

MARRIAGE AND DIVORCE IN NEW TESTAMENT  
INTERPRETATION

by

Alex. R.G. Deasley

For the Committee on Marriage and Divorce in the Ministry,  
Kansas City, Missouri, August, 1991.

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### INTRODUCTION

The purpose of this paper is strictly limited. It is not so much to argue to a single conclusion as to set forth the evidence on the basis of which a conclusion may be made and on which conclusions have been made. It is not so much to state the writer's view of the New Testament teaching regarding marriage and divorce, as to survey the exegetical data out of which the New Testament teaching may be constructed, as well as the leading doctrinal constructs which have been formed from these data. For centuries, various parts of Christendom have found themselves at odds on this matter. The churches of the Reformation have tended to permit divorce on the grounds of adultery, while the Roman church has refused to permit divorce at all. Earlier still the Western church adopted a rigorist stance, while the Eastern church permitted divorce for adultery, desertion, and other such causes as treason and attempt on life. All alike appealed to Scripture to substantiate their view. Since the New Testament evidence has been interpreted in more than one sense, an attempt will be made to set forth the varied interpretations so that readers can evaluate them for themselves.

For the clarity of exposition the paper will be divided into two parts. First, the leading contexts in the New Testament dealing with divorce will be examined, care being taken to point out the features common to all as well as those that are unique to each. In Part Two the varied positions on the issue of marriage and divorce will be spelled out, together with the biblical basis on which they claim to rest.

### PART ONE: EXEGETICAL SURVEY OF NEW TESTAMENT PASSAGES ON DIVORCE.

The procedure in this section will be to treat the relevant passages in chronological order of writing. This means we shall begin with the writings of Paul, which are generally agreed to have appeared during the fifties of the first century; and from there we shall turn to the gospels, the earliest of which - Mark - can hardly be earlier than 65-70 A.D., with Luke and Matthew following at no great distance. The value of adopting this chronological approach is twofold: from a strictly historical point of view it enables us to see how the teaching of Jesus was understood at the earliest moment at which we have access to the tradition; and second, it enables us to see how that teaching was transmitted and applied in a variety of settings in the generation following Jesus' death.

A. The Christian View of Marriage and Divorce according to Paul.

The one passage in which Paul deals explicitly with the subject of divorce is 1 Corinthians 7:10-16. Perhaps more than any other of Paul's epistles, 1 Corinthians places the reader at the disadvantage of 'overhearing one end of a telephone conversation', as F.F. Bruce aptly described it. We know what Paul said to the Corinthians; but we do not know what the Corinthians said in their letter to Paul (1 Cor. 1:11; 7:1). We can only infer this by reading between the lines, and sometimes it is not easy. Moreover, 1 Corinthians 7 is the first passage in the epistle where Paul evidently takes up a question they had addressed to him: "Now for the matters you wrote about."<sup>1</sup> The point at issue is obviously marriage, but it is marriage from an unusual perspective. Paul has often been vilified for saying that he prefers Christians to be unmarried as he is, and that the only good reason for marrying is that it is preferable to immorality (1 Cor. 7:8-9); that, while marriage is "not a sin" (v 28), an unmarried person is a more single-minded (no pun intended) Christian than one who is married (verses 32-5).

But to read Paul thus in the flat, as though this was his comprehensive and considered view of marriage, is to overlook two important considerations. First, it overlooks the fact that 1 Corinthians 7 represents Paul's teaching about marriage in "the present crisis" (verse 26).<sup>2</sup> Second, and even more important, it fails to take account of the peculiarities of the Corinthians' reasoning. Living as they did in a sexually permissive society, and influenced by a mentality which - typical of Greek thought - regarded the physical body as inferior and ultimately unreal, they appear to have reacted in the opposite directions. Some showed their spiritual superiority by licentiousness: "Everything is permissible for me" (1 Cor. 6:12). This Paul dismisses by arguing that the body is for the Lord both in time and eternity (6:13-15), and by commanding them to "flee from sexual immorality" (6:18a). Some, on the other hand, proposed to show their spirituality by asceticism. If sex led to immorality, then the cure for immorality was no sex at all: "It is good for a man not to marry" (7:1b).<sup>3</sup> What was more, they were able to quote Paul's precept and example in favor (7:8). In short, the ideal Christian state was celibacy, or at least abstinence from sexual relations.

Paul appears to be trapped, and he extricates himself first, by quoting their words (verse 1b) but in his own sense (see note 3); and then by applying this modified sense to the various categories of persons represented in the Corinthian church. To begin with, he applies it to those advocating celibacy pointing out that, while celibacy may not be a bad thing for some, for others it is a disastrous

occasion of temptation. To such the married state, and normal physical relations within it, are perfectly proper (7:1-4). Apparently, some married Christians in Corinth - perhaps under pressure from the ascetics - were abstaining from sexual relations so as to give themselves to prayer. But Paul lays down careful limits for this (verse 5), and emphasizes that his approval of the practice at all is "as a concession, not as a command (verse 6).

Next, he addresses "the unmarried and the widows", (verse 8)<sup>4</sup> His counsel to them is identical with his counsel to the first group. While the single state is "good", it is not the only acceptable option, and if they are not controlling themselves<sup>5</sup> "it is better to marry than to burn with passion." (verse 9b).<sup>6</sup> If the pursuit of abstinence merely results in incontinence, then the goal has become self-defeating.

This brings us to the passage of our immediate concern: verses 10-16. In it two groups are addressed. Verses 12-16 are directed to "the rest," and the substance of the verses shows clearly that mixed marriages, involving a Christian and a pagan partner, are in view. This means that "the married," who are addressed in verses 10-11, represent marriages in which both partners are Christians. Now taking these verses in the flow of the chapter as a whole - indeed of the entire epistle - in which the overriding concern is how to be truly "spiritual",<sup>7</sup> this would imply that some married Christians in Corinth had concluded that, since "it is good for a man not to marry" (verse 1), the most spiritual thing a married Christian could do was to bring the marriage to an end - by divorce. The reasoning that the Christian answer to sexual immorality was no sex at all was thus being pushed to its final limit. That is to say, far from being prompted by selfish motives, divorce was being contemplated for spiritual reasons: that was how you became the best type of Christian - separated from the flesh, and wholly spiritual. Against this background we may now examine how Paul addresses the two groups in question.

Paul's directive to married Christians is distinguished by several significant features. First, as to its source: while Paul starts out by saying that he gives the command, he immediately corrects himself by interjecting: "not I, but the Lord." (verse 10a). Taken with the disclaimers in verses 12 ("I not the Lord") and 25 ("I have no command from the Lord"), this seems clearly to mean that regarding marriages of Christians, Paul was able to quote an actual pronouncement of Jesus, whereas Jesus had given no pronouncement on mixed marriages and "virgins". Second, as to its form and content, the command of Jesus was: "A wife must not separate from her husband...and a husband must not divorce his wife." (verses 10b, 11b). This is essentially the same in substance as the saying of Jesus in Mark 10:11-12:

"Anyone who divorces his wife and marries another woman commits adultery against her."<sup>8</sup> However, the Pauline version differs from the Marcan by placing the wife first as the initiator of divorce: a phenomenon probably to explained by the fact that in Corinth, a 'spiritual' woman had already divorced her Christian husband in the interests of greater holiness.<sup>9</sup>

Paul's ruling on this matter, which is, indeed, the Lord's ruling is that divorce may not be sought by either partner. Nevertheless, Paul inserts what appears to be a directive of his own:<sup>10</sup> "But if she does, she must remain unmarried or else be reconciled to her husband" (verse 11a). Here Paul may again be trying to catch up with events in Corinth, in which the divorcee may have been contemplating remarriage. This Paul rules out without specifying the reasons, but it is not difficult to guess at them in the light of Mark 10:12: "if she divorces her husband and marries another man, she commits adultery."

From married Christians Paul turns next to those involved in mixed marriages. Again, he deals with them from both sides, though this time he addresses the husband first. And here he states explicitly that he is giving his own judgment, since Jesus did not - because he had no occasion to - pronounce on mixed marriages. However, Paul's pronouncement is no less authoritative although no saying of Jesus exists to support it. Paul speaks plainly in the imperative mood: "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 (verses 12-13). The immediately following verse shows that again, the Corinthian concern is prompted by an exaggerated concern for holiness: would not a Christian be defiled by sexual relations with an unbelieving spouse? Paul replies that the 'contamination' works precisely the other way round: "the unbelieving husband has been sanctified through his wife, and the unbelieving wife has been sanctified through her believing husband"- a principle which Paul also extends to the children of such marriages (verse 14).<sup>11</sup> Thus far then, Paul's meaning is clear and consistent with the injunction of Jesus: the Christian is not to take any initiative to sue for divorce.

But suppose the unbelieving partner insists upon a divorce? In this case Paul provides two important guidelines. First, "a believing man or woman is not bound in such circumstances" (verse 15b). At the very least this means that the believer is not bound to try to hold together a marriage which the unbelieving partner wishes to dissolve. However, it may mean that the deserted believer is no longer bound by the marriage bond which has been broken by the unbeliever, and therefore is free to remarry.<sup>12</sup> Second, an

overriding consideration for the believer, indeed, the intent of God's own purpose, is that his people live in peace, not strife and discord: a principle which should probably be taken to apply both to cases where the unbeliever is willing to remain as well as to those in which he or she insists on divorce.<sup>13</sup>

Before leaving this passage it is perhaps worthwhile to draw attention not merely to Paul's principles, but to the way in which he applies them. There is no doubt that for Paul the baseline of his approach was the command of Jesus prohibiting divorce to either partner (verses 10-11). However, Paul's application of the command is in no way wooden or legalistic. Barrett puts the issue in its widest sphere when he says: "even where Christian legislation exists it is not to be interpreted, and was not interpreted by Paul, in a legalistic manner. Separation does not put the separated partners outside the church; they remain part of the fellowship, and subject to its discipline."<sup>14</sup> Still more, in verse 11, he does not order the woman who has divorced her husband to return to him; while in verse 15 he can envisage circumstances in which he acquiesces in divorce, although the command of Jesus actually forbids it.

#### B. The Christian View of Marriage and Divorce According to Mark.

The Markan account of Jesus' teaching about divorce, located in chapter ten verses 1-12, falls into two parts. The first (verses 2-9) recounts an exchange on the subject between Jesus and the Pharisees; while the second (verses 10-12) consists of a summarizing statement made in private to the disciples.

As to the former: the setting is evidently that of a test question posed to Jesus by the Pharisees: "Some Pharisees came and tested him by asking, 'Is it lawful for a man to divorce his wife?'" (verse 2). There is every reason for taking this at its face value for, like the question about tribute money (Mark 12:13-17), this seemed to foreclose the possibility of a 'safe' reply. If Jesus replied positively, he would set himself at odds with John the Baptist and his followers (Mark 6:17f); if he replied negatively, he would not only contradict the Law of Moses; he would risk the wrath of Herod Antipas.<sup>15</sup> Jesus however, turns the tables by raising the question of the teaching of the Mosaic Law. Divorce was taken for granted in Judaism at the time of Jesus on the basis of Deuteronomy 24:1-4. But Jesus proceeds to show, by question and answer, that there was a difference between what the Law permitted and what it commanded.<sup>16</sup> Insofar as divorce could be said to be commanded in Deut. 24:1-4, it was in an attempt to ameliorate its effects on women who alone were the victims of divorce in Judaism. But the divine command from the beginning was that marriage was to be permanent: a conclusion drawn from

the fact that the marriage partners became "one flesh." Since this was God's decree, it was not for man to undo it (verse 9). God's intended purpose therefore, was that marriage be permanent.

The second part of the passage (verses 10-12) spells this conclusion out in a summary way, when Jesus responds to the disciples' question afterwards. His teaching is expressed -remarkably- from the side of both husband and wife. The divorcing husband who marries another commits adultery against his first wife; and a divorcing wife who marries another likewise commits adultery. And the seventh commandment says: "You shall not commit adultery" (Exodus 20:14).

It is worth pausing to draw attention to some distinctive features of the Markan account. First, the main point stressed in the dialogue between Jesus and his interrogators is that there is a vast difference between what God permits in a situation where the power of sin is already effecting its deadly work, and what he enjoins as his pure and absolute will. The Jews of Jesus' day as those of earlier days, assumed that, since the Law contained a commandment regarding divorce (Deut.24:1-4), therefore divorce must be 'commanded' by God, that is, in accordance with his will. The fact is that no Old Testament Law institutes divorce and, as pointed out above, Deuteronomy 24:1-4 far from approving it, is an attempt to rein in some of its more brutal effects upon women.<sup>17</sup> As Cranfield points out, Jesus is not setting the command of God against that of Moses; rather he is bringing out the real meaning of Deut.24:1. "A distinction has to be made between that which sets forth the absolute will of God, and these provisions which take account of men's actual sinfulness and are designed to limit and control its consequences."<sup>18</sup> But if one wants to know God's absolute will regarding marriage, it is found in Gen.2:24: "they two will become one flesh." The meaning of this is expressed by Jesus in the following words: "So they are no longer two, but one. Therefore what God has joined together, let man not separate" (Mark 10: 86-9).

Second, it is implied in verses 2-12, that the absolute will of God regarding marriage, as expressed in the creation ordinance, is capable of fulfillment. The concession made by Moses on account of the hardness of human hearts, is set aside in favor of the original commands to lifelong fidelity. This is made explicitly clear in verses 11-12 where divorce and remarriage is flatly said to entail adultery. On this two questions are in order. To begin with, we may enquire what it is that makes possible now the observance of a law whose repeated breaching prompted the concession made by Moses. The answer is even more explicit in Matthew than in Mark, but even there it is not in doubt.

It is simply that with Jesus has come the reign of God and the power of God, making possible kingdom behavior.<sup>19</sup> As David Catchpole has expressed it: "The one scheme which can set Moses aside and argue from creation is eschatology: Jesus presupposes that the End time has already come. The declaration regarding divorce belongs to the central concerns of the mission of Jesus. Participation in the present age alone is the hallmark of exclusion from the kingdom."<sup>20</sup> The other question that presents itself is: is not hardness of heart to be found even after the coming of Jesus - indeed, even among his followers? And if so, is there not then still room for the Mosaic concession? The answer - though this may be to anticipate the second half of the paper - may well be yes. But if so, then it must be regarded as it is in Deuteronomy: namely, as a concession to human sinfulness, and not as part of the divinely ordained order. To quote Cranfield again: "Human conduct which falls short of the absolute command of God is sin and stands under the divine judgment. 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. When our sinfulness traps us in a position in which all the choices open to us are still evil, we are to choose that which is least evil, asking for God's forgiveness and comforted by it, but not pretending that the evil is good."<sup>21</sup>

Third, it is notable that Jesus is depicted here to speak of divorce as a legal resource open to both wife and husband (verses 11-12). The accuracy of this has been questioned on the grounds that, in Judaism, only the husband had the right of divorce; and in the Matthaean parallel (Matt. 19:9) this is the only possibility that is envisaged. However, there is no reason why Jesus may not have spoken of divorce as an expedient open to wives. The case of Herodias, who had made use of Roman law to divorce her husband, Herod Philip (who was also her uncle) was a cause celebre during the ministry of Jesus; indeed, John the Baptist's denunciation of it had cost him his head (Mark 6:17-29). Jesus may well have had this in mind,<sup>22</sup> not to mention the prevailing practice in the Gentile world.<sup>23</sup> But there is an aspect of this saying of Jesus which involves an extension of Jewish divorce practice that is even more important. In Rabbinic law only males were regarded as parties injured by adultery. Jesus sweeps this restricted view aside and affirms that "anyone who divorces his wife and marries another woman commits adultery against her" (verse 11), i.e. against his first wife. Thus Jesus redresses the imbalance of the law of divorce which, until then, had operated to the disadvantage of women. And this in itself carries yet another implication: that while, in this saying, Jesus is intent on ruling out divorce and remarriage, the effect of his extension of prevailing law is to affirm the innocence of an injured party, thereby raising at least the

question if not the possibility of remarriage after divorce, in a context whose overt purpose was to exclude that very thing.

We may summarize the Markan account of Jesus' teaching by saying that, according to Jesus, God's design is that marriage be lifelong. Any deviation from that is a departure from his will: in particular, divorce and remarriage are sinful as amounting to adultery. It is also implied that, with the coming of Jesus the power of the kingdom is present, making possible conformity with God's design, and any permission of divorce in the period prior to Christ's coming is a temporary concession. There is the further implication that prevailing Jewish law, according to which divorce is a male option, is inequitable; wherever divorce law exists, it must apply equally to both sexes. The specific application of this in the Markan narrative is to the wife as the innocent and injured party in a divorce. This raises the question of the admissibility of the remarriage of such injured parties. However, that question is neither specifically raised nor answered.

#### C. The Christian View of Marriage and Divorce According to Luke.

Luke's account of Jesus' teaching on marriage and divorce is terse: "Anyone who divorces his wife and marries another woman commits adultery, and the man who marries a divorced woman commits adultery" (Luke 16:18). The saying requires little exposition since its meaning is straightforward. The assumption upon which it is based is that divorce does not destroy the marriage-bond. Consequently, remarriage on the part of one who has been divorced - whether husband or wife - is a breach of the seventh commandment.

Several features of the Lucan account are striking, and some puzzling. First, it is written strictly from the husband's point of view; there is no mention of a wife's right of divorce. What this means in other terms is that it is written from a Jewish point of view - a remarkable phenomenon in a gospel written by a Gentile for Gentiles. J.A. Fitzmyer writes: "The Lucan saying is thus cast completely from the OT or Jewish point of view, commenting on the action of the husband who would divorce his wife and marry again (or who might marry a divorced woman). Underlying it are the Palestinian and OT ideas of the wife as the chattel of the husband....and of the permission to divorce the wife allowed to the husband in Deut.24:1-4."<sup>24</sup> Second, while it is written from a Jewish point of view in the sense indicated, in an even more important sense it overrides the permission to divorce assumed in Judaism on the basis of Deut.24:1-4, and affirms rather that the husband (and *a fortiori* the wife) has no permission to

divorce at all. Divorce followed by remarriage, which it is assumed will take place on both sides of the dissolved marriage) entails adultery, and as such is forbidden. Third, if it be asked why such a law is included, and especially in this context, the answer given is "in order to illustrate the continuing validity of the law but in the new form given to it by Jesus."<sup>25</sup>

While, therefore, Luke does not place the saying in the context of the rabbinic disputes of his day, or the practices prevailing among the Gentiles, his response is the same as that attributed to Jesus by Paul and Mark: marriage is lifelong, hence indissoluble; and marriage, following divorce, entails adultery.

#### D. The Christian View of Marriage and Divorce according to Matthew.

Matthew records two pronouncements of Jesus concerning marriage and divorce. The first occurs at Matt. 5:32, the second at Matt. 19:1-12. It will be convenient to deal first with the features they share with other sayings of Jesus, and then concentrate on, the feature that is unique to them. The first saying constitutes one of the 'antitheses' of The Sermon on the Mount in which Jesus contrasts what has been said in former times with what he lays down now. Matt. 5:31 makes a specific allusion to Deut. 24:1-4: "It has been said: 'Anyone who divorces his wife must give her a certificate of divorce.'" Jesus, however, as in Mark, sweeps this prescription aside with the assertion: "But I tell you that anyone who divorces his wife....causes her to become an adulteress, and anyone who marries the divorced woman commits adultery." (verse 32). In substance, this is virtually identical with Luke 16:18, the sole difference being that, whereas in Luke the adultery involved in the husband's remarriage is stated in general terms and from the husband's point of view [(he)....commits adultery"], in Matt. 5:32 the resulting adultery is described from the perspective of the divorced wife: "(he) causes her to become an adulteress" - the assumption being that she will marry again, if only for economic survival, and thereby commit adultery since her previous marriage is still valid.<sup>26</sup> The general import of Matt. 5:31-2 is thus that the Mosaic permission of divorce has been rescinded by Jesus, and that the remarriage of divorced persons is adulterous.

The same view is maintained in Matt. 19:3-12. Like its Markan parallel, this passage falls into two parts: first, the question about the Mosaic permission, recorded in verses 3-9; and the discussion between Jesus and his disciples afterwards (verses 10-12). However, the structure is somewhat different. In Mark 10:2 the Pharisees ask Jesus whether divorce is lawful; in Matt. 19:3, their question is whether it is lawful "for any and every reason." In the

Markan passage, it is Jesus who draws Moses into the debate (Mark 10:3); in Matthew, the Pharisees do so (19:7). These differences do not affect the heart of the issue, however, nor of Jesus' reply. His strategy in Matthew is the same as in Mark: to move back from Moses to the ordinance of creation when God ordained that the two should be one flesh; and that divine ordinance is not to be undone by human interference. The Matthaean account therefore achieves its climax in the saying: "I tell you that anyone who divorces his wife...and marries another woman commits adultery" (verse 9). The conclusion is essentially the same as in Mark, save that it is expressed wholly from the viewpoint of the husband. Marriage is lifelong and indissoluble; therefore any subsequent marriage during the lifetime of the first partner is adulterous.

If, however, the conclusion drawn in the Matthaean divorce passages agrees with that in Mark and Luke, Matthew differs from his fellow-synoptists in making one exception in which, apparently divorce is permissible - and herein lies Matthew's unique and distinctive feature: "except for marital unfaithfulness" (5:32, 19:9). Two questions clearly present themselves. First, what is the nature of this exception? And second, why is it missing from the Markan and Lucan accounts? Since the gospels were originally written to different audiences: Mark to the church in Rome, Luke to Gentiles in general, Matthew perhaps to a church in Syria; and since, to begin with, all churches did not have access to all of the gospels; would not this mean that different versions of the teaching of Jesus, giving rise to different standards of ethical behaviour, would emerge in different areas of the church?

Interpretations of the nature of the exception may be classified, for purposes of clarity, into two categories. Both turn on the meaning of the Greek word *porneia* (whence English pornography), translated in the New International Version as "marital unfaithfulness", in KJV as "fornication", and in RSV, NRSV and REB as "unchastity."

On the one hand, it is argued that *porneia* denotes adultery. This view, which may be called the classical Protestant position, was first propounded in the West in 1519 by Erasmus, and has been maintained by the majority of Protestant exegetes since then. On this understanding 'adultery' is the natural meaning of *porneia* in Matt. 5:32 and 19:9. In the words of a noted twentieth century exegete: "This term may be used of all kinds of illicit sexual intercourse and may apply to such on the part of unmarried persons, in whose case the sin would not be in the specific sense adultery. But though it is the generic word that is used here, it is not to be supposed that the sense is perplexed thereby. What Jesus sets in the fore front is the sin of illicit sexual intercourse. It is, of course, implied

that such on the part of a married woman is not only fornication but also adultery in the specific sense, for the simple reason that it constitutes sexual infidelity to her spouse."<sup>27</sup>

However, there are several difficulties in the way of accepting this interpretation. First, there is the fundamental unlikelihood that Christ, having specifically repudiated the Mosaic permission of divorce in favor of a return to the original conception of marriage as permanent, should in the next breath have approved divorce in certain cases. This is true of Matt. 5:32 but is especially clear in Matt 19:3-9 where Christ goes out of his way to condemn the Mosaic regulation as a concession to the hardness of men's hearts. Is it to be imagined that having condemned the concession Christ should proceed forthwith to legislate for its continuance? "We can hardly believe," says Plummer, "that our Lord, after setting aside the Mosaic enactment as an accommodation to low morality, should himself have sanctioned what it allowed."<sup>28</sup>

Second, if in the two Matthaen passages 'adultery' is the correct translation, then the conclusion drawn by the Evangelist in each is muddled. For example, why does Matthew say in 5:32 that a husband's divorcing his wife for fornication "causes her to commit adultery"? If she has committed fornication she has already done so. Again, if these verses are taken to permit divorce on the grounds of adultery, the underlying assumption is that adultery destroys the vinculum of marriage. But why then say in 19:9 that "anyone who divorces his wife, except for marital unfaithfulness, and marries another woman commits adultery?" How can he commit adultery if his wife's fornication has already dissolved his first marriage?

Third, - and here we move into the second part of Matthew's account: the discussion between Jesus and his disciples in Matt. 19:10-12 - if adultery is meant then it is harder to make sense of Matt. 19:10. This verse represents the disciples as saying: "If this is the situation between a husband and wife, it is better not to marry," meaning that it is dangerous to get married since one cannot divorce one's wife for any reason other than unchastity. Christ's disciples are admitting that they could not do what the followers of Shammai did - surely an improbable state of affairs. But if, on the other hand, Christ has just taught that marriage is absolutely indissoluble, then the disciples' misgiving is intelligible, for according to him a married man cannot divorce even an adulterous wife.

But in addition to these internal inconsistencies produced in the narrative when *porneia* is taken to mean adultery, there is the external problem of the clash which this understanding creates with the accounts of Jesus'

teaching on the subject by Paul, Mark and Luke. As we have seen, according to them Jesus taught that marriage was lifelong and therefore indissoluble, so that a subsequent marriage during the lifetime of the first partner was adulterous. According to Matthew, Jesus taught otherwise: that marriage was dissolved by immorality. The best reply that defenders of this understanding are able to make is that Paul, Mark and Luke assume the exception<sup>29</sup>; but since this by definition is an argument from silence, it is difficult not to feel that it is an argument born of desperation.

This impasse at once prompts the question whether, in Matthew's exceptive clauses *porneia* may not have another shade of meaning governed in significant measure by the situation to which Matthew's gospel was addressed. As has been noted, it is admitted even by those who take the term to mean 'adultery' in the exceptive clauses, that it has a wide field of meaning, and therefore 'adultery' is not its only possible sense in our passages. There is, indeed, clear evidence of narrower uses in the New Testament: some of them specifically reflecting or addressing Jewish sensibilities. The clearest instance of this is in the so-called Decrees of the Council of Jerusalem in Acts 15:28: "It seemed good to the Holy Spirit and to us not to burden you with anything beyond the following requirements: You are to abstain from food sacrificed to idols, from blood, from the meat of strangled animals and from sexual immorality" (*porneia*). One need not go into the problems besetting the textual variants (which are discussed in the standard commentaries) to see that the problem confronting the council was whether or not Gentile converts to Christianity must be required to observe the Mosaic Law (verse 1). This was primarily a question of the ceremonial law, which to Gentiles meant little or nothing, but to Jews meant a great deal, as Gal. 2:11-14 makes clear. Indeed, the very possibility of table-fellowship between Gentiles and Jews turned on this very issue: Gentile conformity with the ceremonial law. The first three items in Acts 15:29 belong clearly to this category: food sacrificed to idols, blood and the flesh of animals not slaughtered in a way that conformed to kosher requirements. The eating of any of these rendered a person ceremonially unclean in Jewish eyes. It is safe presumption that the fourth item in the list: *porneia*, belongs to the same class. Gentile Christians did not need to be told that adultery was sinful: the seventh commandment told them that. But they might need to be told that Jewish scruples regarding the relationships within which marriage was permissible were narrower than they thought necessary (Lev. 18:6-18); and disregard of these would pose a threat to the unity of the Church.<sup>30</sup>

The meaning of the term *porneia* in 1 Corinthians 5:1 appears to be of the same character: the "sexual immorality"

(NIV) spoken of in the text is defined as "a man has his father's wife." Gordon Fee correctly explains: "The problem is incest, a man taking a wife of his father other than his own mother and living with her sexually in an ongoing relationship....What cannot be known is what had happened to the father, whether there had been divorce or death. In either case what is forbidden by all ancients, both Jewish and pagan, is the cohabiting of father and son with the same woman."<sup>31</sup> Here again, then, *porneia* is being used in an abbreviated sense.

Inasmuch as Matthew's gospel is addressed to a church consisting of a majority of Jewish Christians who were, however, rapidly being overtaken by Gentile Christians,<sup>32</sup> it may be expected that Matthew would find it necessary to soothe and subdue disquiet on both sides. On the one hand, Christians of Jewish origin might well feel that the Jewish roots of the church were in danger of being cut; while on the Gentile side, impatience with what was regarded as Jewish scrupulosity might be expected to manifest itself. With reference to the particular issue of *porneia*: there is an implicit example of it in Matt.1:18-25. Unchastity before marriage in a woman was grounds for stoning, according to Old Testament law (Deut.22:13-21), though by New Testament times divorce was substituted for the death penalty, on the basis of Deut.24:1. When therefore, Joseph discovers that his betrothed is pregnant, he resolves to divorce her (Matt.1:19), and his rightness in doing so is affirmed. That is to say, the law of divorce for *porneia* understood as pre-marital unchastity remains, and only divine intervention can override it (verse 20). Here then, is another shade of meaning in the term *porneia*.

Since then, as we have seen, the meaning of 'adultery' does not readily fit Matt.5:32 and 19:9, may it not be that one of the other shades of meaning will do so? Both possibilities already found in other parts of the New Testament have been suggested. On the one hand it has been maintained that what is being excepted in the exceptive clauses is pre-marital unchastity. Jesus' absolute ban on divorce does not include cases where infidelity during betrothal comes to light before or after marriage. In this case the reassurance is directed towards Jewish Christians who, reared in the tradition of Jewish piety, abhorred such an infraction of the marriage bond inasmuch as it in truth rendered impossible the creation of a marriage bond. On the other hand, it is argued that the exception in Matt.5:32 and 19:9 refers to marriage within the prohibited degrees. In this case, the reassurance will have been directed to both Jewish and Gentile Christians: to the former who would have felt otherwise that Jesus was providing for marital unions that were prohibited in the Mosaic Law (Lev.18:6-18); to the latter who may have wondered if a Gentile convert to Christianity who was party to such a marriage could

regularize his situation. F.F. Bruce writes: "Most probable is the view that the exceptive clause is designed to adapt the ruling to the circumstances of the Gentile mission. If this is so, the term *porneia* has a technical sense, referring to sexual unions which, while they might be sanctioned by use and wont in some parts of the Gentile world, were forbidden by the marriage law of Israel. It is a matter of history that the Church's traditional marriage law, with its list of relationships within which marriage might not take place, was based on that of Israel. What was to be done if two people, married within such forbidden degrees, were converted from paganism to Christianity? In this situation the marriage might be dissolved."<sup>33</sup>

If now we pause and sum up the conclusion of this exegetical survey of the New Testament teaching on divorce, it is not difficult to see where it leads. The Pauline, Markan and Lucan passages, though applying the teaching of Jesus in different circumstances and settings, and giving various nuances to it, are unanimous in representing Jesus as teaching that marriage is lifelong, so that divorce and remarriage during the lifetime of the first partner is adulterous. Matthew likewise reproduces this teaching save that he makes one exception: *porneia*. This alone should evoke caution since to qualify an absolute statement is to rob it of its absoluteness. On examining the exceptions however, we have discovered that they are not true exceptions to the absolute teaching of Jesus at all. Rather are they exceptions which prevented the contracting of a biblically true marriage in the first place. What this amounts to therefore is that, in all other accounts of the teaching of Jesus, his position is the same: marriage is lifelong and indissoluble; and remarriage is forbidden and adulterous. Our next task is to inquire how the exegetical evidence may be used to formulate a theological position.

## PART TWO: THEOLOGICAL POSITIONS DERIVING FROM EXEGESIS

Exegesis is not theology, but the raw material from which theology is made. Our next step therefore is to indicate the different ways in which the foregoing exegesis has been used to fashion theological constructs. Broadly speaking they follow one of two principles.

### A. The Teaching of Jesus is Viewed as Prescriptive Law.

On this principle, it is assumed that Jesus is making a precise legal judgment, conformity to which is required if one is to be considered a follower of his, living within his law. Those adhering to this view affirm that the inclusion of specific exceptions as in Matt. 5:32 and 19:9, or I Cor. 7:11 indicate that legal prescriptions are in mind. The exegetical options surveyed in Part One indicate at least

two possibilities, depending on which line of exegesis is found convincing.

1. Divorce is absolutely forbidden. Those adhering to this view follow the exegesis that Jesus' words, as represented by Paul, Mark, Luke and Matthew are united in holding that marriage is indissoluble. Since marriage is indissoluble, divorce is impossible, and therefore any remarriage is adulterous. It is maintained on this view that exceptions to this within the New Testament are only apparent. Thus, the 'privilege' allowed by Paul to a Christian deserted by a non-Christian spouse is not a divorce but merely a desertion, and neither the deserting nor deserted party is free to remarry. Again, the exceptions in Matthew 5:32 and 19:9 are not real exceptions since they do not represent the breaking of a valid marriage bond, but only the recognition that the grounds for a valid marriage bond never existed. Jesus' absolute prohibition of divorce therefore stands unaffected and unqualified.
2. Divorce is permissible but only on the grounds of adultery or desertion. Proponents of this view hold that, however many varieties of meaning *porneia* may have, in Matthew's exceptive clauses its natural meaning is 'adultery'. Adultery is therefore the only biblical ground for divorce. At this point adherents of position divide. Some argue that adultery breaks the vinculum or bond of marriage, and therefore remarriage is permitted. "It is surely reasonable to assume," writes John Murray, "that if the man may legitimately put away his wife for adultery the marriage bond is judged to be dissolved." "If divorce involves dissolution of the marriage bond, then we would not expect that remarriage would be regarded as adultery."<sup>34</sup> Others argue that while divorce is permissible on the grounds of a spouse's infidelity, re-marriage is not. The Markan and Lukan divorce sayings which affirm that putting away a spouse and marrying another involves adultery are appealed to here; so also is Paul's teaching that a Christian who leaves her husband has only two alternatives: to remain single or be reconciled to her husband (I Cor. 7:11). The statements in Matt. 5:32 and 19:9 are interpreted similarly.<sup>35</sup> The implication of this is that the 'divorce' in question is really a form of legal separation, and this view perhaps ought to be classed under the first category.

#### B. The Teaching of Jesus is Viewed as an Ideal.

The overall perspective indicated here is well expressed in some words of F.F. Bruce: "Is it wise to take Jesus' rulings on this or other practical issues and give

them legislative force? Perhaps not. The trouble is that, if they are given legislative force, exceptive clauses are bound to be added to cover special cases, and arguments will be prolonged about the various situations which are, or are not, included in the terms of those exceptive clauses. It is better, probably, to let his words stand in their uncompromising rigour as the ideal at which his followers ought to aim. Legislation has to make provision for the hardness of men's hearts, but Jesus showed a more excellent way than the way of legislation and supplies the power to change the human heart and make his ideal a practical possibility."<sup>36</sup> The importance of such a statement is that it holds firmly to Christ's teaching about the permanence of marriage; expresses faith in God's power to make possible fulfillment of it; but at the same time recognizes that it may not be possible to apply this with legal rigor in all cases.

Several points are implied in this position which may be spelled out individually.

1. There are indications that Jesus' teaching on divorce was intended to be regarded as an ideal rather than a law. Certainly in Matt.5:32 it stands amid the 'Antitheses' of the Sermon on the Mount which, while frequently described as the Law of the Kingdom of Heaven, are assuredly law of a different character. No court can measure the lustful look or the hating heart, and it is alongside the ideal of the loving heart that the lifelong marriage is placed. "Jesus' saying about divorce," says W.D. Davies, "was, when first delivered, probably intended to be more haggadic than halakhic; that is, its purpose was not to lay down the law but to reassert an ideal and make divorce a sin, thereby disturbing then current complacency."<sup>37</sup> Indeed, it may be said that there is an ideal element in much if not all law, and in civilized societies the letter of the law is not necessarily taken as the standard of judgment. This was certainly true of Old Testament society where, so far as our evidence goes, the penalty of stoning for adultery, for example, was rarely enforced.<sup>38</sup>
2. This leads to a second point, namely, that in the New Testament we see the teaching of Jesus being applied to fresh situations, circumstances and problems. Thus, the divorce teaching as recorded in Matthew is cast in wholly male terms; but when addressed to the Roman world in Mark, the wife is seen as an acting partner as much as her husband. Again, Matthew 5:32 assumes that there is no middle position between marriage and divorce, whereas in 1 Cor.7:11 Paul envisages legal separation as a possibility. Yet again, on any understanding of the exceptive clauses, Matt.5:32 and 19:9

speak as if only women were capable of marital infidelity. This prompts J.A. Fitzmyer to observe: "The absolute prohibition of divorce goes back to Jesus. But it is a Jesus with diversity since we have not only an absolute prohibition (Mark, Luke, Paul), but also exceptive phrases in Matthew; the Marcan modification regarding women; and the Pauline permission of remarriage. These have Scriptural authority. Cannot the Spirit-guided Church do the same?"<sup>39</sup> In a similar vein, but looking at the changes in society, H.B. Green says: "it is proper to point out that the texts which have determined the Christian doctrine of marriage have come down to us from a period when marriage was more of a guaranteed institution of society, and less of a demanding personal relationship, than it has become in modern times. The contemporary application of them must take into account the greater weight now laid upon the aspect of personal relationship, and be ready to ask in specific cases whether the essential conditions for this ever existed, or whether, if they did, they have irretrievably broken down."<sup>40</sup>

3. A third point to be insisted on in viewing Jesus' teaching on divorce is that, not only is it not to be seen and applied woodenly as a law, but it is not to be applied without regard to the Gospel. Scholars across the whole Christian spectrum are recognizing this. Father Bruce Vawter, from the Roman Catholic side writes: "Jesus' command regarding divorce was not the promulgation of a divine law....It was and is a word addressed to the Christian conscience by divine grace."<sup>41</sup> Gordon Fee, from within Pentecostalism, writes: "Some find Paul and Jesus too harsh and try to find ways around the plain sense of the text. Others turn the text into law and make divorce the worst of all sins in the church...Paul does not raise this norm to law. Divorce may happen, and such a person is not ostracized from the community."<sup>42</sup> The Kysars, from within Lutheranism, return to the point repeatedly. Thus, they insist that Jesus' proclamation has two points of focus: God's Creative Intent and God's Redemptive Intent; or, in different terms, the radical demand of God and the radical acceptance of God. Both must be seen. To take only the former cuts the heart out of Christianity, which, they claim, is what most churches have done by making laws out of them.<sup>43</sup> Like the good Lutherans they are, the Kysars return to the point, insisting that salvation is by grace, not by law; that sin is pardoned by grace alone, including marital sin; and that the love of God in Christ means new beginning.<sup>44</sup>

Against this, it is worthwhile, for purposes of comparison to set the response of one who feels bound to a more rigid position. William Heth, referred to above as a proponent of the "Divorce, but no Remarriage" position, writes: "I am sometimes asked, 'Where does God's grace enter the picture of your no-remarriage position? Do you expect divorcees to remain single the rest of their lives?' To which I reply, 'Does God give grace for Christians to sin?' I cannot think of any instance in Scripture where God gives grace to do that which is contrary to his will...God's grace is abundantly bestowed on those disciples who desire to be faithful to their Lord's teachings no matter how difficult they seem to be."<sup>45</sup> Doubtless, the point is well made, but it does not cover all of the cases. What of those whose divorce record was compiled before they became Christians? And what is the word of grace to those who have divorced since becoming Christians - for, grace notwithstanding, Christians sin? The advice given by William Heth and his collaborator Gordon Wenham in their earlier book, Jesus and Divorce, is: "We believe that you should see that your present marriage is now God's will for you...You should seek to be the best husband or wife you can be, rendering to each other your full marital duty....All Christians... recognize that their past sins have inevitable consequences which we cannot alter. But however blatant our past denials, Christ still offers us forgiveness and the opportunity to love and follow him in the future (John 21:15-19)."<sup>46</sup> Now, the emphasis on grace and forgiveness here is thoroughly in line with the Gospel; but as to the "Divorce - but no Remarriage" position of the authors, one of two things has happened. Either it has collapsed in the end into a variation of the ideal view; or else, the grace of which they write is not quite grace in the full Christian sense, but leaves its recipients as second-class citizens in the church.

It is difficult not to feel that, in such views, God's grace in the Gospel is being sacrificed to some anterior prepossession. In Roman Catholicism that prepossession is the doctrine that marriage is a sacrament, and a sacrament once concluded is irreversible. Among many of the Protestant proponents of anti-divorcism, the prepossession is a particular interpretation of the 'one-flesh' teaching of Gen.2:24: namely, that the unity created in marriage is of such a character as to be indelible.<sup>47</sup> To many, there is an unreality in speaking of marriage as some kind of metaphysical entity which endures even when all the aspects of personal relationship and covenantal loyalty have vanished from it.

Such are the main forms of divorce doctrine constructed from the biblical text. From all of the foregoing we may

seek now to isolate what ought to be the guiding principles in formulating a Christian view of divorce.

### PART THREE: GUIDING PRINCIPLES IN CONSTRUCTING A CHRISTIAN POSITION ON DIVORCE.

To some extent these will be determined by the stance adopted on the exegetical issues (Part One) and, in turn, the theological issues (Part Two). At the same time, there will also be a considerable degree of overlap unless a rigid view is to be applied in a legalistic way. Even those who maintain that marriage is indissoluble, and divorce and remarriage always wrong, still have to deal with divorced persons, including some making Christian claims and no view which regards divorce as a sin declares it to be unforgivable. There will therefore be a certain commonality in the area of guiding principles.



In the last analysis there is only one guiding principle: The Law must be proclaimed in the context of the Gospel. The Law is God's gift to his creatures: a divine transcript of the kind of life which is best for them, for their greatest good. But inasmuch as it is God's, rejection of it is not merely refusal, it is sin. Humankind on the other hand, being not merely finite but fallen, reject the Law in the false belief that their own way is better. But even when they believe otherwise, they are in no better condition, since sin has robbed them of the power to keep the Law. Their only hope lies in a greater power which can forgive, cleanse and renew them and enable them to keep God's Law. Such a power is found only in the Gospel of Christ the Saviour. Inasmuch as the law of marriage is part of God's Law, it falls within the parameters of the Law and the Gospel, and is to be understood within that framework.

When this basic undergirding principle is applied specifically to the area of marriage and divorce, it would seem to require to be spelled out in at least the following specific guidelines.

#### A. The Biblical Ideal of the Permanence of Marriage Must be Clearly and Unambiguously Acknowledged as the Baseline of the Biblical View.

This must be made transparently clear in the church's official statement of her position. It must be made equally clear in teaching and preaching - in both of which too often it has been wrapped in a blanket of silence. As part of all these, the church, in fidelity to her Lord, must affirm reconciliation as her first priority in marriage breakdown; and pastor and others in pastoral leadership must be trained to look to conciliation as their first weapon in such situations. In Gordon Fee's words: "in the Christian community reconciliation is the

norm. If the Christian husband and wife cannot be reconciled to one another, then how can they expect to become models of reconciliation before a fractured and broken world?"<sup>48</sup> John Stott's personal practice is a good guide. "For some years now I have followed a simple rule, that whenever anybody asks me a question about divorce, I refuse to answer it until I have first talked about two other subjects, namely, marriage and reconciliation. This is a simple attempt to follow Jesus in his own priorities. When the Pharisees asked him about the grounds for divorce, he referred them instead to the original institution of marriage. If we allow ourselves to become preoccupied with divorce and its grounds, rather than with marriage and its ideals, we lapse into Pharisaism. For God's purpose is marriage, not divorce, and his gospel is good news of reconciliation. We need to see Scripture as a whole, not to isolate the topic of divorce."<sup>49</sup>

B. If and When Resort is Made to Divorce and Remarriage, the Place for Repentance and Forgiveness Must be Given Recognition.

The matter is delicate: not least because there are (in my view) innocent parties. On the other hand the Church has a problem and a responsibility: to forgive without approving. In John Stott's words: "Divorce is nowhere commanded, and never even encouraged, in Scripture. On the contrary, even if biblically justified, it remains a sad and sinful declension from the divine ideal."<sup>50</sup> The Kysars say that "in most cases divorced persons do not need to be told that they are guilty."<sup>51</sup> They go on to suggest that the divorced are in a position to hear and understand the message of forgiveness and redemption, and that "the church needs to offer concrete forms of forgiveness and acceptance to the divorced."<sup>52</sup> Precisely what these forms should be is a matter for discussion: whether in private counsel with a pastor; in a service of dissolution of marriage; and in the use of a different form of service for remarriage than for marriage. Oliver O'Donovan calls for what he labels "institutional visibility": "The primary question is how the church may find some arrangement that will give adequate form both to its beliefs about permanence of marriage and to its belief about the forgiveness of the penitent sinner."<sup>53</sup>

C. It Would Seem That There Must Be Some Defined Discipline

Just as sexual immorality disqualifies from the ministry for a stated period, should not the same be so in cases of divorce? Should not this likewise apply to the holding of office in the church by laypersons? If the rescinding of membership would be extreme, exclusion from office for a stated time would seem to be consistent with the attempt

to be faithful to the biblical witness in a day when family collapse has reached epidemic proportions.

In some such ways as these the church may find its way in being both the custodian of the Law and the proclaimer of the Gospel.

#### NOTES

1. All Biblical quotations are taken from the New International Version unless stated otherwise. The telltale formula indicating that Paul is addressing a question posed by the Corinthians is "Now about", or words to that effect. See 7:25; 8:1; 12:1; 16:1.
3. It is possible that the words "It is good for a man not to marry: (7:1b) are a quotation from the Corinthians' letter to Paul. The New Revised Standard Version places them in quotation marks, following a semi-colon, thus giving the impression that this was one of the things of which they wrote. The Revised English Bible is more forthright, and translates 7:1: "Now for the matters you wrote about. You say, 'It is a good thing for a man not to have intercourse with a woman'; although there is no equivalent in the Greek text for "you say." It is entirely probable that this is a true interpretation. The important point is that, while Paul could have said these words, he would have meant something different by them than did the Corinthians. They meant: "It is best for a man to be celibate." Paul meant: "It is not a bad thing for a man to be celibate," but he proceeds at once to describe a situation in which it is best to be married: "But since there is so much immorality, each man should have his own wife, and each woman her own husband" (7:2).
4. "The unmarried and the widows" is an odd combination, not least because Paul has, in effect, just addressed the unmarried in verses 1-7. It is probable that the Greek word literally rendered 'unmarried' should be translated 'widowers': a sense which it could carry in Hellenistic Greek. In that case, the group Paul is addressing in verses 8-9 is those who have been "demarried" as a result of the death of a spouse. For details see Gordon Fee: The First Epistle to the Corinthians (New International Commentary on the New Testament, Grand Rapids: Eerdmans,

note 2  
is missing

- 1987), 287f.
5. There is no equivalent in the Greek text for the word "cannot" in "if they cannot control themselves." The verb is a simple indicative: "if they are not controlling themselves," implying immoral conduct.
  6. Following from the interpretation suggested in note 5, the meaning of verse 9b will be that marriage is better than being devoured by the sin produced by passion. Cf. Fee: "Paul is not so much offering marriage as the remedy for sexual desire of 'inflamed youth'... but as the proper alternative for those who are already consumed by that desire and are sinning" (op.cit.289).
  7. For a brilliant overview of the epistle from this perspective, see Fee, op.cit., 6-13.
  8. It is important not to be misled by the use of the term 'separate' in 1 Cor.7:10-11. In later ecclesiastical as in modern civil law, separation is a defined legal state, short of divorce. A superficial reading of verse 11a might seem to envisage this very thing: "But if she does (separate), she must remain unmarried or else be reconciled to her husband." But this is equally consistent if 'separate' means 'divorce', and the context shows clearly that it is of divorce that Paul is speaking. Thus, the parallel statement to 10a is 11b: "And a husband must not divorce his wife." The use of unusual terms for divorce in both verses 10 and 11 - the term in the latter is not the common term used in Mark 10:11-12,- may reflect Corinthian usage. Cf. Fee: "Divorce in Greco-Roman culture could be 'legalized' by means of documents; but more often it simply happened. In this culture divorce was divorce, whether established by a document or not. Either the man sent his wife away (= "divorce" in the sense of v.12), or else either of them 'left' the other (= 'to separate')" (op.cit.293). For an example of 'separate' in the sense of 'divorce' see verse 15; though C.K. Barrett argues that here "more than the refusal of conjugal rights, but less than legal divorce is probably intended" (The First Epistle to the Corinthians, Black's New Testament Commentaries, London: Second edition, 1973, 166). This however, follows strangely upon verses 12 and 13 where a word for 'divorce' is clearly used, to which 'separate' in v.15 is clearly in parity. Moulton and Milligan say that 'separate' (Greek *chorizmai* "has almost become a technical term in connexion with divorce" citing 1 Cor.7:10, 11, 15 besides other literature. (The Vocabulary of the Greek Testament, Illustrated from the Papyri and Other Non-Literary Sources, London: 1952, 696).
  9. See Fee's comments on such "eschatological women", op.cit. 269.
  10. The interjection, as it appears to be, "may be Paul's gloss on the dominical ruling" (F.F. Bruce: 1 and 2 Corinthians (New Century Bible, Greenwood, S.C: 1976, 69).
  11. Precisely what Paul means by such sanctification is de-

bated. Most probably he is thinking in Old Testament terms in which a ritually holy object could transmit holiness to whatever it touched, like the altar coals on Isaiah's lips. When the cultic image is ethicized, it would mean that an unbeliever married to a believer lives within the sphere of holy influence; and Paul believed that holy contagion was more potent than unholy contagion. For a somewhat different explanation, see Fee, op.cit.299-302.

12. Scholarship is divided on this point. Broadly speaking two views are held. (1) Some maintain that the issue of remarriage is not addressed here, and therefore no conclusion can be drawn. So I.H. Marshall: "What is not clear is whether in such a case the Christian partner is free to remarry (the so-called 'Pauline privilege'). This particular situation is clearly not one of much contemporary relevance, but it does raise the question whether in the analogous situation of the so-called 'innocent party' remarriage is allowable. On this point there does not seem to be any clear New Testament teaching" (Art. 'Divorce' in C.Brown (ed.): The New International Dictionary of New Testament Theology, Vol.1, Grand Rapids: Eerdmans, 1975, 507). A detailed statement of this view can be found in Fee, op.cit.302-3. (2) Others hold that remarriage after dissolution is permitted inasmuch as: (a) having already excluded it in verse 11, a statement about it is to be expected here, and this is the natural meaning of not being 'bound' (see John Murray: Divorce, Philipsburg, N.J.: Presbyterian and Reformed Publishing Company, 1961, 73-5); (b) in particular, the pagan behaviour of a pagan cannot serve as a constraint on the believer (so Hans Conzelmann: 1 Corinthians (Hermeneia, Philadelphia: Fortress Press, 1975), 123. F.F. Bruce understands the abandoned Christian as being "in a state of what amounted to widowhood. No compulsion should be exerted on the unbelieving partner to remain or return, and presumably remarriage would not be completely excluded for the believer" (1-2 Corinthians, 70). It is worth noting that, for all its absolute opposition to divorce, the Roman Catholic Church has always permitted the dissolving of a marriage which fell within the strict parameters of Pauline privilege, even if the marriage has been consummated. For references see John Murray: Divorce, 72 n8; and Fee, op.cit. 302, n34.
13. So F.F. Bruce, op.cit.70.
14. C.K. Barrett: 1 Corinthians, 163.
15. See C.E.B.Cranfield: The Gospel According to St. Mark (The Cambridge Greek Testament Commentary: Cambridge, 1977), 318.
16. I base this conclusion less on the language used (as some attempt to do: e.g. Murray, op.cit.43f), than on the content of the dialogue. See below.
17. See S.R. Driver: Deuteronomy (ICC, Edinburgh: T. and T.

- Clark, 1895) on Deut.24:1-4: "The law is thus not, properly speaking, a law of divorce: the right of divorce is assumed as established by custom." Cf. G.A. Smith on the same passage: "It is not a law instituting divorce... No O.T. oracle or law institutes divorce. But the husband's right of divorce is accepted or permitted... and is put under regulations...in the interests of the wife...or (to) ensure deliberation on the husband's part before he completes the act." Deuteronomy (Cambridge Bible: Cambridge, 1918), 276-7).
18. Cranfield: Mark, 319.
  19. This entire section of Mark's Gospel is concerned to show the necessity of Christ's death for the coming of the Kingdom. For references to the Kingdom in the surrounding context see Mark 9:47, 10:14, 23 etc.
  20. David R. Catchpole: "The Synoptic Divorce Material as a Traditio-Historical Problem," in Bulletin of the John Rylands Library (= BJRL), 57, 1974-5, 125.
  21. Cranfield, op.cit. 320.
  22. F.F. Bruce: The Hard Sayings of Jesus (Downers Grove: Inter Varsity Press, 1983), 59f.
  23. Cranfield, op.cit. 321.
  24. J.A. Fitzmyer: The Gospel According to Luke (X-XXIV) (The Anchor Bible: New York, 1985), 1120.
  25. For the clause quoted, as well as a technical explanation in terms of Synoptic origins see I. Howard Marshall: The Gospel of Luke (The New International Greek Testament Commentary, Grand Rapids, 1978), 631.
  26. H. Benedict Green comments: "a woman sent away by her husband would normally (unless it was still possible for her to return to her father's house) be forced to cohabit with another man, or else starve. Jesus puts the responsibility for this situation squarely on the husband: The Gospel According to Matthew (New Clarendon Bible, Oxford: 1980), 84. The contention that, against Mark and Luke, Matthew is here viewing divorce as such, quite apart from remarriage, as tantamount to adultery. (so M. and R. Kysar, op.cit., 50f) has nothing to commend it. Verse 32b explicitly envisages remarriage, while verse 32a naturally implies it. As W.D. Davies and D.C. Allison write: "the real problem is perhaps not divorce in itself but its inevitably leading to remarriage." The Gospel According to Saint Matthew, (ICC: Edinburgh, 1988), Volume I, 528f.
  27. John Murray: Divorce, 21. A more recent defence of this view is the essay "Divorce and Remarriage for Adultery or Desertion" by Thomas R. Edgar in H. Wayne House (ed.): Divorce and Remarriage, Four Christian Views (Downers Grove: InterVarsity Press, 1990), 151-96, especially 162-4.
  28. Alfred Plummer: An Exegetical Commentary on the Gospel according to Matthew (1909; reprint 1982, Grand Rapids, Baker Book House), 82.
  29. Cf. Murray: "It should be noted that there is no mention

- either in Mark or in Luke of the right of a man to put away his wife for adultery. This is a remarkable omission ....We have no reason to suppose that Mark and Luke intended to deny such a right and there is no suggestion of its illegitimacy" (op.cit. 51. Cf.33).
30. Cf. F.F. Bruce, on the word *porneia* in Acts 15:29: "The word may be used here in a more specialized sense, of marriage within degrees of blood relationship or affinity forbidden by the legislation of Lev.18:6-18." The Book of the Acts (The New International Commentary on the New Testament, Grand Rapids: Eerdmans, Revised Edition, 1988) 299.
  31. Fee: I Corinthians, 200 (see the whole passage).
  32. Some such scenario seems to be presupposed by Matthew's Jewish particularistic emphases on the one hand; and his universalistic emphases on the other. For an overview see Ralph. P. Martin: The Four Gospels (New Testament Foundations, Vol. I, Grand Rapids: Eerdmans, revised edition 1988), 226-32.
  33. F.F. Bruce: The Hard Sayings of Jesus (Downers Grove: Inter-Varsity Press, 1983), 61. For a similar conclusion see R.P. Martin: The Four Gospels, 229 n 15 (with bibliographical references).
  34. John Murray: Divorce, 42.
  35. A technical point of grammar is involved in Matt. 19:9. See Gordon J. Wenham: "The Syntax of Matthew 19:9," in Journal for the Study of the New Testament (hereafter JSNT) 28, 1986, 17-23. A less technical account may be found in William A. Heth: "Divorce, but No Remarriage," in H. Wayne House: Divorce and Remarriage, Four Christian Views, 94-107.
  36. F.F. Bruce: The Hard Sayings of Jesus, 62.
  37. W.D. Davies: Matthew (ICC), 532. For comments to the same effect on Mark 10:2-12 see Hugh Anderson: Mark, 243; V. Taylor: Mark, 419, 421.
  38. Cf. E.W. Heaton: "By the strict letter of the law, the status of the Israelite woman could hardly have been worse. She could not leave her husband, because he owned her, as he owned his sheep and goats; but she could be sent away by him at a moment's notice... Everyday life, however, was more humane than the strict letter of the law and, in fact, the lot of the Israelite woman seems rarely to have been as bad as theoretically it might have been." Everyday Life in Old Testament Times (London: Transworld, 1974), 69.
  39. J.A. Fitzmyer: "The Matthaean Divorce Texts and Some New Palestinian Evidence," Theological Studies 37, 1976, 224. Cf. Mary Rose D'Angelo: "Remarriage and The Divorce Sayings Attributed to Jesus" in W.P. Roberts (ed): Divorce and Remarriage, Religious and Psychological Perspectives (Kansas City: Sheed and Ward, 1990), 85f.
  40. H. Benedict Green: The Gospel According to Matthew (The New Clarendon Bible, Oxford University Press, 1980), 252.

41. B. Vawter: "Divorce and the New Testament," Catholic Biblical Quarterly (hereafter CBQ) 39, 1977, 540.
42. Fee: 1 Corinthians, 296.
43. Myrna and Robert Kysar: The Asundered, 51-7.
44. Op.cit. 77-81.
45. William Heth, in H. Wayne House (ed): Divorce and Remarriage, 115.
46. W.A. Heth and G.J. Wenham: Jesus and Divorce (Nashville: Thomas Nelson, 1985), 200f.
47. See for instance the contributions of J. Carl Laney: "No Divorce and No Remarriage," and William A. Heth: "Divorce, but No Remarriage" in H. Wayne House ed.): Divorce and Remarriage, Four Christian Views, esp. pp 19-21, 76-8.
48. 1 Corinthians, 296.
49. John Stott: Decisive Issues Facing Christians Today (Old Tappan, N.J.: Fleming H. Revell, second edition, 1990), 303.
50. Op.cit. 300.
51. The Asundered, 101.
52. Op.cit. 103.
53. Quoted in Stott: Decisive Issues, 305.



## **COMMITTEE TO STUDY DIVORCE AND THE MINISTRY**

The original purpose of this committee was to study the issue of divorce and the ministry in order to give guidance to district boards in their work with candidates for ordination and to clarify the language of the Manual in order to harmonize with accepted procedures (from General Board minutes of February, 1989, page 46).

As our committee studied issues at the first meeting, October 11, 1990, it was determined that another very important issue related to the original purpose of the committee is the right of ministers of the Church of the Nazarene to perform marriages of divorced persons.

At the request of the committee Dr. Alex Deasley prepared a paper entitled, "Marriage and Divorce in New Testament Interpretation." This paper has served as the biblical and theological foundation for the proposed recommendations for clarifying and harmonizing the Manual language concerning the issue of marriage and divorce.

Dr. Deasley's paper is divided into three parts:

**Part One: Exegetical Survey of New Testament Passages on Divorce**

**Part Two: Theological Positions Deriving from Exegesis**

**Part Three: Guiding Principles in Constructing a Christian Position on Divorce**

In Part Two Dr. Deasley points out two ways of deriving theological positions from the exegesis:

A. The teaching of Jesus is viewed as prescriptive law.

B. The teaching of Jesus is viewed as an ideal.

Based on the exegesis and rationale that Dr. Deasley set forth, the committee unanimously agreed that the teaching of Jesus on marriage and divorce should be viewed as an ideal.

In Part Three Dr. Deasley set forth guiding principles for constructing a Christian position on divorce. He stated, "In the last analysis there is only one guiding principle: The law must be proclaimed in the context of the Gospel." He continued by pointing out that this basic undergirding principle should be spelled out in at least three specific guidelines as follows:

- A. The biblical ideal of the permanence of marriage must be clearly and unambiguously acknowledged as the baseline of the biblical view.
- B. If and when resort is made to divorce and remarriage, the place for repentance and forgiveness must be given recognition.
- C. It would seem that there must be some defined discipline.

At the request of the committee Dr. Deasley drafted proposed Manual changes of paragraphs relating to divorce and the ministry, using the guiding principle of his paper, "The law must be proclaimed in the context of the Gospel."

The committee unanimously proposes the following Manual changes:

## **PREFACE**

1. The following are changes in the Manual (1989) that appear to be entailed by the committee's decision that the teaching of Jesus on marriage and divorce is to be understood as an ideal rather than as legislation.
2. The paragraphs in the Manual specifically involved are: 35, 35.1, 35.2, 35.3, 35.4, 347.2, 403.1, 404.3, 405.3, 409.15, 409.16, and 410.7.

3. In the statements below, the proposed changes are underlined; the existing wording is placed afterwards in parentheses.
4. The overall rationale for the proposed changes is (as indicated) the committee's decision that the biblical teaching on marriage and divorce represents an ideal. Where any further rationale has seemed necessary, this has been appended to each proposed change.

### **PROPOSED CHANGES**

35. (a) Add at the end of the first paragraph:  
" In particular, we urge upon the ministry the importance of teaching and preaching clearly the biblical ideal of the permanence of marriage."
- (b) Amend the final sentence of the second paragraph to read:  
"The marriage covenant is morally binding so long as both shall live, and breaking of it is a breach of the divine ideal of the permanence of marriage" (therefore, may not be dissolved at will").
- 35.1 Amend the final sentence to read:  
They shall only solemnize marriages of persons who give clear declaration of their commitment to the biblical ideal of the permanence of marriage ("having the scriptural right to marry").
- 35.2 Amend the final two sentences to read:  
"Couples having serious marital problems are urged to seek counsel and guidance of their pastor and/or any other appropriate spiritual leaders. Failure to comply with this procedure in good faith and with sincere endeavor to seek a Christian solution, and subsequent obtainment of divorce and remarriage makes one or both parties

subject to possible discipline as prescribed in 501-501.2 and 502-502.9."

Rationale. (a) The word 'unscriptural' is omitted before 'divorce' in keeping with the biblical understanding of marriage as an ideal.

(b) The presence of discipline in existing 35.2 raises the question of its place in the new scheme of things. We would argue: (i) that holding that the permanence of marriage is an ideal does not mean that marriage may be dissolved flippantly. The terms of existing 35.2 are very appropriate in that respect. (ii) This would imply that the church make visible its upholding of the biblical ideal where members fail to do so. The specific form of discipline suggested is simply a further application of that prescribed in 411.5, but applied in this case to lay members. From the point of view of implementation it is much less cumbersome than that prescribed in 501.

35.3 This should be omitted, as inconsistent with the understanding of marriage as an ideal; and replaced by the following:

"In biblical teaching, marriage is the commitment of male and female to each other for life, reflecting Christ's sacrificial love for the Church. As such, marriage is permanent, and divorce an infraction of clear teaching of Christ. Such infractions, however, are not beyond the forgiving grace of God when this is sought with repentance, faith and humility. It is recognized that some have thrust upon them against their will, or are compelled to resort to it for legal or physical protection." (Genesis 2:21-24; Mark 10:2-12; Luke 7:36-50, 16:18; John 7:53-8:11; 1 Corinthians 6:9-11, 7:10-16; Ephesians 5:25-33).

Rationale. A clear statement is needed of what is meant by the biblical ideal of the permanence of marriage. This statement attempts to set

forth the divine standard; to indicate its ideal (rather than legal) character by making clear that infractions are not unforgivable; and at the same time to show that the emphasis must always fall on the permanence of marriage rather than upon the availability of forgiveness. Consequently, this paragraph becomes the baseline or reference point of all other statements in the Manual on this subject. For this reason, it is suggested that it stand as 35.1. (This will require renumbering of 35.1 and 2 as 35.2 and 3. In the remainder of this Report where the renumbered paragraphs are referred to, this will be stated explicitly).

35.4 Add to sentence two, and amend sentence three to read as follows:

"We believe that Christ can redeem these persons even as He did the woman at Samaria's well; and that sin against God's design for marriage does not place one beyond the forgiving grace of the Gospel. Where a marriage has been dissolved and remarriage has followed" ("Where the scriptural ground for divorce did not exist and remarriage followed")...etc.

Rationale. The addition to sentence two is designed to reinforce the view that the law of marriage is not to be allowed to swamp the grace offered in the Gospel.

347.2 Add to the existing statement:

"In particular, stress should be laid upon the biblical ideal of marriage as a lifelong covenant, to be broken only by death."

Rationale. While using the language of the ideal, it causes the accent to fall upon the permanence of Christian marriage.

403.1 Amend Section (8) by removing the words "as described in paragraph 409.15". The paragraph cross-references should be revised to read: [129.14, 205.7, 402.5, 35.1, 35.2, 35.3] (revised form and numbering for the last three).

Rationale. The reference to 409.15 should be removed, since the new proposals will make it obsolete (see below). The cross-references should be amended by the omission of 409.5 (evidently an error for 409.15) which should be eliminated in harmony with the new proposals; and the addition of 35.1, 2 and 3, which contain the new baseline for the evaluation of divorce.

404.3 At the end of the paragraph replace [409.15] with [35.1, 35.2, 35.3] (proposed revised content and numbering).

Rationale. If 409.15 is deleted, then the substitute baseline will be 35.1-3, as revised.

405.3 Revise the cross-references at the end to read: [35.1-3 (revised numbering), 203.4, 320, 434].

Rationale. As in 404.3.

409.15 This should be deleted as obsolete, since based on the guideline that adultery is the only ground on which divorce is biblically permissible.

409.16 Delete for the same reason as 409.15.

410.7 In subsection (c) substitute the words "biblical basis" for "biblical grounds".

Rationale. "Biblical basis" expresses the spirit of the new proposals, whereas "biblical grounds" suggests the strictly legal view.

## CONCLUDING OBSERVATIONS

1. The effect of the changes suggested, resulting from the committee's conclusion that the biblical teaching regarding marriage is an ideal rather than a law, is to throw the weight of the evaluation of individual cases from the legal side to the pastoral and spiritual. There is no longer a rule of thumb, namely: did adultery take place or not? The question is now: has there been a truly Christian attempt at reconciliation, and if so, is there no reasonable hope for restoration, and therefore no ground for resisting divorce? And if this is the case, is it acknowledged in penitence as breach of God's design and purpose? At all levels: local, district and general, such a process will lay heavy demands on spiritual insight and pastoral responsibility with regard to the maintenance of the biblical ideal and the pastoral care of broken lives.
2. If the view set forth here as biblical and commended by the committee is adopted by the church, it will be important to make clear to pastors and people alike that, viewing lifelong marriage as an ideal rather than a law, far from being a charter for easy divorce, is designed to underscore the biblical view of the permanence of marriage, while also proclaiming the good news that the grace of God in Christ Jesus is powerful enough to forgive marital failure.

Respectfully submitted,

James W. Daniel, Secretary  
Jerald D. Johnson, Advisor  
Lee McCleery, Chairman  
Alex Deasley

