

# Divorce

## By Malcolm H. Watts

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When considering this subject, it is necessary first of all to remind ourselves of the Creation ideal:

(i) Marriage was instituted by God in the beginning (Gen 2:23f; Matt 19:8), and all are free to marry (Heb 13:4 - 'marriage is honourable in (or, among) all').

(ii) The relationship, in the form of male-female union, is exclusive: 'a man...his wife' (Gen 2:24). Seth's line (from Adam to Noah) was monogamous, but not Cain's (Gen 4:19: Lamech married Adah and Zillah). The norm is monogamy (Deut 28:54,56; Ps 128:3). [In Deut 21:15 'wives' are assumed, but not sanctioned].

(iii) It involves the making of a covenant (Mal 2:14 - 'she is thy companion, and the wife of thy covenant'; cf. Prov 2:17): that is, an agreement, by vows and swearing (cf. Hos 2:19ff.) to live together for the term of life.

(iv) This must be publicly performed (cf. 'leave his father and his mother') In Ruth 4:1:9-13, legal witnesses were required for this transaction).

(v) It is consummated by physical union: 'one flesh'. Physical relations outside marriage are adulterous (Deut 22:13-21). Living together as 'partners' is not marriage (Jn 4:18), but a symptom of lawlessness (Judges 17:6). Union is expressed in one name (Gen 5:2). Heb 13:4 is important here. The order is significant: '...marriage...the bed...'

(vi) The purpose of marriage is essentially two-fold: companionship (Gen 2:18) and procreation (1:28). It also serves to mirror Christ's relationship with his Church (Eph 5:22-33).

(vii) It is intended to be 'permanent' - 'cleave' (Gen 2:24). It involves strictest fidelity.

But this is not to affirm that marriage is absolutely indissoluble, for in certain circumstances 'divorce' is permissible:

'We may have on our parlor table, a beautiful and costly vase. It ought to be handled carefully. It ought not to be broken. It was not made to be smashed: it was made to exist as a thing of beauty and grace. But it is not impossible to break it. And if a member of the family breaks it through carelessness, or in a fit of temper smashes it deliberately, there is nothing to do but sweep up the broken fragments and dispose of them...' (Dr Vos) (cf. Matt 1:19).

We repeat, however, that divorce does not originate in God's revealed will for the natural order (Matt 19:8). Only on account of sin was it permitted.

## Old Testament

(i) After man's fall into sinful depravity, deviations from the established order took place (Gen 4:19-24; 16:3; 26:34; Deut 17:17; 2 Sam 3:2-5 (cf. 16:22); 1 Kgs 11:3; etc). The result was that the mar-

riage bond was weakened, if not almost destroyed. Therefore, divorce became a necessity. We might compare capital punishment (Gen 9:6), just wars (Deut 20:19f), burial (Gen 3:19), dress requirements (Deut 22:5), and rule (Gen 3:16, cf. Num 30:6ff), all of which became necessities.

(ii) Divorce was already in existence by Moses' time (cf. Lev 21:7,14; Deut 22:19,29; Num 30:9) - the words are 'put away' (Hebrew - 'drive out', compare Gen 21:10): that is, dismissal) and 'divorce' (Hebrew - 'cutting off' or 'separation'). The idea is that the association was broken, the covenant was repudiated, and the mutual promises were no longer fulfilled (See 1 Cor 7:10ff.).

(iii) In the Law, God gave definite instructions, enforcing marital fidelity (Ex 20:14,17) and regulating divorce.

(a) Num 5:11-31, the case of a man suspecting his wife, though she was not found in the act of adultery. If innocent, how could suspicion be dispelled? If guilty, how could she be declared so? She was brought before the Lord (Num 5:18). She drank the 'water of bitterness' (water and clay) and God, who knew all things, judged in the supreme court. (b) Deut 22:13-19, the case of a charge being made for premarital sin. The matter is brought before the elders (Deut 22:15). The parents bring the 'blood-stained' sheet of wedding night as 'proof'. If the charge was dismissed, the accuser was

punished and fined for slandering a virgin, in which case he lost the right to divorce her. If the charge was sustained, she was stoned before father's house, since her parents were held largely responsible.)

(iv) The Law concerning divorce is given in Deuteronomy 24:1-4.

a. This does not enjoin or encourage it, but prescribes procedures if it is necessary.

b. 'Some uncleanness' (ervah, the root, 'to be naked': therefore some matter of nakedness). This cannot be premarital sin, which was punishable by a severe fine of death (Deut 22: 20ff., 22:28) or adultery, which also carried the punishment of death (Lev 20:10; Num 20:10; Deut 22:22), but it appears to have reference to some indecency or impropriety of behaviour which, though falling short of intercourse, arouses real revulsion. The expression is used elsewhere for shameful exposure of the body: Gen 9:22; Lam 1:18; Ezek 36:18,19. It would include the abnormal sexual practices of Lev 18. Walter Kaiser identifies it as 'some kind of shameful conduct connected with sex life'. (Surely this is the same as 'fornication' (Matt 5:32; 19:9), shameful conduct which involves exposure of the body).

c. The procedure for the divorce is given:

(i) The man had to provide 'a bill of divorcement' prepared by a public officer

who no doubt decided the adequacy of the grounds (cf. Is 50:1).

(ii) The bill was 'served' by personally putting it into the woman's hand. This tended to prevent haste and it gave protection against revenge or some further action by the man.

(iii) The woman was then sent from the home. This simply declared the rupture which had taken place, and that the covenant of friendship no longer existed.

(iv) It was recognised as a severing of the marriage - 'another man's wife' (v2), 'latter husband' (v3) - so clearly was the divorce recognised as divine law.

(v) Evidently, there was the possibility of 're-marriage'. The law assumes this would follow; but re-marriage with the original partner was forbidden, because it would appear to legalize adultery. The woman was first with one man, then with another, and then returns to the first - and all very legal. The prohibition also tended to prevent needless separation and divorce. This law is alluded to in Mk 10:2-5).

(vi) Nowhere in the Law did God show that he approved of or delighted in such legislation. Indeed, there is a sense in which God is said to 'hate' divorce (Mal 2:16). And this is not surprising: there is a sin behind every divorce; and it can so easily be a wronging of another (v14) by acting unjustly and cruelly (v15f). (Note: 'The word "garment" was used by the He-

brews to designate the conjugal relation (Deut 22:30; Ruth 3:9; Ezek 16:8). Hence to cover the garment with violence is to act in a violent or unjust manner towards the conjugal relation...' [T.V. Moore]). It is important to emphasize that God did not institute it: he only recognized and then regulated it. In other words, it was simply 'allowed'.

(vii) There were occasions later when God viewed it as a sad necessity (Ezra 10:3,11 - 'put away' is same word as in Deut 24:2), Indeed, this was to be done 'according to the law' (v.3).

(viii) It should also be noted that God himself was involved in divorce proceedings (Jer 3:8 - 'And I saw, when for all the causes whereby backsliding Israel committed adultery I had put her away, and given her a bill of divorce; yet her treacherous sister Judah feared not, but went and played the harlot also'. Israel was defeated in 722/1 BC by the Assyrians, on account of her unfaithfulness to God. Wanton violation had destroyed the covenant and union.

## New Testament

There are two passages of particular importance:

### A. Matthew 19:3-9

There are other passages where it is mentioned (Mk 10:2-12; Lk 16:18); but

1. Matthew includes the more detailed form, both in the question - 'Is it lawful for a man to put away his wife for every cause', and in the answer - 'Whosoever shall put away his wife, except it be for fornication, and shall marry another., committeth adultery...' Matthew therefore includes the so-called 'exceptive clause'.

2. In other matters Matthew is fuller. For example, he gives a fuller account to the Lord's Prayer; his Sermon; Baptism; Temptation; Parables; Crucifixion and Resurrection.

3. It is vital to consult all that the Scriptures say, e.g. Rom 13:1-7 cf Acts 5:29; Matt 5:33 cf.26:63f; 2 Cor 1:23 (i.e. Christ only condemns oaths contrary to Law); Ex 20:13 cf. Gen 9:6; Matt 7:1 cf. Jn 7:24; Heb 5:14 etc.

Looking more closely at the passage in Matthew, we observe:

(i) The Pharisees put a 'test' question to Jesus (cf. Matthew 9:14,34; 12:2,14,24,38; 15:1; 16:1). There were two schools of thought represented by Rabbi Hillel who believed divorce could take place for 'any cause' (even the serving of a meal) and Rabbi Shammai who believed divorce must be only for adultery.

Three things are clear:

a. They have in mind 'marriage', not 'betrothal'. Note reference to

'wife' (Matthew 19:3, 6, 8, 9, 10); cf. Joseph and Mary - Mary, as 'betrothed', was not his 'wife' (Matt 1:20,24).

b. They adopt a liberal stance, allowing divorce on almost any ground. 'Something indecent' (Deut 24:1) became 'something repulsive' or 'offensive', e.g. a physical defect or the fact that other women were more attractive (so Rabbi Akiba).

c. They consider marriage and divorce, not a matter of opinion but of legislation.

(ii) Our Lord no doubt perceived that most of them favoured the views of Rabbi Hillel and to prevent abuse of the scriptures, first took them back to the foundation ordinance (Mt 19:4; Gen 2:18-24), showing that at the beginning divorce was not even contemplated. God established a strict view of marriage, and divorce is a 'violation' of the creation ordinance. It is therefore impossible to argue that God has allowed it 'for any cause'. Our Lord called their attention to the original design of marriage; and, by inference, taught that none can be separated but by the authority of God.

(iii) Then came the question: 'Why did Moses then command to give a writing of divorcement...?' (Mt 19:7). What blindness! It was never a 'command', but only a reluctant consent. They were trying to place Jesus in conflict with Moses, which was never actually the case (Mt 5:17-20); Lk 16:14-18).

(iv) It is explained to them that something intervened since God first instituted marriage - sin. This has wrought havoc with respect to the marriage relationship. It has produced 'hardness of heart' which makes divorce necessary. 'Moses because of the hardness of your hearts suffered you to put away your wives; but from the beginning it was not so' (Mt 19:8). 'The regulation of Moses was nothing more than a concession to this evil condition, and never went beyond this...It bore testimony only to the hardness of so many hearts, and no man in his senses could conclude that by the Mosaic regulation God had altered his original intention concerning the permanency of marriage' (R. C. H. Lenski).

The stark fact is surely this: unless we can eliminate sin, we cannot eliminate divorce. Our Lord's words constitute a re-statement of the tragic necessity.

(v) Next, Christ explains and confirms the teaching of Deut 24: 1-4, which he views as an 'extension' of the creation ordinance to cover new circumstances.

He denies that divorce is for 'every cause', and affirms that it is for 'some uncleanness' ('fornication'). Thus, he acknowledges the permanent validity of that Law and rightly interprets it. 'Whosoever shall put away his wife, except it be for fornication, and shall marry another, committeth adultery...' (Mt 19:9) Now what is 'fornication' (porneia)?

The Greek word is not another word for betrothal unfaithfulness or premarital unchastity. That would put us in the illogical position of allowing divorce for unfaithfulness during the betrothal period while disallowing it for unfaithfulness within the marriage itself. Nor is it simply another word for adultery, for the two are distinguished (Matt 15:19; 1 Cor 6:9). It is rather a general term for immorality (e.g. Act 15:29 - all immorality; 1 Cor 5:1 - incest; 6:18 - whoredom; Jude 7 - homosexuality). In Romans 1:18 and 2 Corinthians 12:21, it is included with general sins, introductory to specific sins (cf. Eph 5:3 -where it is again placed with general expressions). The apostle, in 1 Thessalonians 4:3, identifies it as 'uncleanness' (Mt 19:7).

In the Lord's teaching, then, 'fornication' or 'immorality' disrupts the marriage, for this breaks up the marriage relationship and practice, destroying the 'one flesh' principle, and legal separation may therefore take place. Although he generally disapproves of divorce, he recognises 'fornication' as a valid ground for it. If divorce (and re-marriage) takes place on this ground, it is not adultery ( 'It is adultery, unless there has been immorality of some kind...'). Cf Matt 5:32.

(vi) A blow was thereby struck to Jewish notions, and even the disciples were deeply divided (Mt 19:10). They probably thought, with others, that if the marriage was unhappy, it was the best thing to di-

vorce. To be 'bound' to a woman was a great calamity. 'It is not good to marry,' they said.

Christ denies that. To be sure, not all will accept this teaching with respect to marriage; and if the responsibilities are to be fulfilled, there must be grace, and this grace is God's gift to make it possible.

(vii) 'The marriage, having been morally and legally dissolved, has ceased to exist, and the innocent party is as free to re-marry as if the offending party were dead' (Lorraine Boettner). Thus, there is ground for the 'innocent' person to divorce and re-marry. This does not rule out, however, the possibility of 'forgiveness' and 'reconciliation' (Lk 17:3; cf. Hos 2 & 3).

## B. 1 Corinthians 7:10-15

(i) First of all, Paul repeats the teaching which our Lord himself gave (1 Cor 7:10f: cf Matt 19), namely, that marriage cannot be dissolved at the whim of the parties, or on account of a disinclination to fulfil responsibilities, or as a result of a desire for the freedom of the single state etc. 'What therefore God hath joined together, let no man put assunder'.

If, by a rash and foolish act, one party does leave, that party must remain unmarried or be reconciled (1 Cor 7:11). Everything is to be done to avoid separation and to re-establish union.

(ii) Secondly, Paul speaks on a matter to which our Lord did not refer (1 Cor 7:12), and it concerns a different group described as 'the rest' (i.e. Christians married to unbelievers - an eventuality which did not come within the scope of Christ's teaching). Such marriages may have been entered into (a) before conversion; (b) through ignorance; (c) by mistake. The point he makes is that such marriages are lawful, and there is no obligation to dissolve the connection. 'If any brother hath a wife that believeth not, and she be pleased to dwell with him, let him not put her away..' (1 Cor 7:12,13) As Charles Hodge puts it, 'If therefore the unbelieving party consents to remain, the marriage may not be dissolved'.

The marriage should be esteemed both 'lawful' and 'clean' (therefore legitimate (not the fruit of uncleanness). (Cf. 'He that espouses a Gentile woman, or a servant, they are not espousals' and 'a son begotten of a Gentile woman is no son' - Maimonides). However, no legal defilement is attached to such a marriage - its legitimacy and purity are established and should be maintained.

What if the unbeliever is not prepared to remain linked (1 Cor 7:15)? In this case, the responsibility is on him/her. The Christian should take no part in bringing a divorce about. However, he may be able to do nothing to prevent this from happening.

'A brother or sister is not under bondage in such a case' (1 Cor 7:15).

This is an important statement.

a. The thought (though not the actual Greek word) finds a parallel to Romans 7:2 - 'The woman which hath an husband is bound by the law to her husband as long as he liveth; but if the husband be dead, she is loosed from the law of her husband'. According to 1 Corinthians 7:15, then, desertion (like death) annuls the marriage bond and contract. Of course, after a death, and after divorce on the ground of desertion, there is the freedom from the marriage bond - freedom to marry again (1 Cor 7:39; Matt 5:32; 19:9).

b. This interpretation is confirmed by 'Let him depart' or 'Let him be separated'. In other words, the marriage is judged to be over. Let it therefore be dissolved. 'If the unbeliever wilfully departs, let separation takes its course, let it become an accomplished fact; the believer is not under any obligation to pursue the deserting spouse and is free from all marginal debts and duties' (John Murray)

c. The bond broken, the believer is not obliged to retain the marriage. He/she is free - and free to remarry (as in 1 Cor 7:39, death frees the believer): that is, the believer is released entirely from further moral obligation with respect to the marriage. There is ground for divorce if the innocent party so chooses.

Yet this should be avoided if at all possible, because 'God hath called us unto peace' (1 Cor 7:15b). Let all means be taken to induce the unbeliever to remain. God wants the problems of marriage to be resolved.

How does this leave us in view of Matthew 19:9 - '...except it be for fornication...' (Mt 19:9)?

In both cases, action on the part of the guilty has radically affected the relationship. But in Matthew 19, we are dealing with when a BELIEVER may divorce; in 1 Corinthians 7, it is the UNBELIEVER who takes the action and implements the separation (therefore the freedom is due to another's action). 1 Corinthians 7 relates only to believers wilfully deserted by unbelievers.

What if it is a 'believer' who separates? The legal procedure should not be initiated, since believers are not to take one

another to court (1 Cor 6:8). Matthew 18 should be put into effect and attempt be made at reconciliation. Others should be called on. When all fails, the problem should be referred to church officers. And if the offender refuses to return, then he is to be removed from the church fellowship and to be regarded as an outsider (Mt 18:17). It is now possible for proceedings to take place, so that the deserted need not remain 'married'. 'Either way, matters are not left at a loose end' (Jay Adams).

The Biblical and Reformed view is expressed in The Westminster Confession of Faith - 'Although the corruption of man be such as is apt to study arguments unduly to put asunder those whom God hath joined together in marriage; yet nothing but adultery, or such wilful desertion as can in no way be remedied by the Church or civil magistrate, is cause sufficient for dissolving the bond of marriage.' (Ch. 24; Sect. 6)