

**BIBLICAL ETHICS OF DIVORCE
AND REMARRIAGE**

**Michael P. Andrus
First Evangelical Free Church
Wichita, Kansas
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INTRODUCTION

“John Smith, wilt thou have this woman to be thy wedded wife, to live together after God’s ordinance in the holy estate of matrimony? Wilt thou love her, comfort her, honor and keep her in sickness and in health; and forsaking all others, keep thee only unto her, so long as ye both shall live?” “I will.”

“I, Susan Jones, take thee, John Smith, to be my wedded husband, to have and to hold from this day forward; for better, for worse, for richer for poorer, in sickness and in health, to love and to cherish, till death us do part, according to God’s holy ordinance; and thereto I pledge thee my faithfulness.”

These affirmations from the traditional wedding ceremony are the most frequently broken promises in America. The strict and uncompromising words of the marriage vows are ignored wholesale, as in some areas of our country divorces are running ahead of first-time marriages. Even in the Christian church there is an alarming increase in the number of broken homes. Every Christian must know what God says about this subject. Single people need to know what He says about marriage; the married need to know what He says about divorce; and the divorced need to know what He says about remarriage.

Two factors are indispensable for Christians in dealing with divorce and remarriage. One is truth. The commandments of God must be the basis for any viewpoint. Personal opinion or societal mores are simply not adequate to decide issues which have such a strong emotional element. The other indispensable factor is compassion and forgiveness, for people don’t always do what God has commanded. Many evangelicals in the past have been long on truth and short on compassion, but today the trend may be in the opposite direction.

Unfortunately, evangelical Bible-believing scholars do not speak with a unified voice on the subject of divorce and remarriage. There are extreme views which reflect neither truth nor compassion. Forty years ago the author sat in a seminary classroom and heard a well-known evangelical professor state, “There is no such thing as a divorce in God’s sight. Every divorce is sin. Every remarriage constitutes adultery. And not only that, everyone involved in a second marriage after divorce lives in a continuous state of adultery.” Such a position puts a divorced and remarried person in a position where he “cannot *not* sin.” If he is intimate with his present spouse he is sinning; if he refuses to be intimate with his present spouse he is sinning (I Cor. 7:5); if he divorces his present spouse and returns to the first he is sinning (Deut. 24). If this professor is correct, then remarriage after divorce constitutes an unpardonable sin.

On the other hand, some are going to the very opposite extreme, allowing divorce for virtually any reason. Several liberal denominations have even adopted a divorce ceremony so people can get divorced in church with God’s blessing, just as they were married there. Such a position completely fails to consider God’s own words in Malachi 2:16 that He hates divorce. What business does the Church have putting its blessing on that which God hates? Even many evangelicals are taking a *laissez faire* attitude toward divorce and remarriage, suggesting that

while it is not right, it is inevitable, so the best the church can do is to support those caught up in it.

If these two extremes are both wrong, as this writer believes, what does the Scripture teach? What are God's revealed instructions on divorce and remarriage? Following is a summary which will be supported by exegesis and philosophical considerations in the remainder of this paper:

1. Marriage is, ideally, forever.
2. God hates divorce, as He hates all sin.
3. Divorce is permitted (by Christ) only when one's spouse has been guilty of sexual immorality.
4. Divorce is permitted (additionally by Paul) when a Christian is deserted by an unbelieving spouse for religious reasons, assuming the Christian was converted *after* the marriage.
5. Remarriage is permitted in the case of divorce for adultery and possibly in the case of divorce for desertion, and, of course, after the death of one's spouse.
6. Permission for divorce is not specifically granted in any other case; nor is permission to remarry.

THE ESSENCE OF MARRIAGE AND DIVORCE

One of the reasons why there has been a great deal of confusion about this subject is that few people have bothered to ask the crucial question, "What constitutes a divorce in God's sight?" Yet it is not possible to answer the question of what constitutes a divorce until one has answered a prior question, "What constitutes a marriage in God's sight?" The answers to both are inextricably linked together.

This author takes the position that two factors must be present to constitute a marriage in God's sight: (1) There must be a public commitment on the part of a man and a woman to permanently live together (typically evidenced in our culture by a marriage license and a marriage ceremony, though a common law marriage might also be sufficiently "public" to qualify), and (2) the two individuals must have sexual relations. Genesis 2:24 is the Scriptural justification for these criteria, embodied in the words "leave," "cleave," and "one flesh."

Neither the public commitment to live together permanently nor sexual intercourse are, by themselves, sufficient to constitute a marriage. Two people can obtain a marriage license and have a marriage ceremony, but if they are not physically intimate, they are not married in God's sight, because they have not become "one flesh." On the other hand, two young people who have premarital relations in a moment of passion have become "one flesh," but they are not married in God's sight, because they have not fulfilled the "leave and cleave" criteria of Genesis 2. (If intercourse alone constituted marriage in God's sight, then a rape victim would logically be "married" to her attacker).

Now just as it takes two factors to constitute a marriage, so it takes two factors to dissolve a marriage in God's sight. (1) There must be a public commitment to permanently separate, typically accompanied by a legal divorce decree. And (2) there must be the breaking of the "one-flesh" principle through adultery on the part of one partner, either before or after the separation. A commitment to permanently separate does not *by itself* dissolve a marriage in God's sight, anymore than signing an affidavit to the effect that "I am no longer a member of the human race" removes a person from the genus *homo sapiens*. If two people divorce for incompatibility they are still married in God's sight and, therefore, a remarriage by either one of them is an act of adultery. (Of course, when a second marriage is consummated, the first marriage is thereby dissolved, for both factors are now present, which is why my professor was wrong in his notion of "a continual state of adultery.")

Not only is a legal divorce insufficient to dissolve a marriage in God's sight; an act of adultery by a married person is also insufficient *by itself* to dissolve a marriage. If the guilty party repents and the innocent partner is willing to forgive, the two are clearly still married. So a marriage is dissolved *only* when an act of adultery is followed by a biblical divorce *or* when an unbiblical divorce is followed by an act of adultery, as evidenced either by the remarriage of one of the partners or by intercourse between either partner and a third party.

BIBLICAL TEACHING ON DIVORCE AND REMARRIAGE

Old Testament Teaching

The first mention of marriage is found in Genesis 2:24, 25: "For this cause a man shall leave his father and his mother, and shall cleave to his wife; and they shall become one flesh. And the man and his wife were both naked and were not ashamed." This gist of marriage in this verse can be expressed as follows: "one man plus one woman, united together permanently and exclusively in harmony and shamelessness." God intended marriage to be permanent, and while few are prepared to dispute that fact, many are quick to point out that man is no longer living in the Garden of Eden and the ideal may not always be the actual. Proof of that change is cited from Deuteronomy 24:1-4:

If a man marries a woman who becomes displeasing to him because he finds something indecent about her, and he writes her a certificate of divorce, gives it to her and sends her from his house, and if after she leaves his house she becomes the wife of another man, and her second husband dislikes her and writes her a certificate of divorce, gives it to her and sends her from his house, or if he dies, then her first husband, who divorced her, is not allowed to marry her again after she has been defiled. That would be detestable in the eyes of the Lord. Do not bring sin upon the land the Lord your God is giving you as an inheritance.

It is important to note that while this passage permits divorce, it does not require or even encourage it (the King James Version's use of the imperative, "let him write her a bill of divorcement" is mistaken). The text merely states that divorce was tolerated. The real burden of the passage is actually negative: when divorce is followed (rightly or wrongly) by a second

marriage, reunion with the prior spouse is forbidden, even if the second spouse dies. The rationale for such a rule seems clear—it prevented men from putting their wives on a shelf for a time while trying out a new wife, with the expectation of returning to the first if the second was worse. In other words, musical chairs was not allowed in marriage. The emphasis of the text is more on the permanency of divorce than on the permanency of marriage.

What is the “indecent” or “uncleanness” that Moses offers as the basis for the contemplated divorce? Contrary to popular opinion, it is not fornication or adultery or even suspected adultery, for the Mosaic Law provided clear instructions for such cases. Death was the punishment for proven adultery, as well as for fornication during the betrothal period. And in Numbers 5:11-31 a careful procedure is laid down for the handling of cases of suspected adultery. The indecent must be some other kind of shameful conduct, perhaps immodesty or exhibitionism. However, some Jewish scholars interpreted the indecent as being anything the husband didn’t like. The Pharisees in Matthew 19 apparently held such a view, as evidenced in the teaching of Jesus.

To summarize the Old Testament teaching, marriage was between one man and one woman, it was to be permanent, and divorce, though hated by God, was also to be permanent.

The Teaching of Jesus

The single most important passage in which Jesus offers His view of divorce and remarriage is Matthew 19:3-10:

Some Pharisees came to him to test him. They asked, “Is it lawful for a man to divorce his wife for any and every reason?” “Haven’t you read,” he replied, “that at the beginning the Creator ‘made them male and female,’ and said, ‘For this reason a man will leave his father and mother and be united to his wife, and the two will become one flesh’? So they are no longer two, but one. Therefore what God has joined together, let man not separate.” “Why then,” they asked, “did Moses command that a man give his wife a certificate of divorce and send her away?” Jesus replied, “Moses permitted you to divorce your wives because your hearts were hard. But it was not this way from the beginning. I tell you that anyone who divorces his wife, except for marital unfaithfulness, and marries another woman commits adultery.” The disciples said to him, “If this is the situation between a husband and wife, it is better not to marry.”

The Pharisees here challenge Jesus to give his interpretation of the word “indecent” in Deuteronomy 24:11, “in order to test him.” If He agrees with the liberal interpretation He will make the conservatives angry; if He agrees with the conservative interpretation He’ll make the liberals angry; therefore, they believe they have caught Him on the horns of a dilemma. But as usual, they underestimate His wisdom. Jesus does not directly answer their question about divorce, but speaks instead of marriage. He takes them back to the origin of marriage and the purpose for which God intended it. The essence of Jesus’ comments is that the marriage bond is not merely a human contract but a divine one.

In answer to the Pharisees’ second question, “Why then did Moses command to give her a certificate and divorce her?”, Jesus changes “command” to “permit” and offers human

stubbornness rather than divine intention as the reason it was permitted at all. In other words, the “tolerance” in Deuteronomy 24 should not be interpreted as “approval.” Jesus further states that a man who divorces his wife and remarries, *both* commits adultery himself (Matthew 19:9, Mark 10:11, Luke 16:18) *and*, because it is assumed his divorced wife will remarry, causes her to commit adultery (Mark 10:12). Still further, one who marries such a divorced person also commits adultery.

But there is one exception to these unhappy consequences: one may divorce and remarry without the onus of adultery if one’s partner has been guilty of sexual immorality, presumably on a persistent and unrepentant basis. The exceptive clause in verse 9 (found also in Matthew 5:32) simply cannot be ignored or dispensed with, as some have tried to do. The key word in the exception is “immorality.” Some dispensational scholars take this word as referring exclusively to “fornication” (that is, premarital infidelity) which happens to be discovered *after* marriage. Some even restrict this to first century Jewish society. However, in truth the Greek word is a broad term for “every kind of unlawful sexual intercourse.”¹ It would, therefore, include fornication, adultery, homosexuality, possibly even exhibitionism and voyeurism. Presumably the reason why immorality justifies divorce is that it radically violates the “one flesh” principle which is so fundamental to marriage.

One more issue of concern arises in Matthew 19:9, and that is the extent of application of the word “except.” Does this exception apply to the “no divorce” principle only or to the “no remarriage” principle as well? Greek grammar comes down firmly on the side of the latter interpretation.² In other words, in cases of immorality, not only is *divorce* permitted, but so is *remarriage*. In fact, throughout the Gospels Jesus seems to assume that remarriage would take place after divorce (see Matthew 5:32, where divorce wouldn’t itself “make a woman commit adultery” unless it is assumed that she would remarry). But just because remarriage almost invariably takes place doesn’t mean it is invariably legitimate. The burden of Jesus’ teaching in Matt. 19:9 is that except in cases of immoral behavior by one’s spouse, remarriage is, in fact, sin; it constitutes adultery.

From the reaction of the disciples it appears obvious Jesus has issued a divorce policy much more restrictive than the normal Jewish interpretation. There would be no reason for them to fear the marriage bond, as they obviously do (“If this is the situation between a husband and wife, it is better not to marry,” 19:10), if one could break that bond for any and every reason, as some held, or even for serious offenses other than sexual immorality, as others held.

Another passage that is important to any discussion of divorce and remarriage is Luke 16:18: “Anyone who divorces his wife and marries another woman commits adultery, and the man who marries a divorced woman commits adultery.” The one crucial difference between Matthew 19:6 and Luke 16:18 is that the exception clause is left out in the latter passage (also in Mark 10). While scholars argue over the reason for this omission, the best answer seems to be that Jesus’ purpose in Luke 16:17 is to show that the moral law of God stands firm. If something

¹William F. Arndt and F. Wilbur Gingrich, *A Greek-English Lexicon of the New Testament and Other Early Christian Literature* (Chicago: the University of Chicago Press, 1957), 699.

²³John Murray, *Divorce* (Philadelphia: The Presbyterian and Reformed Publishing Company, 1961) 35-43.

is wrong in God's sight, then it's wrong even if the Pharisees think it's right. To mention the exception in such a context would have destroyed the point of the illustration.

To offer an analogy, if a person is giving a speech on "Crime Doesn't Pay," he may use as an illustration the following example: "If a policeman catches you for speeding, you'll have to pay a fine." Now that's a general rule, but there *are* exceptions to it. If one is on his way to the hospital with a dying person in the back seat, he probably *won't* have to pay a fine for speeding. In fact, the policeman may actually help him speed. But to mention the exception in the speech would destroy the point, distract the audience, and perhaps even inadvertently teach the point that crime *does* pay. In Luke 16:18 Jesus is not interested in dwelling upon the exception to the rule but rather upon the rule itself. But the exception already made in Matthew 5:32 and Matthew 19:9 still stands.

The Teaching of Paul

In I Corinthians 7 the Apostle offers extensive teaching on the subject of marriage, divorce, and remarriage. Much of it parallels Jesus' instruction, but in a few areas it goes beyond. Again, it may be best to offer a summary and then consider the evidence. In the first eleven verses Paul establishes three main points:

1. It is best to remain single.
2. If one feels he must marry, then he should not divorce.
3. If one divorces, he should remain single or be reconciled to his spouse.

This section should not be interpreted as removing the permission Jesus grants to remarry after a divorce for adultery; Paul is assuming that exception. However, beginning in verse 12 he plows some new ground, not contradicting Jesus but rather going beyond Him to deal with some issues largely peculiar to the church age. The subject is mixed marriages, that is marriages in which both partners were pagan when married, but then one is subsequently converted.

To the rest I say this (I, not the Lord): If any brother has a wife who is not a believer and she is willing to live with him, he must not divorce her. And if a woman has a husband who is not a believer and he is willing to live with her, she must not divorce him. For the unbelieving husband has been sanctified through his wife, and the unbelieving wife has been sanctified through her believing husband. Otherwise your children would be unclean, but as it is, they are holy.

But if the unbeliever leaves, let him do so. A believing man or woman is not bound in such circumstances; God has called us to live in peace. How do you know, wife, whether you will save your husband? Or, how do you know, husband, whether you will save your wife? (I Cor. 7:12-16)

The primary teaching Paul offers here is that the Christian must not initiate divorce because of religious differences. Yet, at the same time, he is not required to fight a divorce initiated by an unbelieving spouse. The apparent reason he feels obligated to address this issue is that some of the early Christians apparently so emphasized the truth that "if any man is in Christ, he is a new creature, and all things have become new," they were applying it even to marriage, concluding that a new Christian should get a new spouse. Paul flatly denies that one's conversion to Christianity interferes with one's marital duties; if anything, it heightens them.

The most crucial verse in this entire discussion is verse 15, for it is here that Paul seems to give permission to divorce in cases of desertion. The first important phrase is “let him leave,” referring to the deserting unbelieving spouse. While some interpret Paul as only granting permission for a legal separation, that can hardly be the case, for the word used here, implying a radical departure or permanent separation, is used to signify “divorce” right here in I Cor. 7:10. Furthermore, in Matthew 19:6 it is the word translated “put asunder,” which is almost universally interpreted as meaning “divorce.” In Romans 8:35, 39 it is translated “separate” in a context which implies a radical, permanent separation: “Nothing shall separate us from the love of God.” The conclusion, then, is that verse 15 is telling a believer that divorce is permissible when deserted by an unbeliever.

The other key phrase in the verse is “not under bondage.” It *at least* means that the believer has the right of legal separation, but if that is all it means, then it would appear to contradict 7:5 and would be the only passage in the Bible that allows for separation without divorce. On the contrary, there are strong arguments to the effect that “not under bondage” actually means to be free from all marital debts and duties. In other words, the marriage is dissolved. The strongest support for this view comes from the fact that the word “bound” in verse 39 obviously refers to the marriage bond; therefore, “not bound” would mean that the marriage bond is dissolved.

An important question concerning the right of remarriage after a divorce for desertion arises at this point. If the conclusion offered earlier in this paper that adultery must be present before a marriage is dissolved in God’s eyes is accepted, then how can remarriage be allowed in the case of divorce for desertion only? There seem to be only two options: (1) One could argue that Paul is making the assumption that the deserter has deserted the believer *for* someone else and therefore adultery *is* involved. Or (2) one could conclude that permission for the one deserted to remarry should be withheld until the deserter remarries or dies. Dr. George Peters, late professor at Dallas Theological Seminary, comments cogently on this topic:

*Free from what? Free for what? Here Paul is silent and we do well to remain silent. We cannot grant permission to remarry, nor can we set up decisive legislation to hinder it. While there may be advice, there can be no absolute and binding decision. Each individual must decide according to his conscience and the conscience of his church and community.*³

It is important to realize that while the lack of a dogmatic position on the question of re-marriage after a divorce for desertion may be frustrating, it is of rare practical import, for few divorces can legitimately be attributed to desertion. The reason is threefold: (1) The desertion must be motivated by fundamental religious considerations. In other words, if the unbelieving deserter leaves because he is being nagged or abused or neglected, then the freedom granted in verse 15 is not applicable. (2) The mixed marriage under consideration must result from the conversion of one of the spouses *after* marriage. God never countenances a believer actually marrying an unbeliever (1 Cor. 7:39, 1 Cor. 6:14). (3) There must be no initiation of the divorce on the part of the believer.

³George W. Peters, “Putting Asunder What God Has Joined Together,” Christian Medical Society Journal 7 (Winter 1976): 13.

The rationale for Paul's position is offered in verses 15b and 16, but there are two exactly opposite interpretations of these verses, both of which make sense exegetically. If the phrase, "but God hath called us to peace" means that the divorce contemplated in the first part of verse 15 should be avoided if at all possible, then verse 16 means there's a good chance the spouse might be won to the Christian faith, so the Christian should "hang in there." However, if the phrase means that such a divorce is permitted in the interest of a peaceful life, then verse 16 means that marriage should be viewed as simply an instrument of evangelism, for after all, such a result is very uncertain. Why risk certain grief for an uncertain result? The second interpretation seems more consistent with the context.

One further question that should be addressed is whether the guilty party may remarry after a biblical divorce (defining "guilty" as the one who committed the adultery). Peters again gives a helpful analysis:

Neither does the Bible authorize us to distinguish between the innocent and guilty parties according to Matthew 5:32 and 19:9 in the matter of re-marriage. If this seems too permissive, we must not forget that it is Christ who speaks or does not speak. His silence here is difficult to interpret. Yet he is the all-wise One. We must not make his silence into positive permission nor turn it into negative legislation.⁴

Professor John Murray adds:

In reference to the question at issue, the case is simply that we are not able to find biblical warrant for affirming that the person who has been divorced for adultery commits another act of adultery when he or she remarries. It should be remembered, of course, that adultery is a crime, censurable by the church. The church must unsparingly condemn all adultery as also all other forms of sexual uncleanness. In the discipline of its members the church must be vigilant and faithful.⁵

RECOGNITION OF DIVORCE WITHOUT "CAUSE"

One of the more difficult subjects facing pastors is the issue of a marriage that seems irretrievably broken but does *not* involve adultery or desertion. Instead it may involve emotional abuse, physical abuse, or neglect. Does God expect an individual whose spouse does not love him and in fact hates him, and whose spouse refuses all counsel and rebuffs all efforts to reconcile, to remain with that spouse until death, *no matter what*? Or is divorce at times the lesser of two evils? Dr. Loraine Boettner has addressed these questions in the following illustration:

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 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

⁴ibid., 16.

⁵Murray, Divorce, 101

is nothing to do but sweep up the broken fragments and dispose of them. We will not say, 'This vase was not intended to be broken; therefore it is impossible to break it; therefore, in spite of the fact that it lies in shattered fragments on the floor, we will not throw it away; we will keep it forever.' No one would say that about a broken vase; yet that is substantially the argument of those who say that the marriage bond is 'indissoluble' and 'unbreakable'.⁶

There is, in fact, some biblical evidence to support Boettner's argument. In 1 Corinthians 7:10-11 is a passage that is virtually unique in Scripture, in that it contains a commandment from God, followed immediately with instructions about what to do if one chooses to violate that commandment. I can think of no parallel elsewhere in God's Word. For example, God does not say, "Thou shalt not steal, but if you decide to do so anyway, here's how you should behave subsequently." Yet that is essentially the form of instruction offered in this passage.

Here is Paul's instruction in verse 10: "To the married I give this command (not I, but the Lord): A wife must not separate from her husband. *But if she does*, she must remain unmarried or else be reconciled to her husband." The general rule is clear, for it is the same Jesus gave—don't divorce your spouse. However, the conditional clause recognizes the inevitability that some will divorce anyway, in which case the second half of the instructions kick in—remain unmarried or be reconciled.

It seems obvious that Paul is not here dealing with divorce for adultery but rather with divorce for incompatibility or some such reason; otherwise his prohibition of remarriage would contradict the permission Jesus has already granted. But if he is recognizing divorce for incompatibility, this is the only place in the New Testament where a bare right to divorce (even in the absence of adultery or desertion) may be offered. What is absolutely clear is that divorce in this case does not entail the right to remarry (at least until the spouse is dead or marries a third party). Those who use 1 Cor. 7:10-11 as the grounds for divorce must conclude that they would rather be single for the rest of life than to remain married to this person who is not an adulterer but impossible to live with because of such behaviors as drug addiction, abuse, complete lack of intimacy, refusal to work, etc.

CONCLUSION

It is to be expected that some Christians will think the viewpoint taken in this paper is too restrictive while others will think it too liberal. The answer to both is basically the same: what does the Scripture teach? While it is not within the authority of any teacher to "let down the bars" where the Bible has erected them, neither is it proper to "raise the bars" where Scripture has not placed them. The criterion for truth is not the "conservative, orthodox, traditional position" (which, being interpreted, usually means the position of the one speaking), but rather the teaching of the whole of Scripture.

⁶Lorraine Boettner, Divorce (Nutley, New Jersey: Presbyterian and Reformed Publishing Company, 1960), 13.

Furthermore, God never gives instructions without also providing the power to keep them. If an individual has been divorced for some reason other than sexual sin by his or her spouse and that spouse has never remarried, has lived a chaste life since the divorce, and is still alive, God says that individual is not free to remarry. But He will also give the power to withstand the peculiar temptations of single life or grant reconciliation to the spouse.

But what if someone has remarried in a case which God calls adultery? Any child of God should expect to be chastened if he commits a willful sin. And furthermore, he should be disciplined by the local church of which he is a member. But God's love and forgiveness is available, upon repentance, even to those who divorce and remarry without God's permission. God has not set aside those who divorce and remarry without biblical cause as a special class of sinners who are to be ostracized eternally. If they acknowledge their sin and God forgives them, so should the church.

Finally, the seriousness of divorce, even a biblical divorce, can hardly be overestimated. The scars it leaves can never be removed. Sin that leads to divorce, or even a sinful divorce, can be forgiven, but the consequences of sin remain. The fact that many are able to live meaningful, happy lives is due to God's amazing grace and forgiveness, not to the fact that divorce in their case was a trivial issue. And while some rays of hope have been offered to the divorced in this paper, there is also hope for marriage, even the collapsing marriages that are evident everywhere in our society, including the church. If God is able to take divorced people and make something beautiful out of their lives, then He is also able to take a messed-up marriage and make something beautiful out of it *before* it reaches the divorce court.

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