

# DIVORCE AND REMARRIAGE

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## INTRODUCTION

Is it proper for a man or woman to divorce and remarry? Does God approve of someone who marries a divorced person?

In order to adequately deal with this delicate and controversial issue, it seems necessary to begin by defining the methodology we will use.

First, we should analyze the Scripture passages that are the clearest and deal directly with the matter and then, in the light of these, review those which are more difficult to understand. The revelation found in the Old Testament appears gradually and progressively until it reaches Christ, who is God's full revelation for all people at all times. Therefore, it is better to look initially into the New Testament texts. We shall begin with the words of Jesus registered in the Gospels, and then consider the Old Testament texts in the light of these.

Second, we should focus initially on the general rule of the subject and then deal with the exceptions. If we start with the exceptions without a prior understanding of the general norm we would wind up making a rule of the exception, thus invalidating the Lord's teaching.

Third, we should resolve the biblical aspects of the subject first and then deal with those issues which are more pastoral in nature. That is, the pastoral treatment of specific cases is determined by the biblical treatment. If we deal with specific cases prior to defining the biblical posture, we run the risk of making subjective judgments based on human reasoning or sentiment rather than on the word of God.

## WHAT DID JESUS SAY CONCERNING THIS MATTER?

Following the proposed order we will first consider the declarations of Jesus concerning divorce and remarriage, which are clear, complete and final. We will look at the general rule and afterwards the only exception mentioned by Jesus and Moses.

In the Gospels we find four references to Jesus' words on the matter:

*<sup>11</sup> And He said to them, "Whoever divorces his wife and marries another woman commits adultery against her; <sup>12</sup> and if she herself divorces her husband and marries another man, she is committing adultery."* Mark 10:11-12 (NASB)

*Everyone who divorces his wife and marries another commits adultery; and he who marries one who is divorced from a husband commits adultery.* Luke 16:18 (NASB)

*I say to you that everyone who divorces his wife, except for [the] cause of unchastity, makes her commit adultery; and whoever marries a divorced woman commits adultery.* Matthew 5:32 (NASB)

*I say to you, whoever divorces his wife, except for immorality, and marries another woman commits adultery.* Matthew 19:9 (NASB)

It is obvious that Jesus Christ establishes a general rule and an exception concerning this delicate question. The exception to the rule is: *except for immorality* (NASB).

It's worth pointing out that neither Mark nor Luke include the exception clause. Only Matthew does so in the two texts mentioned above. (The fact that only Matthew includes the exception clause is due, in my judgment, to a reason that I will mention later.)

## THE GENERAL RULE

As mentioned earlier, the first thing we should do is to understand clearly the general rule established by the Lord. After that we will look at the exception clause. It is obvious that the general rule applies to the case of persons who divorce and remarry without regard for the stated exception (unchastity, immorality or *fornication*, as in the original Greek). This would include those who divorce simply because they do not want to live together any longer, they do not get along well or for other reasons not considered in the exception clause.

Let us consider some possibilities:

### CASE 1

Does God allow a man to divorce his wife and marry another woman? Does he allow a woman to divorce her husband and marry another man?

**Answer** (I am not giving any human explanation or interpretation, but only limiting myself to communicating Jesus' clear and definitive answer): "*Whoever divorces his wife and marries another woman commits adultery against her; <sup>12</sup> and if she herself divorces her husband and marries another man, she is committing adultery.*" (Mark 10:11–12).

### CASE 2

Is a woman whose husband divorced her allowed to marry another man? (The same question could apply to a divorced man.)

**Answer:** *Everyone who divorces his wife, except for [the] cause of unchastity, makes her commit adultery; and whoever marries a divorced woman commits adultery.* (Matthew 5:32).

### CASE 3

Does the Lord allow anyone to marry a divorced person?

**Answer:** "*Whoever marries a divorced woman commits adultery*" (Matthew 5:32; 19:9; Luke 16:18).

### CASE 4

We have seen that if a man divorces his wife and marries another he commits adultery. But does his adultery leave his first wife free to marry another man?

**Answer:** "*Everyone who divorces his wife and marries another commits adultery; and he who marries one who is divorced from a husband commits adultery*" (Luke 16:18).

What is the spiritual condition of these persons before God? According to the Jesus' declarations, those who divorce and remarry, or those that marry divorced persons, are in adultery. All the texts are quite clear in this regard.

The gravity of this condition is seen in that as long as these persons continue in this illicit relationship they continue to be in adultery. When Jesus found the Samaritan woman in such a condition, he said to her: "<sup>17</sup> *You have well said, 'I have no husband'; <sup>18</sup> for you have had five*

husbands, and the one whom you now have is not your husband; this you have said truly.” (John 4:17–18, NASB).

## JESUS IS QUESTIONED BY THE PHARISEES

### Matthew 19:3–12 (NASB)

<sup>3</sup> And [some] Pharisees came to Him, testing Him, and saying, “Is it lawful [for a man] to divorce his wife for any cause at all?” <sup>4</sup> And He answered and said, “Have you not read, that He who created [them] from the beginning made them male and female, <sup>5</sup> and said, ‘For this cause a man shall leave his father and mother, and shall cleave to his wife; and the two shall become one flesh?’ <sup>6</sup> “Consequently they are no longer two, but one flesh. What therefore God has joined together, let no man separate.” <sup>7</sup> They said to Him, “Why then did Moses command to give her a certificate of divorce and send [her] away?” <sup>8</sup> He said to them, “Because of your hardness of heart, Moses permitted you to divorce your wives; but from the beginning it has not been this way. <sup>9</sup> And I say to you, whoever divorces his wife, except for immorality, and marries another woman commits adultery.” <sup>10</sup> The disciples said to Him, “If the relationship of the man with his wife is like this, it is better not to marry.” <sup>11</sup> But He said to them, “Not all men [can] accept this statement, but [only] those to whom it has been given. <sup>12</sup> “For there are eunuchs who were born that way from their mother's womb; and there are eunuchs who were made eunuchs by men; and there are [also] eunuchs who made themselves eunuchs for the sake of the kingdom of heaven. He who is able to accept [this,] let him accept [it].”

### The Pharisees’ question

The Pharisees posed the following question to Jesus: “Is it lawful [for a man] to divorce his wife for any cause at all?” Both Matthew and Mark point out that the Pharisees’ intention was to “test” him. They wanted to catch Jesus in a contradiction of Moses so as to discredit him as God’s messenger. But Jesus never contradicted Moses. He declared: “Do not think that I came to abolish the Law or the Prophets; I did not come to abolish, but to fulfill” (Matthew 5:17, NASB). Moses did not speak on his own behalf, but rather because he was inspired by God, just as was Jesus. Concerning the moral law Jesus and Moses were in complete agreement. Jesus did not require a greater righteousness than did Moses, although he required more than did the scribes and Pharisees, who applied the law in a tendentious and erroneous manner.

### Jesus’ response

Jesus answered the Pharisees’ question with a clear “No”. And he based his negative response precisely on a quotation from Moses in Genesis 2:24. Here we find a foundational law which God established when he instituted marriage: “For this cause a man shall leave his father and mother, and shall cleave to his wife; and the two shall become one flesh”. Then Jesus reinforced the statement by adding: “Consequently they are no longer two, but one flesh. What therefore God has joined together, let no man separate”.

(It is interesting to note that in giving the same account in his Gospel, Mark says that the Pharisees asked him: “Is it lawful for a man to divorce his wife?” without adding the phrase “for any cause at all”. In both cases Jesus’ response was the same.)

### The Pharisees’ counterattack

Faced with Jesus' negative response the Pharisees thought they had finally caught Jesus in a contradiction of Moses; so they asked him: "*Why then did Moses command to give her a certificate of divorce and send [her] away?*" This was the equivalent of saying, How is it that you say No when Moses said Yes.

Jesus was not unaware of the only exception allowed by the divorce law, as found in Deuteronomy 24:1–4. But the Pharisees, taking their defense in that exception (which we will soon analyze), had converted the practice of divorce into a valid option allowed by God, giving the exception almost the force of a general rule, just as happens in our own day.

Jesus pointed out to the Pharisees the reason for the exception: "*Moses permitted you to divorce your wives; but from the beginning it has not been this way*".

### **The only cause for divorce allowed in the Old Testament**

In what instance did Moses allow divorce? The answer is found in Deuteronomy 24:1–4, where the first verse says: "*When a man takes a wife and marries her, and it happens that she finds no favor in his eyes because he has found some indecency in her, and he writes her a certificate of divorce and puts [it] in her hand and sends her out from his house...*" (NASB).

Let us take note of two things in the text. First, regarding the timing: the moment when a divorce can be validated is immediately following the marriage: "*When a man takes a wife and marries her*". The second has to do with the grounds on which the divorce is permitted: "*It happens that she finds no favor in his eyes because he has found some indecency in her*". Since this expression was not very explicit, a variety of interpretations had arisen among the Jews. In the days of Jesus, the more liberal ones of the school of Rabbi Hillel sustained that a man could divorce his wife for any reason. Others followed the interpretation of Rabbi Sammai who affirmed that "*some indecency*" referred to adultery.

The remainder of the passage reads: "<sup>2</sup> ... *and she leaves his house and goes and becomes another man's [wife,]* <sup>3</sup> *and if the latter husband turns against her and writes her a certificate of divorce and puts [it] in her hand and sends her out of his house, or if the latter husband dies who took her to be his wife,* <sup>4</sup> *[then] her former husband who sent her away is not allowed to take her again to be his wife, since she has been defiled; for that is an abomination before the Lord, and you shall not bring sin on the land which the Lord your God gives you as an inheritance*" (Deuteronomy 24:2–4, NASB). Here several things are pointed out:

- 1) The separation or divorce should be executed formally in writing, and it was final.
- 2) Only in this particular case the persons divorced were free to marry again with another person. In effect, this constituted an annulment of the marriage just concluded.
- 3) The first husband was forbidden to take again as a wife the woman he just divorced if she had since married another man.

The principal difficulty with this passage is the lack of clarity in defining the cause of divorce in the first verse. In the light of this difficulty it is significant that Jesus (who never contradicted Moses) gave the correct interpretation when he said: "*I say to you, whoever divorces his wife, except for immorality, and marries another woman commits adultery*" (Matthew 19:9, NASB).

### **The exception clause**

What is the meaning of the phrase "*except for immorality*"? The key to interpret these words of Jesus is the specific meaning of the word translated "immorality" in this version (NASB). We could easily err if we sought to apply to this text all the variant meanings of the word "*porneia*" (Greek) or *fornication*, as it is often translated. For it is well known that a single word has

various meanings in different scriptures throughout the Bible. Let us consider some examples.

The word translated “world” (Greek, *cosmos*) has a variety of meanings in the Bible. In Ephesians 1:4 it is a synonym for “universe”; in Psalm 24:1, for the planet Earth; in John 3:16, for “all humanity”; and in 1 John 2:15 (“Love not the world”) it refers to the present social order, which is rebellious and at enmity with God. It would be a mistake to apply the sum total of the various meanings to each Bible verse where the term *cosmos* appears.

The same is true concerning the word often translated “flesh” (Greek, *sarx*). At times it means a person’s flesh, his physical body; at other times, humanity; elsewhere, human fragility; and on still other occasions it refers to man’s sinful nature.

In a similar way the term “fornication” (Greek, *porneia*) has at least five different meanings in the Bible:

1) *Sexual relations between unmarried persons*: for instance, in 1 Corinthians 7:2; Deuteronomy 22:21; Leviticus 19:29; 1 Thessalonians 4:3–4.

2) *Illicit physical intercourse*, forbidden by God’s law, as in 1 Corinthians 5:1. See also Deuteronomy 22:30; Leviticus 18:8; Deuteronomy 27:20.

3) *Any kind of sexual sin, including adultery*, as in 1 Corinthians 6:13–18; Numbers 25:1.

4) *Prostitution, sexual exploitation of prostitutes for profit*. The word for prostitute or whore in Greek is *porne*, derived from the same root as *porneia*. See Luke 15:30; 1 Corinthians 6:16.

5) *Spiritual infidelity, idolatry*: See Jeremiah 3:6; Ezekiel 23; Revelation 17:1–2.

Obviously, it would be erroneous to seek to apply to the word fornication the sum of all these meanings. Therefore we ask, what authority can adequately determine the meaning of the word “fornication” in each case, or at least in the exception clause that immediately concerns us. The correct interpretation is given according to the most logical sense of the text itself, as well as from its context and the rest of Holy Scripture.

Christ affirms in Luke 16:18 that “*Everyone who divorces his wife and marries another commits adultery; and he who marries one who is divorced from a husband commits adultery*”. Let us note that when adultery is committed by the man it does not leave his wife free to marry another.

The same text in Matthew 19:9, when read with care, makes it incongruent to apply to the word “fornication” (“immorality” in the NASB) the meaning of adultery, since even though the husband commits adultery when he divorces his wife and marries another, Jesus warns that the divorced (and innocent) woman commits adultery if she marries another man.

Therefore, adultery cannot be considered as grounds for divorce with the possibility of contracting a new marriage relationship.

According to the sense of the text, and of other comparable texts, the word “fornication” in Matthew 19:9 and 5:32 cannot have the meaning of adultery. The remaining two possible meanings are therefore the possibility of having had sexual relations while still single (unmarried), or of an illicit intercourse which should be terminated.

It is also important to note that Jesus never said “*except for adultery*” (Greek, *moicheia*). In each case his words were “*except for fornication*” (Greek, *porneia*). And when a divorced person marries another Jesus never said that he commits *porneia* but rather *moicheia*.

Thus Jesus’ own declarations make it incongruent to give to the word *porneia* in Matthew 5:32 and 19:9 the meaning of adultery.

This clears up the meaning of Moses’ statement, “*When a man takes a wife and marries her,*

*and it happens that she finds no favor in his eyes because he has found some indecency in her, and he writes her a certificate of divorce...*” When a man marries, what might he find in his bride that could be termed “indecent”? The most probable answer is that he discovers his wife is not a virgin. When this type of marriage situation arose, according to the law, there were two possible procedures to follow. If there was a disagreement in the couple, the husband could require a PUBLIC TRIAL. If an agreement was reached and the man refused to have the woman as his wife, he had to write her a letter of divorce and send her away.

Deuteronomy 22:13–21 explains the procedure to follow were there was a disagreement between the man and his wife requiring an official resolution (or judgment). If the woman’s innocence and virginity were proven, the husband had to pay a fine to the woman’s father; *“And she shall remain his wife; he cannot divorce her all his days”* (Deuteronomy 22:19, NASB). But if it was demonstrated that she was not a virgin at the time of marriage, she was to be stoned to death (verses 20–21).

Deuteronomy 24:1–4 indicates the other procedure to follow when the problem arose. If the husband chose to annul his recent marriage for having *“found some indecency in her”* —which she did not contest— he would write her a letter of divorce and place it in her hand, after which they were both free of the marriage bond.

Jesus refers to such cases when he says, *“except for fornication”*. That is to say, only in these circumstances if the man divorces his wife and marries another, he is not committing adultery. And the woman who has been divorced in the same circumstances, if she marries another man, is not committing adultery, nor is her new husband. Clearly, the first husband has another option; he can forgive her and receive her as his spouse. Thus the teaching of Moses and of Jesus Christ coincide. Jesus does not contradict Moses, but rather ratifies and clarifies him.

Why is Matthew the only Gospel writer to include the exception clause? As this author understands it, since Matthew wrote his Gospel primarily for the Jews, he takes care to mention the exception so that no appearance is left of a possible contradiction between Jesus and Moses. As a matter of fact, the exception clause has only a remote practical utility.

### **What was the law’s intention in Deuteronomy 22:13–21 and 24:1–4?**

1) To warn all the young ladies and virgins in Israel that they should maintain their virginity until the day of their marriage.

2) If a single young lady had sinned and lost her virginity, by understanding the risks she faced, she would be advised to confess her true condition to her pretender before contracting marriage (the same should hold true for the man).

3) If the new bride were found at fault and her husband did not want to keep her as his wife, they were able to find a peaceful alternative to resolve the conflict without recurring to a public trial and the consequent death sentence.

4) Following the separation in this instance, which in practice would today be considered a legal annulment of the marriage, both understood they were free to contract a new marriage.

## **INSTRUCTIONS OF THE APOSTLE PAUL**

### **1 Corinthians 7**

This is the most extensive passage and perhaps the only one in the epistles that deals with this question. From what Paul writes in verse 1 he is recommending that single persons, young ladies and widows who have the gift of continence to follow his example in maintaining their celibacy, since “the time is short”, in order to dedicate themselves more fully to the Lord. Yet he also makes it clear that if they choose to marry, it should not be considered sinful. If they marry they do well, and if they decide not to marry they do better. But nowhere does he tell those who are divorced that if they marry they are not sinning.

In verses 10–11 he refers to the situation of those who are married: “<sup>10</sup> *But to the married I give instructions, not I, but the Lord, that the wife should not leave her husband* <sup>11</sup> *(but if she does leave, let her remain unmarried, or else be reconciled to her husband), and that the husband should not send his wife away*” (NASB).

The Lord has made it clear “*that the wife should not leave her husband*”. But if the separation occurs anyway, whether because of disobedience to the Lord, or because living together has become impossible, or because the unsaved spouse decides to separate or get a divorce, there are two remaining alternatives: “*let her remain unmarried, or else be reconciled to her husband*”.

Separation is the first wrong (which sometimes must be accepted as inevitable). To contract a new marriage is a second error, much more serious than the first, for according to the words of Jesus it involves committing adultery. This is the reason Paul clarifies the source of his instructions with the phrase: “*to the married I give instructions, not I, but the Lord*”.

In verses 12–16 the apostle deals with a specific situation: the case of a married couple in which one is converted and the other is not.

“<sup>12</sup> *But to the rest I say, not the Lord, that if any brother has a wife who is an unbeliever, and she consents to live with him, let him not send her away.* <sup>13</sup> *And a woman who has an unbelieving husband, and he consents to live with her, let her not send her husband away.* <sup>14</sup> *For the unbelieving husband is sanctified through his wife, and the unbelieving wife is sanctified through her believing husband; for otherwise your children are unclean, but now they are holy.* <sup>15</sup> *Yet if the unbelieving one leaves, let him leave; the brother or the sister is not under bondage in such [cases,] but God has called us to peace.* <sup>16</sup> *For how do you know, O wife, whether you will save your husband? Or how do you know, O husband, whether you will save your wife?*” (NASB)

Here we observe the following points:

- 1) The believing spouse should not leave the unbelieving one.
- 2) If the unbelieving spouse decides to separate, the believing one should accept this situation with peace.
- 3) In no place in the chapter does the apostle say that the one who has been abandoned by the unbelieving spouse is allowed to remarry.

Those who read into verse 15 a right to marry again — “*the brother or the sister is not under bondage in such [cases]*” — are taking it out of its context. In verses 10 and 11 Paul makes it quite clear that if the separation occurs, the parties should not remarry.

Those who argue that the word *corizo* (leave or separate) means a legal separation by divorce are in error, for the same verb appears in verses 10 and 11 where it is clear that neither of the spouses is free to remarry. Moreover, the same term is used in Acts 1:4 and 18:1, where it is evident that legal divorce is not implied but only a circumstantial separation. On occasion it

means a temporary separation as in the case of Onesimus and Philemon (verse 15).

Thus, in light of Jesus' affirmations and Paul's own statements in 1 Corinthians 7:10–11, verse 15 should be interpreted simply to mean that a believing wife who has been abandoned by her unbelieving husband is not obliged to continue accompanying him as his wife; she can remain alone and at peace. The text does not imply that she is free to marry another man. Those who affirm differently do so by deduction. The only case wherein Paul explicitly says that a woman is free to marry again is in the case of a widow: "*A wife is bound as long as her husband lives; but if her husband is dead, she is free to be married to whom she wishes, only in the Lord*" (1 Corinthians 7:39, NASB).

Although in Romans 7 Paul refers to a different issue, he points out the same principle in verses 1–3: "*...the law has jurisdiction over a person as long as he lives. <sup>2</sup> For the married woman is bound by law to her husband while he is living; but if her husband dies, she is released from the law concerning the husband. <sup>3</sup> So then if, while her husband is living, she is joined to another man, she shall be called an adulteress; but if her husband dies, she is free from the law, so that she is not an adulteress, though she is joined to another man*" (NASB).

Paul says exactly the same thing as Jesus. It could not be otherwise: "*...if, while her husband is living, she is joined to another man, she shall be called an adulteress*". For Paul, just as for Jesus, the second union is considered to be adultery.

## **GOD HATES DIVORCE**

In the final book of the Old Testament, through the prophet Malachi God manifests his anger against Israel's priests. He says to them in an energetic protest: "*I will send the curse upon you, and I will curse your blessings; and indeed, I have cursed them [already]*" (Malachi 2:2). Why? In the same chapter God refers specifically to three sins: showing partiality to persons (verses 9–10), profaning the sanctuary by marrying pagan wives (verses 11–12) and divorcing their wives (verses 13–16). The passage is a tremendous reproof:

<sup>8</sup> "*But as for you, you have turned aside from the way; you have caused many to stumble by the instruction; you have corrupted the covenant of Levi,*" says the Lord of hosts. <sup>9</sup> "*So I also have made you despised and abased before all the people, just as you are not keeping My ways, but are showing partiality in the instruction.*"

<sup>10</sup> "*Do we not all have one father? Has not one God created us? Why do we deal treacherously each against his brother so as to profane the covenant of our fathers? <sup>11</sup> Judah has dealt treacherously, and an abomination has been committed in Israel and in Jerusalem; for Judah has profaned the sanctuary of the Lord which He loves, and has married the daughter of a foreign god. <sup>12</sup> [As] for the man who does this, may the Lord cut off from the tents of Jacob [everyone] who awakes and answers, or who presents an offering to the Lord of hosts. <sup>13</sup> And this is another thing you do: you cover the altar of the Lord with tears, with weeping and with groaning, because He no longer regards the offering or accepts [it with] favor from your hand. <sup>14</sup> Yet you say, 'For what reason?' Because the Lord has been a witness between you and the wife of your youth, against whom you have dealt treacherously, though she is your companion and your wife by covenant. <sup>15</sup> But not one has done [so] who has a remnant of the Spirit. And what did [that] one [do] while he was seeking a godly offspring? Take heed then, to your spirit, and let no one deal treacherously against the wife of your youth. <sup>16</sup> For I hate divorce," says the Lord, the God of Israel, "and him who covers his garment with wrong," says the Lord of hosts. "So take heed to your spirit, that you do not deal treacherously."*

Malachi 2:8–16, NASB



God despises a person who divorces his (or her) spouse, because it means turning his back on their commitment, on the covenant they made at their marriage. Simply stated, God hates every kind of divorce, tolerating only the exception specifically allowed by him in the Scriptures.

### THE MINIMUM AND THE IDEAL

Some sustain that the ideal is not to divorce, but rather live until the end of life with the same spouse. Yet given the reality of sin and the complexity of human life, they argue that we should be more flexible and admit divorce and the possibility that those who have divorced can remake their lives through remarriage.

My question is: Who is in charge of our lives: we or the Lord? Whose determination defines our situation: his or ours? If Christ has said that divorce and remarriage is adultery, I ask whether the decision to not commit adultery is the ideal or is it the minimum that God requires of us? Does not the word of God make it clear that adulterers will not inherit the kingdom of God?

*<sup>9</sup> Or do you not know that the unrighteous shall not inherit the kingdom of God? Do not be deceived; neither fornicators, nor idolaters, nor adulterers, nor effeminate, nor homosexuals, <sup>10</sup> nor thieves, nor [the] covetous, nor drunkards, nor revilers, nor swindlers, shall inherit the kingdom of God.”*

1 Corinthians 6:9–10, NASB

The ideal is that the husband always love his wife just as Christ loved the church.

The ideal is that the wife always, with an affable and quiet spirit, respect and be submissive to her husband.

The minimum that God requires is that we be faithful to our marriage covenant and not commit adultery by abandoning our spouse and contracting a new marriage relationship.

### SUMMARY

- 1) To divorce and remarry is to commit adultery.
- 2) To marry a divorced person is to commit adultery.
- 3) To abandon or reject one's spouse is to expose him or her to adultery.
- 4) Adultery, whether on the part of the husband or the wife, does not free the “innocent” spouse to remarry.
- 5) If a couple separates, both face only two alternatives: remain alone without remarrying or to be reconciled.
- 6) In a mixed marriage (between a partner who is a Christian and one who is not), the believing spouse should not take the initiative to separate.
- 7) The only exception allowing divorce with the possibility of remarriage is in the case of one who discovers at the time of marriage that there has been sexual immorality prior to marriage. Even in this case the permission is granted because of the hardness of the heart.

The fact that the laws of the land allow for legal divorce and remarriage does not modify the situation for Christians, for we live under God's government and his laws which are always valid.

Scripture quotations are from the New American Standard version of the Bible