages; Jesus therefore prohibits divorce except where one spouse is not a Christian. This position must be rejected for two reasons. The semantic restriction to which *porneia* is subjected cannot be supported by the context: the possibility of mixed marriages being an issue of relevance to the disputants in this passage is very remote. Furthermore, Paul claims no dominical word on the subject of such marriages and divorce (1 Cor 7:12-16). Some scholars have argued that *porneia* means 'adultery'⁷⁴. But this interpretation fails to explain why *moicheia* is not used, and a more general term is preferred. The context however would support the argument that *porneia* is a broad term 'that can be used to refer to adultery'⁷⁵. Thus *porneia* refers to illicit sexual intercourse which includes but is not restricted to adultery. It includes, as Heth and Wenham have argued, incest, homosexuality and bestiality, those sexual sins punishable by death in Leviticus 18 and 20⁷⁶.

Thus Jesus appealed to the order of creation and to the divine institution of marriage 'from the beginning' in order to emphasise the permanence of marriage and the indissolubility of the marriage bond. Consequently, no actual divorce is possible. One cannot simply assume that marriage can be dissolved by arbitrarily issuing a bill of divorce. 'Any formal sundering of the tie leaves it really

⁷² Fee noted that the parties were not married but were cohabiting. *1 Corinthians*, p. 200.

⁷³ 'A New Look at Divorce Clauses in Mt 5:32 and 19:9', *CBQ* 30 [1968]: 29-38.

⁷⁴ E.g. T.V. Fleming, 'Christ and Divorce', *Theological Studies* 24 [1963]:109.

⁷⁵ Hagner, *Matthew 1-11*, p. 125.

⁷⁶ Heth and Wenham, *Jesus and Divorce*, p. 137.

whole; the union being of this natural, physical kind, not accomplished by a formal procedure, but in the sexual act uniting man and woman, no formal procedure can break it, but simply leaves it as it is'⁷⁷. Thus Luther captures the crux of the issue here when he wrote that here Jesus 'not only rebukes [the Pharisees] for their frivolity in the question of divorce, but teaches them not to get a divorce at all, or if they do get one, to remain unmarried on both sides. And he comes to the conclusion that *divorce is always an occasion for adultery*'⁷⁸. The only exception to this prohibition of divorce is adultery. Adultery constitutes a disavowal of the other person, and although it does not dissolve the ontic bond between the husband and wife, as we shall see, it is allowed as the single exception that justifies divorce⁷⁹. But even here it must be stressed that divorce is not mandatory. Even in the situation in which one party is guilty of *porneia*, divorce is not *commanded* but *permitted*. Repentance, forgiveness and reconciliation must always take priority – 'adultery should not be jumped on too quickly by the offended partner as the foolproof and complete justification for initiating divorce proceedings today'⁸⁰.

Does Jesus allow remarriage? Carson thinks so because he thinks that the exception clause governs the protasis in its entirety⁸¹. But, as Hagner has maintained, exegetically this conclusion fails to convince⁸². 'Whoever marries a divorced woman commits adultery' (Matt 5:32). The second husband of the divorced woman is guilty of adultery even if he is not to be blamed for the problems of the first marriage – Jesus did not in any way indicate that he was thus responsible. He is guilty of adultery simply because the second marriage 'adulterates God's intention for the first marriage'⁸³. Heth and Wenham argue that 19:9 must be understood in the light of 5:32, and that the former is probably an abridgement of the latter. This

⁷⁷ Gould, *Mark*, p. 186.

⁷⁸ *LW* 21:94.

⁷⁹ Thielicke, *Ethics*, p. 111.

⁸⁰ Cornes, *Divorce*, p. 204.

⁸¹ Carson, *Matthew*, p. 417ff.

⁸² Hagner, *Matthew*, p. 549.

⁸³ Ewald, *Divorce*, p. 61.

means that from 5:27-32 three propositions concerning divorce may be deduced:

1. To divorce one's wife is as good as committing adultery (27-32a).
2. To divorce one's wife because of sexual infidelity does not amount to committing adultery (32a).
3. To marry a divorced woman is to commit adultery (32b).

The ambiguity of the sentence has led some exegetes to conclude that Jesus permitted divorce and remarriage when unchastity is involved. But, As Heth and Wenham explains, '[w]hen 19:9 is analysed into its constituent parts, the ambiguity disappears and it makes a fitting retort to the question of the Pharisees'. The Pharisees asked if it is lawful to divorce one's wife for any cause at all. Jesus replied: 'It is always wrong to divorce what God has joined together: what is more, divorce, *except for unchastity*, is tantamount to committing adultery; and remarriage after divorce is always so'⁸⁴. It must also be remembered that Jesus' teaching regarding divorce and remarriage must be understood as a call for repentance. Divorce itself has adulterated God's original intention for marriage. Although it is allowed for reason of unchastity, it cannot dissolve the ontic continuance of marriage. Divorce is a sign of the 'hardheartedness' of man whose corruption and perversion has made his marriage no longer congruent with the original divine intention. This means that a marriage, once entered into, continues to exist – it is permanent. Divorce may change the actual practice of marital cohabitation, but it does not alter its ontic foundation. 'Because this foundation remains, entrance into a new marriage becomes "ontologically" impossible'⁸⁵. Thus we must conclude with Thielicke that

The prohibition of remarriage has demonstrative and
interpretative significance for the nature of divorce.
And this divorce in turn has demonstrative and

⁸⁴ Heth and Wenham, *Divorce*, p. 120.

⁸⁵ Thielicke, *Ethics*, p. 111.

interpretative significance for the import of order of creation ‘from the beginning’, that is, for the real will of God, in the light of which we see that a certificate of divorce is only a concession of God to man’s hardheartedness⁸⁶.

Jesus thus teaches that if someone divorces his or her spouse because of the latter’s unchastity, he or she is to remain single – remarriage after divorce is not an option⁸⁷.

Paul and Divorce

Paul’s teaching concerning divorce echoes that of Jesus. In the context of the present discussion, we shall focus on 1 Cor 7:10-11. After addressing the singles and the widows (7:8-9), Paul turns his attention to the married. That he has in mind that both partners are believers is clear from the context, especially in the light of 12-16 in which he addresses ‘the rest’, whom the context defines as believers

⁸⁶ Thielicke, *Ethics*, p. 114.

⁸⁷ There is almost universal consensus on this matter among the early Christian Fathers. The Shepherd of Hermas, for example, issues very specific instructions regarding remarriage. If a man divorces his wife because the latter is guilty of adultery, he must remain single although he is innocent of any crime. If the wife repents of her sin and wishes to return to her husband and be reconciled with him, the husband must accept her, for forgiveness and reconciliation is the sign of the new covenant. ‘Therefore, for the sake of repentance the husband must not marry’ (*Mandate* 4.1.4-10). In the same way, Justin Martyr, after quoting Matthew 5:28f., Matthew 5:32b and Matthew 19:11f., immediately adds: ‘And so those who make second marriages according to human law are sinners in the sight of our Teacher’ (*1 Apol* 15). ‘Second marriages’ refers to ‘remarriages’, and ‘human law’ refers to Roman law that allows both divorce and remarriage. In his 2nd Apology, Justin Martyr relates the case where both partners were sexually unfaithful. The wife stopped her infidelity after becoming a Christian, but her husband continued, and became worse. Justin approves of her divorce with the husband, but there is no mention of remarriage. Athenogoras described remarriage after a divorce as ‘fair-seeming adultery’ in his *Legatio Pro Christianis* (33). ‘Fair-seeming’ because although it is allowed by Roman law, it is in fact adultery because the marriage bond is not dissolved after divorce. Athenogoras even went beyond scripture to assert that remarriage is prohibited even after the death of one’s spouse.

married to unbelievers⁸⁸. Although Paul is ambivalent about whether widowers and widows should get married, he is adamant that the married should not dissolve their marriages. What he has to say in 10-11 is a command: 'I give this command (not I, but the Lord)' (7:10). This is contrasted with 12ff: 'To the rest I say this, I (not the Lord)'. Thus everything between these two phrases expresses the divine will regarding divorce. While it is true to maintain that the teaching found in 10-11 is a paraphrase of Christ's teaching, one must not be too preoccupied with the pursuit of its origins, 'since Paul's concern is with the point of the saying, not its language'⁸⁹. Paul uses two different words here for divorce. Referring to the wife in 10, he uses 'separate' (*chorizomai*), while in 11, referring to the husband, he uses 'send away' (*apheim*). Some commentators argue that the first word means 'withdraw from living with' since it refers to the wife, and the second refers to legal divorce since it refers to the husband. This distinction is made in the light of the practices in the Greco-Roman culture. But these words are used interchangeably⁹⁰ and our attempt to differentiate them probably only reflects 'our own urgencies for greater precision'⁹¹.

Be that as it may, the prohibition of divorce is clear. This prohibition must be seen in the light of Paul's understanding of the permanence of marriage. In 7:39, this understanding is clearly articulated: 'A woman is bound to her husband as long as he lives. But if her husband dies, she is free to marry anyone she wishes, but he must belong to the Lord'. The same emphasis is found in Romans 7:1-3. Only the death of the spouse can render the marriage covenant as no longer binding for the surviving partner, allowing the latter to remarry. There appears to be no other condition for divorce and remarriage. How then are we to understand the exception found in 7:11? This is a proviso added by Paul that reckons either with the possibility or the actuality of divorce within the community. The wife, if she leaves her husband, is to remain single. She cannot remarry, and if singlehood proves to be unbearable, she must be

⁸⁸ Fee, *I Corinthians*, p. 291.

⁸⁹ Fee, *I Corinthians*, p. 292.

⁹⁰ Cornes, *Divorce*, p. 240.

⁹¹ Fee, *I Corinthians*, p. 293.

reconciled to her husband. Paul does not here state the reciprocal command for the husband, but as Hays has rightly observed, ‘in view of the symmetry of Paul’s teachings for men and women throughout this chapter, this norm should be assumed as implicit in Paul’s directive’⁹². The exception must be understood as a qualification based on what have been said, the ideal that has been articulated. ‘In this kind of construction, where the general condition qualifies what has already been said, the previous sentence expresses the ideal situation (in this case, no divorce), while the following conditional clause introduced by the *de* (‘but’) ‘describes the alternative possibility which is permissible but not ideal’⁹³. Cornes argue that Paul must have known the sayings of Jesus that were recorded in Matthew, and thus includes marital infidelity as an exception here⁹⁴. But, as Robertson and Plummer has observed, *porneia* in the wife here is not mentioned as creating an exception⁹⁵. It is thus better to conclude with Grosheide that this exception is based on the concrete reality of the Corinthian community in which some members are already legally divorced but on theologically illegitimate grounds:

It might be that at the moment the Corinthian church received Paul’s epistle some were in the process of getting a divorce or had just got one. Such a divorce might be past being recalled so that it would be impossible for the wife to return to her husband. In that case Paul commands to *remain unmarried*, or, if possible, *to be reconciled to her husband*. After an illegitimate divorce the first marriage is not considered annulled. Reconciliation should be undertaken by the wife with whom the divorce

⁹² Richard Hays, *I Corinthians, Interpretation* (Louisville: John Knox Press, 1997), p. 120.

⁹³ Fee, *I Corinthians*, p. 295.

⁹⁴ Cornes, *Divorce*, p. 243.

⁹⁵ Archibald Robertson and Alfred Plummer, *A Critical Exegetical Commentary on the First Epistle of St Paul to the Corinthians* (Edinburgh: T & T Clark, 1958), p. 141.

started. Paul mentions two possibilities since it may be that the husband refuses to be reconciled⁹⁶.

This passage does not deal with the situation in a comprehensive way, since it says nothing about whether the abandoned spouse is allowed to remarry⁹⁷. However, based on Paul's understanding of the permanence of marriage, the answer to this question is obvious. He would not agree with Luther!

Summary and Conclusion

The exegetical difficulties surrounding those passages that deal with divorce notwithstanding, the main thrust of the scriptural teaching is clear. Christian marriage between a man and a woman was ordained by God 'from the very beginning'. In the covenant of marriage, the husband and his wife become 'on flesh', joined together by God. Divorce, as the putting asunder of the union which God has willed, is not part of the original plan of the Creator. It is itself an adulteration of the divine will for the man and the woman. In the Mosaic legislation, divorce was allowed. But this permission, Jesus pointed out, was granted because of the hardness of man's heart, and therefore does not reflect the original intent of the Creator. Nor can divorce disrupt the ontic foundation of marriage, for marriage is permanent in this temporal world and cannot be annulled by any human law. The issue of divorce and remarriage therefore points to the perversity of man, and Jesus' statements regarding both must be

⁹⁶ Grosheide, *1 Corinthians*, p. 163.

⁹⁷ Luther deals with this situation as follows: 'But what if one party did not want to be reconciled with the other but remained quite separate and the other could not control himself and needed a mate? What should the party do? Must he change his status? Answer: Yes, without doubt. For since he is not commanded to live in chastity and he does not have the grace to do so, and his spouse will not return to him, taking away the body he cannot do without, therefore God will not demand the impossible because of the disobedience of the other, and he should then act as though his spouse were dead. This is particularly true because it is not his fault that they cannot be reconciled. But the one who does not want to be reconciled must remain unmarried, as St Paul points out here' *LW* 28:32.

seen as a call to repentance because it measures the realities of this present age with the original order of creation, and human rebellion against the divine will. Jesus' prohibition of divorce, except for sexual infidelity, is actually a statement about marriage: marriage is a divine institution that does not therefore rest on the will of man and cannot be dissolved according to arbitrary discretion. Only sexual infidelity provides justification for divorce, although even this does not make it mandatory. Similarly, Jesus' prohibition of remarriage must be seen as an interpretation of divorce. Because divorce is an adulteration of the divine will, it inflicts a wound on the order of creation. Abstention from a second marriage is the way in which the possibility of healing and reconciliation is kept opened. Hence the Shepherd of Hermas' poignant statement: 'for the sake of repentance, the husband must not remarry'. Also as a call to repentance, Jesus' prohibition of remarriage is meant to prevent the illusion that with remarriage everything is in order.

The difficulties that this interpretation poses to the pastoral ministry should not be in any way ignored. The fact remains that marriage in the concrete human situation is always sinful⁹⁸ and therefore falls short of the ideal here presented must never be brushed aside. The Protestant ethic has come to see that there are some circumstances in which divorce is a moral duty. Is it not the case that here theological decisions must be tempered with pastoral sensitivity⁹⁹? Can there not be situations in this fallen world of ours when 'what is called and has the appearance of marriage may really be no marriage, that it may stand under the judgement of God' and that this 'marriage' is 'condemned by God and therefore dissoluble, and to draw the final conclusion from this recognition by making use of the possibility of legal divorce'¹⁰⁰. Even with regard to remarriage, should we not ask questions along similar lines? Just as in divorce God may be more merciful than the usual theological

⁹⁸ Emil Brunner, *The Divine Imperative* (Philadelphia: Westminster Press, 1937), p. 350.

⁹⁹ Brunner: 'Were it not for the fact that pastoral practice has at all times acted with far more insight than the official doctrine would have supervened much earlier'. *Divine Imperative*, p. 354-5.

¹⁰⁰ Barth, *CD* III.4/213.

ethic, may we not say the same for remarriage? In this less-than-ideal world, there is yet forgiveness of sin for those who repent, because the God who comes to our concrete situation is a gracious God. Could this gracious God bless a second marriage in this life lived below the ideal? Is there no place for a gracious second chance in this life below the ideal? The Orthodox tradition allows it by condescension to human weakness, as expressed by one of its most eminent theologians, John Meyendorff: 'We have mentioned several times already that the Church very consistently in its entire canonical and liturgical tradition maintains that second marriage is inconsistent with the Christian norm and is tolerated only by condescension to human weakness (1 Corinthians 7:9).' But Meyendorff continues: 'It also may be recognised as a second chance, given to man or a woman, to enter into real marriage in Christ when a first union was a mistake (for even Church blessing cannot always magically repair a human mistake!),'¹⁰¹. These are the difficult questions that theology must ask and for which it must provide answers after it has completed its work of exegesis.

Dr Roland Chia is lecturer in Systematic and Historical Theology in Trinity Theological College. He is also the Director of the Centre for Development of Christian Ministry at TTC and Editor of Church & Society.

¹⁰¹ John Meyendorff, *Marriage. An Orthodox Perspective* (New York: St Vladimir's Press, 1984).