

Sex, Fracture and Divorce

- discussing the challenges of broken sexual relationships

SEX AND DIVORCE

Divorce and society

The modern western concept of marriage has changed. In Britain, it has been argued, that the 1980's were a watershed for family life: ¹

- 10% of couples married in 1951 were divorced by their 25th wedding anniversary
- 10% of couples married in 1981 were divorced within 4.5 years; the rate is still rising

Couples may hope for permanence on their wedding day, but the growing expectation is that marriage cannot usually be expected to last. In fact there are those who would argue that the very notion of monogamous marriage is archaic and people should expect to 'change their values and lifestyles. People want to experience new things. Change is a part of life ... You must accept the reality that in today's multi-faceted world it is especially easy for two people to grow apart. Letting go of your marriage - if it is no longer good for you - can be the most successful thing you have ever done. Getting a divorce can be a positive, problem-solving, growth-oriented step. It can be a personal triumph'.²

These ideas do nothing to hide the stark reality that marital breakdown is always a terrible tragedy. It brings pain, alienation, disillusion, recrimination and guilt to each of the partners involved; it also brings bewilderment, insecurity and anger to any children.

These changes in society's attitudes have a subtle but strong influence on Christians and are a real challenge to the church. The community of faith needs to have its thinking clear. The answer does not lie in tighter laws [as some would argue] but truthful lives which model monogamy as God's will and purpose for people. Marriages do fail, even within the community of faith. As a consequence the subject of divorce continues to be hotly debated in the church, not least the issue of remarriage. We need to understand the biblical perspective.

Divorce and God

The creation marriage story, in the garden east of Eden, has no hint of the union between the man and the woman being anything other than life-long. The comment of the narrator to the drama emphasises this with the words, "For this reason a man shall leave his father and mother and be united to his wife, and they will become one flesh" (Gen 2:24). A sense of permanence runs through the whole narrative; and this is in fact the emphasis of the whole of scripture:

¹ 'Family Change and Future Policy' Family Policy Studies Unit June 1990.

² JH & NW Adam 'Divorce: how and when to let go' Prentice Hall 1979



'... God stands as witness between you and the wife of your youth, the wife with whom you have broken faith, even though she was your partner and wife by solemn covenant. Did not God create you into a single being, one flesh and spirit with her? And what is this single being destined for? God given offspring. Be careful for your own life, therefore, and do not break faith with the wife of your youth. For I hate divorce, says Yahweh the God of Israel'. (Mal 2:13-16)

The fact is that God hates divorce; it is a breach of covenant, it is an act of treachery.

The story of Hosea shows God's heart on the subject. The prophet had every right to divorce Gomer and remarry; but he loved her, brought her back and lived with her endeavouring to win her love. This expressed God's character exactly:

'I will bring my people back to me.
I will love them with all my heart;
no longer am I angry with them ...
Once again they will live under my protection.'
(Hos 14:4,7)

Divorce and Moses

The only Hebrew statement to deal clearly with the practice of divorce is:

'If a man marries a woman who becomes displeasing to him because he finds something indecent about her, and he writes her a certificate of divorce, gives it to her and sends her from his house, and after she leaves his house she becomes the wife of another man, and her second husband dislikes her and writes her a certificate of divorce, gives to her and sends her away from his house, or if he dies, then her first husband, who divorced her, is not allow to marry her again after she has been defiled. That would be detestable in the eyes of the Lord. Do not bring sin upon the land the Lord your God is giving you as an inheritance' (Dt 24:1-4)

These words do not require, recommend or sanction divorce; they 'allow' divorce, according to Jesus (Mt 19:8). The ancient patriarchal oriental world always believed that a man could divorce his wife for any reason whatever, but that a wife could not have a divorce without the permission of her husband. Divorce was happening amongst the Israelites, as amongst other peoples; these instructions were there to regulate this practice in order to protect women from exploitation. The command that forbids a man from remarrying a former spouse appears to be protecting the woman (the 'if' of v1-3 points to the conditions, and the 'then' of v4 states the consequence). The passage is of course couched in a very patriarchal style and perspective.

In the passage the grounds of divorce are so general that no precise interpretation is possible. The 'shameful thing' (Heb 'nakedness of a thing' cf Dt 23:14) was not adultery as this was punishable by death (cf Dt 22:20-21; Lv 20:10).

We see how this law was seeking to radicalise to some extent the popular oriental ideas and practice by protecting women, but in the Pharisaic schools of the first century the debates continued:

- Rabbi Shammai took a strict interpretation saying that it was a sexual offence less than promiscuity
- Rabbi Hillel took a lax interpretation saying it was anything that even trivially displeased the husband; like burning his meal or simply finding a younger woman more attractive (so Rabbi Akiba)

The text, therefore, clearly presupposes that there can be divorce with the issuing of a 'certificate'. It is important to note that in Hebrew understanding, if there is a divorce there is always the right to remarriage; there was no concept of divorce without the possibility of remarriage. Some would argue that divorce was given to create the opportunity for remarriage. We must remember that Moses is not intending to give grounds for divorce but is dealing with an existing practice.

Divorce and Jesus

During the days of Jesus' public ministry the Pharisaic debate over how to interpret the words of Deuteronomy 24:1-4 continued. Where Hillel was arguing for the original ancient practice, Shammai was recognising the compassionate and radical nature of Moses command, Jesus shows that neither position is what God really desires. His subversive teaching goes to the heart of the issue in a way that startled his hearers and has continued to disturb the church:

'It was also said, "Anyone who divorces his wife must give her a written notice of divorce." But now I tell you: if a man divorces his wife, for any cause other than her unfaithfulness, then he is guilty of making her commit adultery if she marries again; and the man who marries her commits adultery also.' (Mt 5:31-32 cf Lk 16:18)

'Some Pharisees came to him and tried to trap him by asking, "Does our Law allow a man to divorce his wife for whatever reason he wishes?" Jesus answered, "Haven't you read the scripture that says in the beginning the Creator made people male and female? And God said, 'For this reason a man will leave his father and mother and unite with his wife, and the two will become one'. So they are no longer two, but one. What God has joined must not be separated". The Pharisees asked him, "Why, then, did Moses give the instruction for a man to hand his wife a divorce note and send her away?" Jesus answered, "Moses gave you permission to divorce your wives because of your hard hearts. But it was not like that at the time of creation. I tell you then that a man who divorces his wife for any cause other than her unfaithfulness commits adultery if he marries some other woman". His disciples said to him, "If this is how it is between a man and a woman, it is better not to marry". Jesus answered, "This teaching does not apply to everyone, but only those to whom God has given it ... Let the person who can accept this teaching do so." (Mt 19:3-12; cf Mk 10:2-12)

These words of Jesus must be understood against the background of the Jewish experience and the Pharisaic debate of his day³. For him the original Mosaic instruction

³ The record of Jesus' teaching in Matthew has an exemptive clause, which allows divorce for illicit sexual relations [Gk 'pornea' - adultery, homosexuality, bestiality]. This reference is omitted from Mark and Luke, which has led some to believe that the exemptive clause was added to Matthew later by the church to soften

and the continuing argument showed just how hard people's hearts were towards God's character, and obscured his original intention for marriage. To be married is to become one flesh with your partner in a union which God himself has joined. It is not that they cannot be separated, but how dare they separate; because divorce is like amputating a limb from your body.

Jesus' references to divorce and remarriage being adultery almost certainly refer to third parties being knowingly involved in the marriage break up and giving active agreement and gaining advantage out of what is happening.

- Life-long marriage is the ideal to which Christians aspire, by the power of the Spirit, but some marriages do fail. The matter must not be treated in a legalistic way, but in the light of the spirit of the new covenant
- Divorce as 'adultery' is emphasising the nature of the tragedy of divorce, the breaking of the union, not branding people with a particular sexual sin
- Divorce as 'adultery' is primarily a reference to the consequence of the lax interpretation of Hillel where marriage and divorce had become trivialised
- Divorce as 'adultery' refers particularly to people who are actively party to the divorce (eg divorcing with the intention of marrying another); by divorcing, marrying or remarrying they are showing their agreement with it
- Divorce on the basis of 'pornea' raises the question as to whether the word must simply refer to 'illicit sexual relations' or can refer to any destructive evil (e.g. physical violence or mental cruelty)
- 'What God has joined' raises the question, "Are here marriages that God has not joined?" clearly you can be one flesh with a prostitute without it being a union God has joined (1Cor 6:15-17). Marrying a non-Christian, marrying carelessly, mistakenly, and blindly, finding that your personalities really are incompatible

Divorce and Paul

In Paul's teaching about divorce we see the early church dealing with the practical implications of the issue as the gospel spreads out into the Gentile world:

'For married people I have a command which is not my own but the Lord's: a woman must not leave her husband; but if she does, she must remain single or else be reconciled to her husband; a husband must not divorce his wife' (1Cor 7:10-11)

Here Paul is speaking about couple that wish to separate or divorce so that they can be celibate, not divorce in general. To argue that on the grounds of the above that he forbids all divorce, or permits divorce but forbids remarriage misses both the context and the point that he is addressing and making.

Jesus' strict teaching. This is almost certainly not the case; but rather that the Jews, Greeks and Romans never doubted that adultery was the basis for divorce and so Mark and Luke take it for granted. Divorce on the basis of 'pornea' certainly implies permission to remarry, because as we have noted above, the Jews did not know of divorce without possible remarriage. The form of Mark 10:12, which speaks of a woman initiating divorce, probably has Greek and Roman law in mind; however, a Jewish woman could appeal to a court and request an order for her husband to divorce her.

Paul then goes on to address the issue of a Gentile who has come to faith but is married to someone who has not:

‘... if a Christian man has a wife who is an unbeliever and she agrees to go on living with him, he must not divorce her. And if a Christian woman is married to a man who is an unbeliever, and he agrees to go on living with her, she must not divorce him ... However, if the one who is not a believer wishes to leave the Christian partner, let it be so. In such cases the Christian partner, whether husband or wife is free to act. God has called you to live in peace.’ (1Cor 7:12-15)

The new dimension, which Paul brings to the teaching on divorce, is to permit it if one person has become a Christian and their unbelieving partner wants to separate [v12-16]; this is sometimes called the ‘Pauline privilege’.

Divorce and discussion

At one level the biblical teaching about divorce is absolutely clear, straightforward and beyond debate; this is the simple fact that God hates divorce (Mal 2:16). Divorce is always, and without exception, a tragic expression of failure in relationship. It is a consequence of sin and human rebellion. Divorce is always the tearing of ‘one flesh’; lives ripped apart like the dismembering of a living body. Divorce always profanes God’s eternal desire and purpose for marriage, which is intended to be lifelong unbroken unity. Whatever the extenuating circumstances, and however sensitively a divorce is carried out, it is always a tragedy.

However, the biblical teaching on divorce is much less straightforward when it comes to interpreting the details with certainty and applying them with confidence. There seem to be two broadly conflicting views in how to approach the subject of divorce from scripture; they depend very much on how we interpret the text and the spirit and expectation in which we apply its words.

Traditionally the church has either forbidden all divorce and remarriage or permitted it for:

- Persistent illicit sexual relations (Mt 19:9)
- Petition for divorce from an unbelieving partner (1Cor 7:12-16)

To take this literal approach, the biblical statements are taken at face value, but many complex pastoral situations remain difficult to resolve, people can feel condemned to painful circumstances that they have neither the hope nor the faith to resolve. It can be very legalistic.

Many church leaders now take a more liberal approach; many more pastoral situations are easier to resolve, it expresses more of the forgiving and re-creative spirit of the new covenant, and is based on feeling convinced that this is a valid way in which to interpret the biblical statements.

Only when all else fails: At the outset we must remind ourselves that any and every divorce is a tragic violation of God’s desire. We must remember that:

- There is nothing, anywhere in scripture that commands or even encourages divorce; it is always a last resort and an act of failure in relationship
- There is nothing, anywhere in scripture that demands divorce because of any specific behaviour; forgiveness and reconciliation are always God's heart and desire if that is at all possible (e.g. Hosea)

This being so, very effort must be made to see if there is a way to heal the marriage relationship. Steps towards divorce can never be right unless every effort to find reconciliation has been made; only God and the couple involved will ever really know whether or not this has been so. Only when there is clearly no hope of a marriage being saved can divorce take place. All this makes it clear that there is great need for:

- Teaching about sex and marriage in churches
- Preparation for marriage with young couples
- Reconciliation to be available when needed

Grace not legalism: In deciding about divorce the more liberal interpretation of the texts seems the most convincing, because it not only holds to the seriousness of the declarations but also communicates the whole essence of Jesus' teaching and the new covenant which is not law but spirit and grace:

- This recognises that not everyone manages the ideal of Christian marriage and sometimes face an impossible way forward
- This recognises that there are marriages that 'God has not joined'; with some personalities incompatible, sometimes made mistakenly, blindly, carelessly and even wilfully, but now there is genuine repentance
- This recognises hope for people in dead marriages that are destructive; in which there may be no illicit sex but physical violence or mental cruelty instead. This is surely equivalent to *pornea* and grounds for divorce. Paul says that the fact that, 'God has called us to peace', is a reason for divorce (1Cor 7:15)
- This recognises the power of repentance, forgiveness and healing which is at the heart of the gospel; the kind of attitude Jesus' showed to the 'woman at the well' (Jn 4:5-42) and the 'woman taken in adultery' (Jn 8:1-11)
- This recognises clear limits to divorce; where someone wants divorce because they have fallen in love with someone else while still married gives no validity whatever to divorce, and is a particular example of divorce and remarriage being an act of adultery.

Faith is the key: Christians with the best intentions and the highest integrity have so often ended up deciding on this subject in legal rather than life terms. Whatever the final decision about each particular marriage the responses of the people involved must be one of faith: -

- A person, who takes the stand to endure the most difficult of marriages, believing for a miracle or prepared to be a witness to their partners and others, can be an awesome testimony. This can only be done out of living faith, not out of guilt or legalism, and must be supported by the church; the validity of the act will be seen in its fruit;
- A person who takes the step of divorce as an act of faith, in the spirit of repentance, a knowledge of forgiveness, having attempted reconciliation and shouldering any responsibilities the previous marriage may retain, can find it to be a new and creative step in God;

- A person who takes a more literal interpretation of the texts and resists divorce, apart from the two exceptions, has the responsibility to support the couple concerned in the faith demanded of them. Failure to do this would remove any validity from their position and display naked legalism.

Questions and Reflections

1. Under what circumstances do you think divorce and remarriage can be allowed for a Christian?
2. What might the Christian community do to support marriages under strain?
3. How would you advise a person who planned to divorce with the clear intention to re-marry a particular person?

Reading and Resources

D Amram '*The Jewish Law of Divorce*' Herman Press 1975
 GE Bontrager '*Divorce and the Faithful Church*' Herald 1978
 J Emerson '*Divorce, the Church and Remarriage*' Westminster Press 1961
 G Ewald '*Jesus and Divorce*' Herald 1991
 P Harrell '*Divorce and Remarriage in the Early Church*' Swete 1967
 D Mace '*Hebrew Marriage*' Epworth Press 1953
 J Martin '*Divorce and Remarriage*' Herald 1974
 J Murray '*Divorce*' Presbyterian & Reformed 1976
 D Shanner '*A Christian View of Divorce*' EJ Brill 1969
 D Small '*The Right to Remarry*' Revell 1975
 J Tyra '*Starting Over*' Herald 1992

