

Ethics

Unit 313 – Foundations 3

Week 4 Marriage, Divorce and Remarriage



Introduction

The subject of marriage has never been more closely scrutinised or hotly debated than right now. With the recent conversation around ‘marriage equality’ and the redefinition of marriage, the need for a thorough exploration of the subject of marriage is essential.

1. Importance of Marriage

God created humankind male and female at the beginning, and himself instituted marriage. His intention was and is that human sexuality will find fulfilment in marriage, and that marriage will be an exclusive, loving and lifelong union. This is his ideal.

Genesis 2:24 implies four characteristics of the marriage union:

- (1) exclusive (a man ... his wife)
- (2) public (leaves his parents) probably at a public event
- (3) permanent (cleaves to his wife)
- (4) consummated (they will become one flesh).

This “leaving” and “cleaving” is not to be understood as spatial (since in the ANE extended families typically lived together) but rather one of priority. In other words, there was a transfer of focus/allegiance from parents to spouse.

Although some may be called to singleness (Matthew 19:11-12; 1 Corinthians 7:7) and although ultimately marriage will be abolished (Mark 12:25), it is clear from scripture that God shapes, endorses and ennobles marriage. Marriage is to be ...

(a) honoured by all and kept pure (Hebrews 13:4).

(b) allowed for all and not forbidden (1 Timothy 4:1-5)

2. Purpose of Marriage

Classical theology has typically identified three main purposes of marriage (in no particular order) ...

(a) Children – producing children (Genesis 1:28) who are to be loved and disciplined in the context of a family.

(b) Companionship – friendship, help and comfort given by another (Genesis 2:18).

(c) Commitment – self-giving love expressed in sexual union or becoming “one flesh” (Genesis 2:24).

3. Focus of Marriage

In a sense, marriage can be viewed in two ways – the partners are self-centred or they are other-centred.

(a) *Self-centred partners*

Partners who are focussed upon themselves are those who are intent on maximising their own fulfilment. Marriage, sex, relationship are seen as ways of contributing to their own personal growth. Self-centred partners enter marriage in order to enrich their own lives.

The following appeared originally in the June 1982 issue of *New Woman* magazine:

“Yes, your marriage can wear out. People change their values and lifestyles. People want to experience new things. Change is a part of life. Change and personal growth are traits for you to be proud of, indicative of a vital searching mind. You must accept the reality that in today’s multi-faceted world it is especially easy for two persons to grow apart. Letting go of your marriage – if it is no longer good for you – can be the most successful thing you have ever done. Getting a divorce can be a positive, problem-solving, growth-oriented step. It can be a personal triumph.”¹

(b) *Other-centred partners*

Partners who are focussed upon their respective “others” are those who are intent on keeping the covenant of marriage. They are loyal, trustworthy, committed and dependable.

The commandment not to commit adultery (Exodus 20:14) calls us to be covenant keepers – that is, to subordinate the right to maximum personal fulfilment (in sex, relationship, friendship etc) to the responsibility for a covenanted partnership with another human being.

Paradoxically, however, it is when we put our partner and our marriage before ourselves and our own desires that we discover the depth and wonder of genuine human love. Within the unique relationship of marriage two people care for each other’s total welfare – we become, in a sense, our partner’s keeper. Each is dedicated to the growth, healing, pleasure and freedom of the other.

4. Covenant of Marriage

“The concern of the Seventh Commandment (“You shall not commit adultery”) is not merely with sex; its real business is with marriage and its wholeness” (Lewis Smedes).²

¹ J. H. Adam and N. W. Adam, *Divorce: How and When To Let Go* (Prentice-Hall, 1979).

² L. Smedes, *Mere Morality* (Grand Rapids: Eerdmans, 1983), p. 165.

If a good God forbids people to have sexual intercourse outside of their marriage partnership, then there must be reasons for this. Some philosophers and theologians have offered possible reasons. These include:

(i) Adultery reduces a man to his animal nature

An adulterer in an affair of passion is losing his head and is acting in a less-than-human way. Immanuel Kant wrote, “The ground of proof, of course, is that man surrenders his personality (throwing it away) by using himself merely as a means to satisfy his animal instincts.”³

(ii) Adultery is wrong because the motive is not procreation

It blocks nature by interfering with its urge to procreate through sex (for example, Thomas Aquinas).⁴

(iii) Adultery is wrong because it hurts people and is not the loving thing to do (for example, Joseph Fletcher).⁵

(iv) Adultery is wrong because God, who created both humanity and marriage, has stated that it is wrong and its results are only destructive.

“The higher our concept of God’s original idea for marriage and the family, the more devastating the experience of divorce is bound to be. A marriage which began with tender love and rich expectations now lies in ruins. Marital breakdown is always a tragedy. It contradicts God’s will, frustrates his purpose, brings to husband and wife the acute pains of alienation, disillusion, recrimination and guilt, and precipitates in any children of the marriage a crisis of bewilderment, insecurity and often anger” (John Stott).⁶

5. Divorce and Remarriage: Old Testament

The Scriptural teaching on divorce and remarriage is found in both testaments of the Bible. In the OT, there is only one passage which refers to grounds or procedures for divorce.

“1 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, 2 and if after she leaves his house she becomes the wife of another man, 3 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, 4 then her first husband, who

³ I. Kant, *The Doctrine of Virtue*, Part 1, Art. 2.

⁴ T. Aquinas, *Summa Theologiae*, 11, 154, art. 11, ad. 3.

⁵ J. Fletcher, *Moral Responsibility* (Philadelphia: Westminster, 1967), pp. 125ff.

⁶ J. Stott, *Issues Facing Christians Today: New Perspectives on Social and Moral Dilemmas* (London: Marshall Pickering, 1990), p. 286.

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” (Deuteronomy 24:1-4 NIV).

We can note three points from this ...

(a) What is the purpose of the passage?

The passage neither requires, nor recommends nor even sanctions divorce.

(b) What are the grounds for divorce?

Although the divorce is not encouraged, the ground for divorce is given as something displeasing because there is “something indecent about her” (verse 1). This “indecent” thing cannot be adultery since that would be punishable not by divorce but by death (Deuteronomy 22:22-24; Leviticus 20:10). What was it? During the 1st century BC there were two rival Pharisaic parties led by Rabbi Shammai and Rabbi Hillel that debated this very question.

(i) School of Shammai

Rabbi Shammai was strict and understood “something indecent” (whose Hebrew root alludes to “nakedness” and “exposure”) as a sexual offence of some kind that, though serious, was short of adultery.

(ii) School of Hillel

Rabbi Hillel was more relaxed and focused more on the “becomes displeasing” (verse 1) and “dislikes” (verse 3) parts of the passage. He interpreted these things to be almost anything – even trivial things like spoiling the food or being quarrelsome. He even included the husband coming across a woman more beautiful than his wife as adequate grounds for finding his present wife “displeasing.” Basically, anything that caused a husband annoyance or embarrassment was ground for a divorce.

(c) Was remarriage allowed?

It appears that, after the certificate of divorce was given, remarriage was indeed allowed – even for the woman who was presumably the guilty party having done “something indecent.” This was consistent with other marriage and divorce laws – e.g. Code of Hammurabi (king of Babylon in the 18th century BC when Abraham left Ur).

6. Divorce and Remarriage: New Testament

(a) The teaching of Jesus – the “exceptive clause”

3 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?”

4 “Haven’t you read,” he replied, “that at the beginning the Creator ‘made them male and female,’ 5 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'? 6 So they are no longer two, but one. Therefore what God has joined together, let man not separate." 7 "Why then," they asked, "did Moses command that a man give his wife a certificate of divorce and send her away?" 8 Jesus replied, "Moses permitted you to divorce your wives because your hearts were hard. But it was not this way from the beginning. 9 I tell you that anyone who divorces his wife, except for marital unfaithfulness, and marries another woman commits adultery." 10 The disciples said to him, "If this is the situation between a husband and wife, it is better not to marry." 11 Jesus replied, "Not everyone can accept this word, but only those to whom it has been given. 12 For some are eunuchs because they were born that way; others were made that way by men; and others have renounced marriage because of the kingdom of heaven. The one who can accept this should accept it" (Matthew 19:3-12 NIV).

The same event appears in Mark 10:2-12 (but does not include the "exceptive clause.")

(i) Jesus endorses the permanence of marriage

Note that he did not give them a direct answer about divorce but instead spoke to them about marriage. After quoting Genesis 1:27 and 2:24, he adds his own prohibition in verse 6.

(ii) Jesus states that the provision by Moses for divorce was a temporary concession to human sin

Note that the Pharisees call it a "command" (verse 7) whereas Jesus calls it "permitted" (verse 8). Divorce is still contrary to God's intention for marriage.

"Human conduct which falls short of the absolute command of God is sin and stands under the divine judgement. The provisions which God's mercy has designed for the limitation of the consequences of man's sin must not be interpreted as divine approval for sinning" (C. E. B. Cranfield).⁷

(iii) Jesus states that remarriage after divorce is "adultery"

These are hard sayings.

In summary, Jesus says that a man who divorces his wife and then remarries commits adultery himself.

If we also look at Matthew 5:32, then Jesus works out other implications of this sort of divorce. In summary, if his divorced wife remarries, he has caused her also to commit adultery and the person with whom she is married also commits adultery.

⁷ C. E. B. Cranfield, *The Gospel According to Mark* (Cambridge Greek New Testament Commentary; Cambridge: CUP, 1959), pp. 319-320.

(iv) Jesus permits divorce on the ground of “marital unfaithfulness.”

The word translated by the NIV as “marital unfaithfulness” in both Matthew 5:32 and 19:9 is *porneia* – from which we get English words like pornography).

It is a generic word which means “to engage in illicit sex, to commit fornication, sexual immorality.” *Porneia* is not adultery (*moicheia*) specifically although it may include it.

It appears in 1 Corinthians 6:18 in the context of having sex with prostitutes – “Flee from sexual immorality [*porneia*] ... he who sins sexually [*porneuo* – verbal form of the noun] sins against his own body.”

It appears in Jude 7 in the context of the sins of Sodom and Gomorrah – “Sodom and Gomorrah and the surrounding towns gave themselves up to sexual immorality [*exporneuo* – another verbal form of the noun].”

It appears in 1 Thessalonians 4:3-4 in the context of living a holy life – “that you should avoid sexual immorality [*porneia*]; that each of you should learn to control his own body in a way that is holy and honourable.”

In other NT contexts *porneia* may refer to incest in the context of an incest marriage – e.g. some scholars believe that is what is referred to in Acts 15:20 – “Instead we should write to them, telling them to abstain from food polluted by idols, from sexual immorality [*porneia*], from the meat of strangled animals and from blood.”

Jesus appears to use this word to refer to physical sexual immorality because it violates the “one flesh” principle that is so foundational to marriage.

What is the adultery – is it the divorce or the remarriage? Lewis Smedes reads Mark 10:11-12 (Anyone who divorces his wife and marries another woman commits adultery against her. And if she divorces her husband and marries another man, she commits adultery) as Jesus focussing upon the “divorce” as adultery, not the “marries another woman” as adultery. In other words, Jesus assumed that one who has divorced can remarry.⁸ Again, we ought to point out that divorce on the grounds of sexual immorality is *permissible* but not *mandatory*.

(b) The teaching of Paul – the “Pauline privilege”

10 To the married I give this command (not I, but the Lord): A wife must not separate from her husband. 11 But if she does, she must remain unmarried or else be reconciled to her husband. And a husband must not divorce his wife. 12 To the rest I say

⁸ L. Smedes, *Mere Morality* (Grand Rapids: Eerdmans, 1983), p. 188.

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. 13 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. 14 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. 15 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. 16 How do you know, wife, whether you will save your husband? Or, how do you know, husband, whether you will save your wife? (1 Corinthians 7:10-16 NIV). See also Romans 7:1-3.

(i) Paul is not giving an opinion but an instruction

When Paul writes, “not I, but the Lord” and “I, not the Lord” he is not saying that former is authoritative and the latter not. He is just contrasting two forms of authoritative scripture – dominical (the Lord’s) and apostolic (his own). They are both authoritative in that they are both scripture.

(ii) Paul echoes Jesus’ teaching on divorce

See verse 10. See also Romans 7:1-3 – “1 Do you not know, brothers — for I am speaking to men who know the law — that the law has authority over a man only as long as he lives? 2 For example, by law a married woman is bound to her husband as long as he is alive, but if her husband dies, she is released from the law of marriage. 3 So then, if she marries another man while her husband is still alive, she is called an adulteress. But if her husband dies, she is released from that law and is not an adulteress, even though she marries another man.”

(iii) Paul permits divorce if a believer has been deserted by an unbelieving partner.

Verse 15 – “a believing man or woman is not bound in such circumstances; God has called us to live in peace.”

So long as the “exceptive clause” and the “Pauline privilege” are in place there appears to be no prohibition on remarriage. Indeed, the expression Paul uses, “is not bound”, seems to suggest that one can remarry.

(c) A crucial question of interpretation – are these two explicit grounds for divorce to be understood as the only grounds for divorce or as two examples of the type of grounds for divorce?

For example, some might point out that a husband may remain sexually faithful (not commit *porneia*) and present (not deserting his partner) but may be psychologically manipulative, verbally derogatory and physically abusive. The options are ...

(1) If we believe that the two grounds for divorce above are the only two grounds, then we might recommend separation but could not

condone divorce (also, some argue that 1 Corinthians 7:10 disallows separation). But, is this a just outcome for the innocent party?

(2) If we believe that the two grounds for divorce above are simply examples of the type of serious grounds that might exist, then we might recommend separation (since God hates divorce and we ought to do all we can to seek restoration) but we might also, in the end, recommend divorce. But, are we going beyond scripture – entering a slippery slope? Where should the line be drawn for grounds for divorce?

“Key issues of application continue to divide believers. If Jesus did permit divorce and remarriage in at least the one instance of marital unfaithfulness, are there any other situations in which divorce and remarriage may be permitted? First Corinthians 7:15 indicates at least one, when an unbelieving partner wishes to leave a believing spouse. But how could Paul, even under the inspiration of the Holy Spirit, add a second exception for divorce to Jesus’ ‘no divorce’ policy if he recognised Jesus’ words as comprehensively addressing all possible situations?” (C. L. Blomberg).⁹

7. How Should the Church Deal with Adultery, Divorce and Remarriage?

- (a) *The need for thorough biblical teaching about marriage and reconciliation.*
- (b) *The need for preparation for marriage.*
- (c) *The need for pastoral ministry to the divorced.*

8. Same Sex Unions and Marriage

In Australian law, marriage is currently defined as:

“the union of a man and a woman to the exclusion of all others, voluntarily entered into for life” (Marriage Act 1961, Part 1 – Preliminary, Section 5).

The legal benefits enjoyed by married heterosexual persons include participation in each other’s insurance and pension plans; favourable tax treatments; an orderly distribution of property should divorce occur; “next of kin rights” for the spouse in the event of hospitalisation, medical emergency or death; and child custody rights in the case of death or divorce. But, what about homosexual couples? Should they have all the same rights? Should they be allowed to marry? If not, can the church bless same-sex unions / partnerships?

⁹ C. L. Blomberg, *Matthew* (The New American Commentary, Vol. 22; Nashville: Broadman Press, 1992), p. 292.

These are complex questions the answers to which will have far-reaching implications for all.

Some have suggested that “domestic partnerships” for homosexuals are the appropriate solution but that the legal benefits these entail should be to the extent that a heterosexual couple receives benefits as individual spouses. They should not include benefits that heterosexual couples receive which have as their purpose the support of marriage as a nurturing environment for children (and by extension grandchildren).¹⁰ Others see no grounds for limiting legal benefits and suggest that homosexual couples should be given full access to all benefits including those relating to parenting as they have the right to adopt and raise children.

Others suggest that homosexual couples should be allowed to marry and enjoy all the rights and privileges that heterosexual married couples have which of course would require a constitutional redefinition of marriage in Australian law.

There are two primary schools of thought regarding the current debate around same-sex marriage:

(a) The Traditional view

The reasons usually given in favour of the traditional (heterosexual monogamous) marriage are:

1. The bible never defines or endorses marriage in same sex terms. In fact, the Bible only ever speaks about homosexuality in unfavourable terms as the consequence of sin and brokenness.
2. The biblical vision of marriage is linked to procreation and family.
3. Man and woman compliment and complete each other both biblically and biologically.
4. Jesus affirms the Genesis 1-2 pattern of marriage (Matthew 19:3-12)
5. Marriage between a man and a woman in almost universally accepted as normative in a wide variety of cultural, anthropological and historical contexts.
6. Gay marriage suggests equality with heterosexual marriage i.e. that they are one and the same thing.
7. Gay marriage implies that frustrated desire is an unacceptable evil. The satisfaction of personal desire is not the greatest priority for God.
8. Celibacy is not a life-sentence or in any way punitive
E.G. Jesus; Paul; no sex in the after life. Sex is not of eternal significance. You can be fully human, single and not active sexually.

¹⁰ S. J. Grenz, *Welcoming but Not Affirming* (Louisville, Kentucky: Westminster John Knox Press, 1998), pp. 150-152.

(b) The Revisionist view

1. Times have changed. Morality has evolved. The traditional view of marriage is outdated and out of touch with 21st century needs and wants.
2. Marriage Equality is a justice issue. Not permitting homosexual people to marry is an injustice and unloving.
3. Sexual orientation is involuntary. Sexual identity and orientation is much like race i.e. neither chosen nor changeable.
4. Scripture needs to be reinterpreted and traditional perspectives on passages dealing with homosexuality reconsidered.
5. The church has no right to dictate to society what it can and cannot do. The church has a credibility crisis when it comes to its own marriages / sexuality and can't force its view of marriage onto broader society.

While the debate around same-sex marriage is certain to continue in the foreseeable future, the church needs to be able and ready to respond as representatives of God's kingdom on earth to the people most deeply affected by it. Our response should at least include a commitment to:

1. Share the pain of those affected and recognise the suffering of those who have felt marginalised and excluded by the church.
2. Love the individuals and listen to their stories.
3. Recognise the church as extend family and include everyone as far as possible in the life and ministry of the church.
4. Acknowledge our own brokenness with honesty and humility.
5. Honour both the married and the celibate in the life of the church.
6. Help, support and encourage one another.
7. Learn and grow together in our understanding of the people, the issues and the needs of all concerned¹¹.

¹¹ *Sexuality and the Church Seminar*, 12 August, BCWA, Dr. Brian Harris, Session 1