

# Taking Another Look at the Divorce and Remarriage Question

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Divorce has become a grave and widespread problem in modern society. Broken families and one-parent households have become a commonplace in our day. It is estimated that at least one-half of all marriages in the United States end in divorce. We who believe the Bible and know that God intends marriage as a permanent relationship are appalled at this breakdown of the family unit and the resulting effect on the children and on society as a whole.

In reacting to this dreadful social problem, some Christians have concluded that not only is divorce not permitted in the Scriptures, but that remarriage after divorce is a dire sin that cannot be forgiven unless the remarried parties break up their marriage and live alone or are reconciled to their original mates. In arriving at this conclusion they have come to believe that Jesus Christ understood the term “divorce” in a way which signified, not a dissolution or cancellation of the marriage, but simply a separation of the married partners—with the idea that they continue to be bound together in God’s sight until one of them dies.

This paper seeks to explore what the term “divorce” means in the Bible and in the history of Israel’s experience under the Mosaic Law. It seeks to determine also whether the meaning of the term was changed in the New Testament, especially in the teaching of the Lord Jesus and the Apostle Paul. From such an examination of the Biblical data it is hoped that conclusions can be drawn regarding the matter of divorce and remarriage in our own day, particularly in regard to Christian believers whose lives have been impacted or affected by divorce, directly or indirectly.

## I. THE ETYMOLOGY OF THE WORD “DIVORCE”

Let us examine first the Old Testament Hebrew word for divorce. It is *k’rithuth*, a noun derived from the verb *karath*—“to cut off, to cut down” (Brown, Driver & Briggs, *Hebrew and English Lexicon of the Old Testament*). A review of texts in the Old Testament where this verb is used will show that the “cutting off” involved a breaking of the connection between things or people. They were no longer held together: that which had connected them was now severed, broken apart.

A few examples may be examined. In Genesis 9:11, the Flood is described as that which had “cut off” the people of the world from living on the earth any more. They were no longer *connected* to life or to earthly affairs, because they had died. In Genesis 17:14, the Hebrew male who has not been circumcised is described as “cut off” from his people, the covenant nation of Israel. His connection with that nation is severed, because he has not received circumcision. These are just two of many examples that could be cited to show that *karath* involves a breaking off of connections.

*K’rithuth*, then, the Hebrew word for “divorce,” implies that the marriage bond has been broken, disconnected, or severed. The word itself does not describe *why* or *how* the break-up has taken place, simply that it has occurred. It is left to various passages of Scripture to deal with the how and the why.

The Greek word that denotes “divorce” in the New Testament, *apostasion*—used often in Koine Greek to express the idea of renunciation—“was clearly the nearest word to use to represent the Hebrew phrase” (Moulton & Milligan, *The Vocabulary of the Greek Testament*). Other ideas suggested by this word are “relinquishment,” “abandonment,” “giving up one’s own claim” (Arndt & Gingrich, *A Greek-English Lexicon of the New Testament and Other Early Christian Literature*).

The etymology of a word can be helpful in seeking to understand its meaning and as a suggestive means of looking at how it came to be used in a certain way, but it is finally the *usage* itself of a word that determines what it actually means to the people who use it. For a real understanding of the Bible’s treatment of “divorce” we must look at the texts that discuss it.

## II. DIVORCE UNDER THE LAW: ESTRANGEMENT OR DISSOLUTION?

The first mention of divorce in the Law of Moses is found in Leviticus 21:7. A priest is forbidden to marry a woman “put away” (KJV), “divorced” (NIV) from her husband. The reason given is that a priest has a holy office before God. He is not allowed to marry a widow either, or a prostitute, but only a virgin (Lev. 21:14). But there is *no law in the Old Testament* that other men, men who are not priests, cannot marry widows or divorced women, or even prostitutes (Hosea did!).

A priest’s daughter married to a non-priest gives up her right to eat of the priestly food, unless she becomes widowed or *divorced* and has no children (Lev. 22:12). Further, “any vow or obligation taken by a widow or divorced woman will be binding on her” *personally* (Num. 30:9), in contrast to the vows and obligations of a *married* woman or a young woman living in her father’s house (Num. 30:3-8, 10-16), whose vows are referred to the husband or father.

If a man takes a wife, has relations with her, then decides he does not want her and accuses her of not being a virgin when he married her—if his charges prove to be false, he is not allowed to divorce her as long as he lives (Deut. 22:13-19). If a man rapes a virgin who is not betrothed, and they are discovered, he must pay her father a fine, marry the girl, and “he can never divorce her as long as he lives” (Deut. 22:28, 29).

All of these passages make a clear contrast between the married state and the divorced state. Once a divorce has taken place, the parties are viewed as no longer joined together as husband and wife, and the responsibilities they had to one another have been “cut off.” The divorce has made them free of their former connection. This is seen as not simply a Hebrew custom, but as an act of legislation from God through Moses. That the Jews so understood it is clear from their historical practice (continuing to our own day) of recognizing the severed and dissolved connection of a divorced person to his or her former spouse and *the freedom to contract matrimony with a new spouse*. In Jewish practice, the condition of being married and that of being divorced are seen as two mutually exclusive conditions.

Even the fact that some men, in specific situations, were forbidden to divorce their wives, as noted above, implies that other men were not under that prohibition. Certain men, thus, were not allowed to divorce; but there is no law in the Old Testament that men who *could be divorced could not remarry*.

At this point we must consider that highly debated passage in Deuteronomy 24:1-4. The provision is that a man “who finds something indecent” about his wife may send her away with a certificate of divorce. With that divorce she may then marry a second husband, but if this one also divorces her, she is not allowed to remarry her first husband. “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” (v. 4).

Despite much convoluted argument on this text, we see within the text itself no condemnation either upon a second marriage or upon the parties to that marriage. The only prohibition mentioned—and that being a sin detestable to God—is that a divorced woman should return to her ex-husband. The rabbis understood this prohibition to be for the purpose of condemning “the easy passage of a woman between one man and another, which must always entail some degradation of the wifely ideal, and might lead to virtual adultery though the *formality* of the law would be observed” (*Soncino Commentary, Pentateuch and Haftorahs*, 850).

Jesus, of course, commented at some length on this passage in Deuteronomy 24, but we shall save our discussion of that until we consider the New Testament teaching as a whole on the question of divorce and possible remarriage. The fact remains at this point that the Old Testament legislation on the matter neither forbids divorce (with two sole exceptions) nor condemns remarriage, and we would consider it a real challenge to try to prove otherwise.

The Prophet Malachi does speak of divorce as something God “hates” (2:16), even though He Himself found it necessary to “divorce” His “wife” Israel because of her spiritual “adulteries” (Jer. 3:8; cf. Isa. 50:1)—these being her unfaithfulness to Him as her God. The story of the Prophet Hosea demonstrates God’s continued love toward His wayward people and His intention to “marry” them to Himself again (chapter 2).

Despite all of Israel’s idolatries, going after false gods as “lovers” (2:5), the nation never officially espoused any other but Yahweh to be their God. In fact the great lesson they learned from the Exile, as noted by historians, was that the God of Israel was the only true God. Since the nation never adopted polytheism for a religion, as their neighbors did, the way remained open for them to be reunited one day with their original “Husband.” In this way, the great doctrine of the restoration of Israel finds confirmation in the “divorce” and “remarriage” of God and His ancient

covenant nation. This is a remarkable instance of how God can bring good out of evil, as Romans 8:28 implies and Genesis 50:20 declares.

The Old Testament data, therefore, support the conclusion that under the Mosaic Law, divorce was not simply estrangement of the spouses, but rather dissolution and cancellation of the marriage bond. An interesting example of this fact is found in the history of those who returned to the land of Israel after the Exile (Ezra 10). Many of these, even priests, had married foreign (presumably pagan) wives, contrary to the Law (Deut. 7:1-4). They were required to divorce them and send them away. The marriage bond was clearly dissolved in those cases, and who will say that those men—now divorced—could not legally marry other wives from among the daughters of Israel?

### III. WHAT DID JESUS SAY ABOUT DIVORCE?

In the Sermon on the Mount (Matt. 5-7), Jesus pronounced on the divorce question. First of all He enlarges the scope of adultery to include more than sexual union with a woman who is not one's wife. Even looking on such women lustfully means that a man "has already committed adultery with her in his heart" (5:28). Jesus is concerned with the inner, spiritual condition of the man, not simply with the legalistic aspect of an outward act. The Lord goes on to quote Deuteronomy 24:1— "Anyone who divorces his wife must give her a certificate of divorce" (5:31). But He adds that the man who does this, unless she has been unfaithful to him, "causes her to commit adultery, and anyone who marries a woman so divorced commits adultery" (5:32).

The strange thing about this statement is that there appears to be a serious error on the part of those who translated it from Greek to English. In verse 28 Jesus uses the *active* form of the verb "to commit adultery" (*moicheuo* or *moichao*) but in verse 32 he suddenly switches to a *passive* form (the infinitive *moicheuthenai* and the finite *moichatai*). A few commentators have noted this switch and have questioned why the translators and lexicographers apparently ignore it.

R.C.H. Lenski comments that "no attempt is made to prove that the passive forms of this verb have the same sense as the active. Yet the passive *moicheuthenai* is translated 'to commit adultery' (active). This is done by adding in parenthesis: 'he makes her commit adultery (in case she marries again).' But this parenthesis is untenable. When is this woman

made what Jesus says? The moment her husband drives her out whether she marries again or not. . . . It ought also to be plain that Jesus here scores the husband who drives out his wife. Of what is the woman guilty? Jesus has no indictment against her. She is the one that is wronged; that is what the passive states, and doubly so with *poiei* before it. Jesus here shows against whom this wicked husband sins: first against his innocent and helpless wife, and secondly against any man who may later consent to marry her (hence the second passive *moichatai*)" (*The Interpretation of St. Matthew's Gospel*, 232-33).

As a means to express in English what the Greek passive implies in this text, Lenski proposes the translation: "I say to you that every man releasing his wife without cause of fornication brings about that she is stigmatized as adulterous; and he who shall marry her that has been released is stigmatized as adulterous." He adds, "Nothing in the words of Jesus forbids such a woman (or, if the case is reversed, such a man) to marry again. Such a prohibition is often assumed but is without warrant in Jesus' own words. It is this assumption that led to the current mistranslation" (pp. 233-34).

The man Jesus describes as divorcing his wife under these circumstances "makes" her commit adultery in the same sense as those who do not believe God "make" Him a liar (1 John 1:10; 5:10). God is not a liar in any sense, but is made to appear as one. Likewise the woman is not an adulteress, nor is her second husband an adulterer; but they are made to appear so, by the action of her first husband in driving her away and making her look guilty in the eyes of others. We must insist that the claim that she becomes an adulteress by a supposed second marriage must rely on what is in fact a *pure assumption* and that such a claim fails to take into account the passive forms of the verb.

William Luck agrees with Lenski that the passive suggests an unjust stigma of adultery upon the divorced woman, but claims that even more is involved. "The stigma is not the only issue, or even the most important issue, at hand. . . . I believe that only the aorist passive infinitive is able—in as few words—to convey the idea of both Malachi 2 and Deuteronomy 22:19." He explains, "The context draws us inexorably to the conclusion that the woman *suffers* the offense of adultery in the event of the divorce. . . . The Pharisees regarded the husband of Deuteronomy 24:1 as righteous and the woman as guilty and defiled. Jesus reversed this to say that the man who took advantage of the Deuteronomic concession was guilty of

adultery, and the woman was innocent of moral guilt, though stigmatized. . . . The main intent of both Deuteronomy 24:1-4 and Matthew 5:31-32 is to protect the woman from a hard-hearted husband who is treacherously inclined to treat her like chattel property. Deuteronomy 24 emphasizes the protection of the innocent wife. Matthew 5 emphasizes the culpability of the divorcing husband” (*Divorce and Remarriage*, 108, 109).

#### IV. JESUS, THE PHARISEES, AND DIVORCE

In Matthew 19:1-12 and Mark 10:1-12 we are shown one of Jesus’ famous clashes with the Pharisees, this time over the divorce question. Commentators always point out that there were two schools of thought among the Pharisees regarding divorce—that of Hillel allowing a man to divorce his wife for any reason, and that of Shammai allowing him to do so only in case of her adultery. To get Jesus to pronounce on this debated issue, they asked Him: “Is it lawful for a man to divorce his wife for any and every reason?” If Jesus said “Yes,” He would place Himself squarely on the side of the Hillelites, and so alienate the Shammaites. Jesus, of course, was not interested in pleasing men, no matter how popular or powerful they were. His mission was to do the will of God always and to teach and explain the will of God to anyone who would listen.

Since the Pharisees had mentioned the Law, Jesus reminded them that long before the legislation in Deuteronomy 24, the Law had said that God created man and woman to become one flesh (Gen. 2:24)—implying that God’s clear intention was that marriage should be a *permanent* relationship. Christ declares, “Therefore, what God has joined together, let man not separate.” In saying this, Jesus placed the emphasis where it belongs: not on a possible divorce (the Pharisees’ concern), but on a lasting marriage. Nevertheless, He did not say that man *cannot* separate or put asunder the relationship, but that he *should not* or *ought not*. (The “let not” is sometimes read as a “cannot”—meaning that humans simply are not able to effect a valid divorce—but a study of other examples of “let not” reveals this to be an erroneous interpretation; cf. Gal. 5:26; 6:9; Eph. 4:26.)

This raises the question whether Jesus has changed the meaning of the word “divorce,” so that it no longer denotes a dissolved or cancelled marriage, as it did in the Old Testament. There is no indication in this passage that He is doing so, and it would be strange indeed if He were to

do so without warning His hearers that the meaning of the word has now changed! No, divorce means what it always did. The question really has to do with the *circumstances* which allow or disallow a divorce. It is not fair to base one’s position on a supposed change of meaning, without proof.

The Pharisees object to Christ’s emphasis on the permanence of marriage, citing Moses’ “command” to give a divorce certificate. The Lord must remind them that it was not a command, but a concession: “Moses *permitted* you.” He is not denying that divorces happened—valid divorces that dissolved marriages and allowed remarriages. But He declares that the reason this concession was given was that men’s hard-heartedness made it necessary, presumably to protect wives who were rejected by their husbands without proper grounds. As always, the Lord is more interested in underlying motives—“the thoughts and intents of the heart” (Heb. 4:13)—than outward acts; and He is concerned always to protect the innocent and the vulnerable.

Then He adds: “But it was not this way from the beginning.” It remains that permanent marriage is God’s ideal, and divorce is a clear frustration of that ideal. As such, it is a sin, or the result of sin in one or both of the partners. God’s problem with man is the SIN problem, no matter what that sin may be. How does God deal with sin? Either by forgiving it, on our confession and repentance (1 John 1:9), or by destroying the sinner in the second death. But there is only one unforgivable sin (Matt. 12:31), and it is not divorce and remarriage.

Jesus goes on to say that whoever divorces his wife and marries another woman is guilty of adultery, unless his first wife has been unfaithful to him (Matt. 19:9—the critical Greek texts and modern English versions omit the words found in AV: “And whoso marrieth her which is put away doth commit adultery”). The focus again, as in Matthew 5:32, is on what a husband does to a faithful wife in divorcing her. He betrays her, and the implication is that he does so because he wants another woman and is willing to get rid of his wife to marry the other woman. This betrayal on his part is an act of adultery. The same would be true in ancient Roman and modern American society if a wife divorced her faithful husband—and it is the Gospel of Mark that addresses the sin of a *wife’s* betrayal of her husband in doing this (10:12).

It is true that Mark’s account (10:11) does not contain the exception clause regarding a spouse’s unfaithfulness, contained in Matthew 5 and

19, nor does Luke 16:18. But exceptions are not always stated with general rules. Luke's account, for example, professes to be speaking of Old Testament Law (verse 17)—a Law which contains provisions for divorce, in effect exceptions to the general rule that marriage is for life. (This writer's paper, *Divorce and Remarriage*, develops more extensively the theme of exceptions as related to general rules.) We cannot pit Scripture against Scripture by ignoring the exceptions stated in some texts because they are not stated in others.

We understand, therefore, that Jesus is not making new legislation regarding divorce, nor is He changing the Old Testament meaning of divorce. After all, did He not say that He had come not to destroy the Law, but to fulfill it (Matt. 5:17)? As always, rather, He is emphasizing what are the truly important and eternal matters—the spiritual intent of the Law and the inner heart of a human being. All of this involves the thoughts and feelings and desires that motivate one to do what he does, for out of the heart “are the issues of life” (Prov. 4:23). The faithful husband or wife who has been betrayed by a divorcing spouse (divorce having dissolved the marriage) is no longer bound to that spouse, but is free. We shall notice how the Apostle Paul further develops this principle.

#### V. HOW DOES PAUL DEAL WITH DIVORCE AND REMARRIAGE?

Paul begins his discussion of these issues (1 Cor. 7) with a vital consideration: “Since there is so much immorality, each man should have his own wife, and each woman her own husband” (v. 2). He is echoing God's own decision that “it is not good for the man to be alone” (Gen. 2:18). If a Christian is left without a spouse by being widowed, he or she is clearly allowed to marry again, but only to another believer (v. 39). The question now is whether a divorced person—and we have shown that there is a divorce which God recognizes—can remarry, can be joined to a new mate. Paul reiterates what the Lord Jesus had taught: a wife is not to leave her husband, and a husband is not to leave his wife (vv. 10, 11)—i.e., marriage is for life. This is the rule, based on God's ideal for marriage.

Then Paul takes up several possibilities that affect the basic principle. What if one of the spouses is a Christian and the other is not? If the unbeliever is willing to continue living with the believer, the believer should remain married to that person—marriage is meant to be permanent. But if the unbeliever leaves that the believer, let him or her go. “A

believing man or woman is not bound in such circumstances; God has called us to live in peace” (v. 15). But what does Paul mean by “bound”?

We noted in verse 2 that he started his discussion by pointing out that the problem of immorality and the natural drive to have sexual union dictates that every man should have a wife and every woman a husband (unless, as both Jesus and Paul pointed out, such persons have the gift of celibacy, Matt. 19:10-12; 1 Cor. 7:7-9). Being *widowed* certainly frees a husband or wife from being bound to the deceased spouse (v. 39). But in verse 15 Paul is saying that *abandonment* also means that the partner whose spouse has left is no longer “bound” to that spouse, i.e., divorce, which dissolves or cancels the marriage, is now available. This implies that the abandoned one is now free to marry another, since “every man should have his own wife and every woman her own husband.” In such circumstances it is cruel to insist that an abandoned spouse must live without a mate from now on, unless somehow able to get the spouse who departed to come back.

In verse 27 Paul describes one who is “bound to a wife,” and counsels that he should not seek to be loosed, i.e., divorced (NIV)—obviously, one would not seek to be *widowed*. Then he says, “Have you been loosed from a wife? Do not seek a wife.” The verbs he uses and the tenses of those verbs show that he is contrasting the married state (*dedesai gunaiki*—“Have you been bound to a wife”) with the *divorced* state, since *lelusai apo gunaikos* in the immediate sequence is saying, “Have you been set free from a wife?” (Grammatically and in this immediate context it cannot mean, “Are you a person who has never been married?” as sometimes mistranslated.) He advises, “Don't look for [another] wife.” But then he says, in verse 28, “But if you do marry, you have not sinned.” His general advice in the context is to avoid marriage if possible, and not to look for another spouse, “because of the *present crisis*” (v. 26). But validly divorced persons may remarry, as we have already seen; and if they do, Paul says they “have not sinned.”

Verse 39, discussing the remarriage of widows, may not be used to teach that the only circumstance that dissolves a marriage is death, since Paul says that it is “a *wife*” (not a divorcee) who is bound by the law to her husband as long as he lives. He does not mention at this point, as he did in verse 27, those who have been divorced and are therefore no longer “husband” and “wife” to each other. The same is true in his illustration in Romans 7:2, 3. The law in each case is the one God gave in the

beginning—to the effect that marriage is intended to be permanent. The exception to that permanence, mentioned here, is death, which breaks the marriage bond. The exception that is not mentioned here, but in fact *is* mentioned elsewhere, is a valid divorce—which, like death, does indeed break or dissolve the marriage bond!

## VI. CONCLUSION

It is obvious that a short paper can hardly begin to consider all the matters relating to divorce and remarriage—even on the basis of Scripture alone—much less in relation to current legal and social considerations and problems. The writer does not pretend to have answered all questions nor to have touched on many related matters, since even large books on this subject have not been able to do so. Our attempt has been merely to “take a look” at the subject and to point out some matters that may have perhaps escaped notice.

It seems clear that the Bible reveals such a thing as valid divorce—a divorce allowing remarriage—while at the same time the Scriptures insist that God desires and intends marriage to be a permanent relationship. Divorce, like all other human problems, is the result of sin; but the God of all grace knows how to deal with man’s sin in the compassionate, loving manner of a Savior, as well as—ultimately—in the strict manner of a Judge.

The responsibility of the Church is to manifest both sides of God’s character—on the one hand, to help by showing compassion and understanding and unconditional love to those who are struggling with problems of an unhappy marriage, or with divorce, or with a felt need to remarry; on the other hand, to make it clear that He is grieved with husbands or wives who deal treacherously with their spouse, since that treachery must bring down God’s judgment, if it is not repented of.

It is not necessary or scriptural that the Church adopt a free-and-easy policy toward divorce and remarriage, on one hand, nor an enforcement of absolute prohibition, on the other. God deals with people just where He finds them, and then goes on from there to change their lives for the better; we as believers are given the same responsibility. We will be in a better position to deal with the problems of divorce and remarriage if we not only understand what the Bible’s teaching is in those areas, but also if we implement that teaching with a great deal of love and patience—avoiding

at all costs the legalism and judgmentalism that only drive people away from the grace and love of God.

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