

# ***DIVORCE AND REMARRIAGE – A PASTORAL PERSPECTIVE***

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## **1. Introduction**

Among Christians who base their faith on the Bible as the Word of God, there is no controversy as to what is God's plan and intention for marriage. We all agree that God intends marriage to be **heterosexual and monogamous** (one man and one woman), **exclusive** (God disapproves of sexual relations outside marriage in any form) and **permanent** (ended only by the death of one of the partners). Especially in societies – such as the Western industrialised countries today – that promote and practise norms different from these, the Church has an urgent responsibility to teach and emphasise this ideal and to support couples and families in upholding and faithfully practising the biblical model.

Nevertheless, because the Church recruits its members from the "world", because the Gospel is good news addressed to sinners (*"It is not the healthy who need a doctor, but the sick. I have not come to call the righteous, but sinners"* – Mk 2:17), it is inevitable that, in a "post-Christian" society, the Church and its pastors find themselves having to deal with an increasing number of situations that fall far short of God's purpose and the biblical ideal. In the Evangelical Church of Reconciliation we have come to the conviction that it is important to adopt a redemptive approach to such cases, one that expresses God's grace and mercy as well as His righteousness and judgement.

In other words, we believe it is important to ask ourselves not only, "Does God approve of divorce or of the remarriage of divorced persons?", but also such questions as, "Can God forgive and welcome someone who has divorced or been divorced?"; "Can marriages contracted outside God's will be redeemed and blessed?"; in other words, "Does God, in certain circumstances, approve of our making the best of a bad job?"

## **2. God's perfect will and permissive will**

It is significant that we find this distinction clearly drawn in the teaching of Scripture on the subject of divorce and remarriage.

In Matthew 19:3-9 (and parallels) we read of Jesus' teaching on marriage when he is questioned by the Pharisees who are "putting him to the test". It is evident that Jesus' answer – *"Anyone who divorces his wife, except for marital unfaithfulness, and marries another woman commits adultery"* (NIV) – appears, at least at first sight, more restrictive than the Mosaic law, and certainly more so than the rabbinical interpretation and the prevalent Jewish practice of it.

In reality, however, there is no conflict because, as Jesus' preceding words make clear, the Pharisees' question and his answer are actually addressing two rather different questions, and refer to passages of Scripture that address these two different questions. Rather than commenting on the Law of Moses as contained in Deuteronomy 24:1-4, Jesus goes back to the book of Genesis: *"Haven't you read, he replied, 'that at the beginning the Creator "made them male and female", and said, "For this reason a man will leave his father and mother and be united to his wife, and the two will become one flesh"?' So they are longer two, but one."*

Whereas the Pharisees' question was about "what is lawful", or "what is permitted" – in other words, "how far can we go?" – Jesus, as so often, goes back to first principles and addresses a different question: **What is God's original intention for marriage?** Before asking how far it is permissible to go, the first question is, "In what direction are you going?" We may say that Genesis, and Jesus' answer, are about **God's perfect will**, while Deuteronomy (which, though it is often called "the Law of Moses", we should not forget was in fact given to Moses directly by God) is a revelation of **God's permissive will**. This is clear from Jesus' words *"because your hearts were hard"* (Mt. 19:8). God permits, and regulates, behaviour that he does not approve.

These two strands of teaching have clear implications for Christian leaders. On the one hand we are to teach God's people to seek first His kingdom and righteousness, to love Him with all their

hearts and seek His highest will for their lives. *"We instructed you **how to live in order to please God...** It is God's will that you should be holy; that you should avoid sexual immorality; that each of you should learn to control his own body in a way that is holy and honourable, not in passionate lust like the heathen, who do not know God..."* (1 Tess. 4:1-5). This teaching clearly includes instruction on the sanctity and permanence of the marriage bond.

On the other hand, however, we are to follow Jesus' example in ministering God's grace and acceptance to sinners: *"God was reconciling the world to himself in Christ, not counting men's sins against them. And he has committed to us the message of reconciliation"* (2 Cor. 5:19). Pastoral leaders cannot restrict themselves to asking and answering the question "How does God regard sin?"; we also have to face the question, "What is to be done with the sinners?"

We may note in this context an interesting parallel with the dilemma faced by European and American missionaries when they first spread the Gospel among peoples in Africa and elsewhere who traditionally practised polygamy. Whereas in our society it is the **permanence** of marriage which is under threat, there it was its **monogamous** character. Most missionaries and missionary societies, in the interests of defending the biblical model of marriage and the family, refused baptism to converts married to more than one wife unless they agreed to repudiate the "extra" wives. However, the results were generally unfortunate: many of the repudiated wives, lacking any other means of support for themselves and their children, had little alternative than to resort to prostitution in order to survive, and a legacy of bitterness remains to this day. This was one cause of the rise of "indigenous" Christian churches, which were prepared to adopt a more flexible position with their first-generation converts, while firmly teaching the biblical model to subsequent generations. It is my understanding that most African Christian leaders and theologians today would advocate this more flexible position.

Another parallel could be drawn with the question of "mixed marriages". The Word of God, in both the Old and New Testaments, is quite clear that God's people are not to marry unbelievers (Ex. 34:16, 2 Cor. 6:14-18, etc.). Church leaders have a duty to teach this both to young believers and to their parents. Yet few Christian leaders today would be inclined to go so far as Nehemiah in dealing with Christians who have sinned by marrying unbelievers: *"I saw men of Judah who had married women from Ashdod, Ammon and Moab... I rebuked them and called curses down on them. I beat some of the men and pulled out their hair..."* (Neh. 13:23-25)! Most pastors today, while rebuking the sin of mixed marriage, would be inclined to welcome both the Christian spouse (once the sin is acknowledged and confessed) and the non-Christian, in the hope that God will be merciful and draw the latter to faith in Christ, rather than refusing church membership to such Christians unless they first separate from their unbelieving spouses.

### **3. The Law of Moses on marriage and Jesus' interpretation**

Probably all Christians would agree that the Law given to Moses – apart from the ceremonial laws, made redundant by the coming of Christ, the true Sacrifice who brings true purification – contains a revelation of the sort of lifestyle and society that God intends men to live by. Certainly this is true of many of its prescriptions concerning marriage.

However, it is often forgotten or neglected, in discussing the question of marriage and divorce, that in order to defend the permanence and sanctity of marriage, the Mosaic law prescribed draconian penalties for marital unfaithfulness. *"If a man commits adultery with another man's wife – with the wife of his neighbour – both the adulterer and the adulteress must be put to death"* (Lev. 20:10). *"If a man is found sleeping with another man's wife, both the man who slept with her and the woman must die. You shall purge the evil from Israel"* (Deut. 22:22). If this law was rigorously applied, and given the high probability of detection in a mainly rural society and the severity of the penalty, it would seem likely that cases of adultery would have been few among the Israelites.

Now if this norm represents God's view of adultery, it is obvious that the innocent spouse, after the penalty was carried out, as a widow/er would then be free to remarry. While probably no Christian leaders today would seriously propose the death penalty for adultery, is there not a principle here that should be seriously considered? It would seem that sexual unfaithfulness is a betrayal of the marriage bond so serious that God determined that **the innocent partner should as a result be free to contract a new marriage.**

It is not clear however how strictly this law (like many other Old Testament laws) was ever observed in Israel. In the episode reported in John 8::3-11 the Jewish leaders were proposing to enforce the law only in part: where was the man? And it may well be that this did not represent normal practice but a "test case", designed only to see how Jesus would respond. Nonetheless, the prescription is in our Bibles because it teaches us how God regards marital unfaithfulness and the punishment He considers appropriate for it.

It has been argued that, given the prescription of the death penalty for adultery, the situation described in the passage quoted by the Pharisees in their discussion with Jesus, Deuteronomy 24:1-4, cannot refer to unfaithfulness after marriage and that the rather vague expression "*something indecent*" (v.1) must therefore apply to a bride found not to be virgin at the time of her marriage. However, the death penalty could only be executed when the accusation was proven by "*two or three witnesses*" (Deut. 19:15 etc.), which in cases of adultery must often have been difficult to supply (a similar rule, and a similar difficulty, exist in Islamic Sharia law today). The permission (let us note however that it was that, and not an obligation) to "*write her a certificate of divorce and send her away*" must often have been resorted to in cases where there was not sufficient legal evidence, but only a strong suspicion, of adulterous behaviour.

The divorce procedure might also be applied in cases where the husband chose to be lenient towards his adulterous wife, preferring not to accuse her publicly and thus expose her to the death penalty. This was in fact the procedure that Mary's husband Joseph was contemplating when she was found to be pregnant before their marriage was consummated (Matt. 1:19). (It should be remembered that, according to Jewish custom, an official engagement was considered binding and therefore already equivalent to marriage.)

Let us now examine more closely the key passage quoted by the Pharisees to Jesus as permitting and regulating divorce, Deuteronomy 24:1-4.

First of all, we should note that the text contains no indication that the repudiation of a wife could take place only in the first few days of a marriage (and neither Jesus nor the Pharisees interpret it in this way). The passage states: "*If a man marries a woman who **becomes** displeasing to him because he finds something indecent about her...*" (NIV). The RSV and Amplified Version both render the passage "... *if **then** she finds no favour in his eyes...*" Clearly a lapse of time is contemplated between the marriage and the "finding of something indecent". This argues against the interpretation that the expression "*something indecent*" can refer only to a lack of virginity at the time of marriage.

It is surely correct to say that, for Christians, Jesus' interpretation of the ambiguous expression "*something indecent*" that would justify divorce – that is, "*except for porneia*" (Mt. 19:9) – must be considered as normative. Unfortunately Jesus too uses a word – *porneia* – which is open to more than one interpretation. Since this word is critical to an understanding of the passage, it is worth devoting a little space to an examination of it.

*Porneia* derives from the root *pornē* (and its masculine form, *pornos*), meaning a (male or female) prostitute. In the New Testament, though frequently translated by the English word "fornication", it is applied generally to any kind of illicit or promiscuous sexual behaviour, not just to sex between unmarried people. In the New Testament context it would surely have reminded Jewish hearers and readers of the frequent use of analogous expressions in the Hebrew scriptures to refer to Israel's spiritual unfaithfulness to God ("*playing the harlot*" in the older English versions): the strongest and most scandalous of these passages are Ezekiel chapters 16 and 23. Thus, in the context of Matthew 19:1-9, the word would certainly have been taken as including adultery (as most commentators and translations interpret it), but could also include other forms of illicit sexual behaviour such as lesbianism.

This wider meaning – corresponding to the somewhat vague expression of Deuteronomy – would explain why Jesus used the more general term *porneia* rather than the more restrictive word *moicheia*, which applies only to adultery in the strict sense.

#### 4. Paul's teaching

Let us turn now to Paul's teaching on the subject, and particularly the key passage in which he deals with the subject, 1 Corinthians chapter 7.

It is not always clearly noted that in the opening section of this chapter, the part that most specifically concerns us (verses 8-14), the apostle addresses three distinct categories of people:

1. "Now to the unmarried and the widows I say..." (v.8);
2. "To the married I give this command (not I, but the Lord)..." (v.10);
3. "To the rest I say this (I, not the Lord)..." (v.12).

The question immediately arises: Who are "the rest", i.e. the third category who are neither "the unmarried and the widows" nor "the married"? How can people be neither "unmarried" nor "married"?

The answer is immediately made clear in the continuation of verses 12-13: "If any brother has a wife who is not a believer... if a woman has a husband who is not a believer and he is willing to live with her...". "The rest", then, are believers married to unbelievers, and the previous category of "the married" (verses 10-11) must therefore refer only to married couples who are both believers.

This distinction is important because the instructions given to the two categories are different:

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

**To the rest** I say this (I, not the Lord): If any brother has a wife who is not a believer and she is willing to live with him, he must not divorce her. And if a woman has a husband who is not a believer and he is willing to live with her, she must not divorce him. For the unbelieving husband has been sanctified through his wife, and the unbelieving wife has been sanctified through her believing husband. Otherwise your children would be unclean, but as it is, they are holy. But if the unbeliever leaves, let him do so. A believing man or woman is not bound in such circumstances; God has called us to live in peace. How do you know, wife, whether you will save your husband? Or, how do you know, husband, whether you will save your wife?"

Although Paul prefaces his remarks to "the rest" (i.e. believers married to unbelievers) by saying that this is not a command received directly from the Lord, since the whole epistle has been received into the canon of inspired Scripture, we must regard both sets of instructions as equally authoritative.

The instructions **to couples who are both Christians** are clear: They should not separate; and even if they do so, they are not thereby free to remarry.

But this would imply that the instructions to "the rest" are not so categorical (otherwise what reason would there be to make the distinction?). A believer should not take the initiative in separating from his or her unbelieving spouse (it would appear that the apostle is addressing a fear on the part of some of the Corinthians of being "contaminated" by the relationship, including sexual intimacy, with an idolater). But if the other spouse decides to separate, the believing spouse "is not bound" (v.15).

Much argument has surrounded this phrase (in Greek, *ou dedoulōtai*, literally "is not in slavery"). Some commentators consider that it should be interpreted: "is not obliged to continue to live together". But this makes little sense: if the unbelieving spouse has left, what possibility has the believer of continuing to live with him/her?

Also, the implied contrast with the previous category, to whom remarriage is forbidden, makes it far more likely that in this case the abandoned spouse, not being "bound", is therefore "free" to contract a new marriage (though, only, as further on Paul says to the widows, "in the Lord", v.39).

It remains to define who is to be considered a "believer". What should we say of a case where both partners were church members, but the husband abandons his wife for another woman? Can he still be considered a "believer"? Or should he rather be considered to have denied the faith and abandoned the Lord, thus passing into the category of the "unbelievers"?

## 5. Practical and pastoral considerations

Although we have not considered all the relevant passages of Scripture, we have seen enough to conclude that – even though this is never the perfect will of God – there may be certain circumstances in which it can be permissible for Christians to contract a subsequent marriage,

even though their first spouse is still alive; or for the church to welcome into its midst people who have divorced and remarried. Such an admission, however, creates various pastoral challenges.

The first is: **to maintain the balance between upholding God's purpose for marriage, and showing grace and mercy to those who have missed this "Plan A"**. It is well known that human nature, unfortunately, frequently tends to "take advantage", and when a precedent is created, there are those who will say, "If he can, why can't I?"

A second, increasingly difficult, challenge today is **to maintain a clear definition of what marriage is**. Before we can discuss divorce, we have to define marriage. But with the increasing confusion in Western society, this is no longer so simple. An increasing number of couples today choose to cohabit without legally registering their relationship. More and more nations are offering some form of legal recognition to such *de facto* couples. There is the prospect of homosexual couples being given the same status as heterosexual marriages. In other countries there are older couples (often widowed) who want to celebrate a "church wedding", or have done so, without legally registering it in order not to lose pension rights. What advice should be given to a couple who have lived together for a number of years when one partner accepts Christ and the other does not? Should they be encouraged to marry or to separate? If there are children? And if there are not?

But thirdly, if in some cases we conclude that divorce and remarriage are biblically admissible, we face many challenges in defining the limits.

In the Evangelical Church of Reconciliation in Italy, we have adopted a "case-by-case" policy. With the premise that there are no two people, and therefore no two marriages, the same, every case is examined on its merits and no precedent is to be considered binding. We believe that we need to seek wisdom and discernment from on high (sometimes we truly need the wisdom of Solomon!) in order to understand how to deal with each individual case.

A second measure is the creation of a "matrimonial commission" composed of experienced pastors and theologians to examine each case, thus freeing the local pastors – who are often emotionally involved in the destiny of their "sheep" and therefore find it difficult to be impartial – from the pressures of such delicate decisions.

However, over the years some general principles have been established.

**1. The first objective is to restore and heal marriages; divorce/remarriage is a last resort**, normally only considered when the situation is adjudged truly "beyond all hope of repair": for example, when the other spouse (usually a non-believer) has established another family, often with children, with a new partner. There have been, thank God, some wonderful examples of separated couples reuniting and broken families being "mended".

**2. Much more favourable consideration is given to the "innocent" party**". While in marriage breakdown the blame is rarely, if ever, all on one side, usually it is one partner who bears the major part of the blame. A wife abandoned by her husband for another woman, for example, is considered the "victim" rather than the "perpetrator" of a divorce. We do not believe that God is in favour of the innocent being punished for the sins of the guilty (cf. Jer. 31:29-30).

**3. In the case of the "guilty" party** (often, though not always, we are dealing with sins committed before conversion to Christ) **we look for evidence of a genuine and deep repentance**. We are deeply convinced that "*every sin and blasphemy (even adultery and divorce!) will be forgiven men*" (Matt. 12:31). Where there is genuine repentance, but the previous marriage situation is unrecoverable, we believe that God's forgiveness means "wiping the slate clean" and "being able to make a fresh start".

**4. Situations of sin or compromise must be set straight as far and as fast as possible**. Couples who, whether divorced or not, are living together without being legally married – often with their children – are normally encouraged to "set their house in order" by legal marriage. When however the situation is not consolidated and there is hope of the recovery of an existing marriage, they may be exhorted to separate.