

DIVORCE

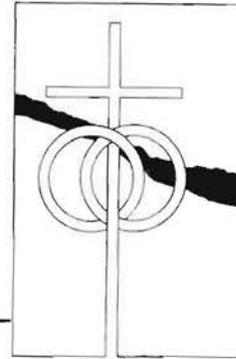
**and
REMARRIAGE**

An Exegetical Study



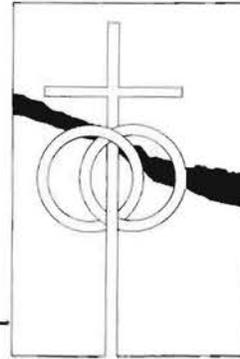
A Report
of the Commission
on Theology
and Church Relations
of The Lutheran Church—
Missouri Synod

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Introduction

Although God intended marriage to be a lifelong relationship, the tragic fact is that divorce has become commonplace in our society.¹ Sadly, the dramatic rise in divorce rates in recent years has also affected the Christian community. Pastors and others providing counsel have become increasingly burdened with problems of divorce and remarriage, even among those regarded as active members of their congregations. Complicating the task of pastoral care and the exercise of Christian discipline in this area is not only the ease with which divorce can be obtained and remarriage arranged within this highly mobile society of ours; there are also among Christians conflicting views as to precisely what are the Biblical principles which should guide Christians regarding divorce and remarriage.

In response to a request for a Scriptural study of divorce and remarriage, the Commission on Theology and Church Relations placed this matter on its agenda. In its 1981 report on "Human Sexuality: A Theological Perspective" the Commission discussed the problem of divorce and remarriage in a preliminary way, indicating that it intended to present a more detailed study of the pertinent Scriptural passages in an upcoming report on divorce and remarriage. The Commission has now completed this study and

¹ Recent statistics from the Bureau of the Census, U.S. Department of Commerce, indicate that the divorce rate (divorces per 1000 total population) in the U.S. population has risen dramatically within the past two decades. Between 1962 and 1981 the annual number of divorces tripled, reaching a historic high of 1,213,000 in 1981. Although the rate declined somewhat between 1981 to 1984, in 1985 the number of couples divorcing increased by 32,000 over the 1984 number, to reach 1,187,000. The divorce ratio (number currently divorced persons per 1000 currently married living with spouses) increased from 47 in 1970 to 128 in 1985. Pollster Louis Harris recently has disputed these figures, claiming they represent a misreading of the data. By dividing the Census Bureau figures on divorced people with the number of persons who are married, Harris concluded that one out of eight remarriages end in divorce (*Time*, July 13, 1987, p. 21).

offers it to the members of the Synod for study and guidance as they deal with problems in this area in their ministry of spiritual care.

In carrying out this assignment, the Commission has not understood its task to be the preparation of specific guidelines for Christian counselling, but rather the delineation of Scriptural principles which determine the kind of guidance that should be given regarding God's intention for marriage. In formulating these principles, the Commission is aware of the dangers which reside in interpreting the Biblical texts as a legalistic code that may encourage a casuistry that has as its primary aim the determination of "innocent" and "guilty" parties. It is also cognizant of the opposite hazard whereby the pertinent texts are not regarded as providing specific ethical guidance according to the third use of the law, but are viewed only as a vehicle for pronouncing judgment on all involved in marriage failure, even those whose marriage may have been destroyed at the initiative of another.

In the delicate administration of Law and Gospel to those experiencing marriage crises, the church must be ever mindful of the reality that the will to obey God's commandments is born not of the law but of the Gospel of forgiveness. The Christ who stands in judgment over the evil of divorce is the same Christ who died for all sins, including those which lead to the broken marriage. He is also the Christ who gives specific directions to those who wish to order their lives in accordance with the will of the Creator for this estate.

Before proceeding with a study of this report the reader should note the method being employed in the treatment of the pertinent Biblical texts. An attempt is made to deal with each of the texts in its particular context and to discuss their unique contribution to the composite picture of what the Scriptures have to say on the subject of divorce and remarriage. That composite picture is then presented in a series of summary statements. Moreover, the reader should remember that the focus of this report is on divorce and remarriage, and that the texts dealing with marriage in general are discussed chiefly from this perspective.

I.

Divorce and Remarriage in the Old Testament



The Christian response to the problem of divorce and remarriage must begin where Christ Himself began, with the institution of marriage. The weight of Jesus' response to contemporary questions concerning divorce and remarriage rested not on what may or may not be justifiable reasons for dissolving the marital union, but on the origin of marriage in creation. The principle "What God has joined together let not man put asunder" holds true according to the Scriptures "*from the beginning,*" when the Creator "made them male and female" (Gen. 1:27) and said, "For this reason a man shall leave his father and mother and be joined to his wife, and the two shall become one flesh" (Gen. 2:24). At a time when divorce was commonplace and legitimized even on Biblical grounds (Deuteronomy 24), Jesus taught "*but from the beginning* it was not so" (Matt. 19:8). Christians, therefore, look first to God's original intent for the estate of marriage and seek to know why it is that God wills this union to remain permanently inviolate.

A. The Institution of Marriage

1. *The Creation of Male and Female.* The creation of mankind (Luther's "Menschen," Gen. 1:26-27) as male and female, and more particularly the manner in which the creation took place (Gen. 2:18-22), not only explains why people become married but also lays the foundation for the moral requirements that surround marriage. This is evident from the way in which the author of Genesis by divine revelation speaks of the institution of marriage in Gen. 2:23-24. Gen. 2:22 reports that "the rib which the Lord God had taken from the man he made (literally, "built") into a woman and brought

her to the man.”² In words “expressive of joyous astonishment” the man responds by saying, “This is at last bone of my bone and flesh of my flesh; she shall be called Woman, because she was taken out of man” (Gen. 2:23). It is only at this point that the inspired writer proceeds to establish the implications of what God has said and done, and is doing: “*Therefore ('al ken)*, a man leaves his father and his mother and cleaves to his wife, and they become one flesh.”³

a. *A Helper Fit for Him*. Because it was not good that man should be alone, God created from man a woman, a “helper fit for him.” This expression denotes two aspects of the relationship between the man and the woman: helpfulness and correspondence. The Hebrew word *ezer* means support or help. The man was created by God as one who needs a partner, not only for the propagation of offspring, but to fulfill the need for mutual support. What is true of the human community in general is true especially of the most intimate of human relationships: “For if they fall, one will lift up his fellow; but woe to him who is alone when he falls and has not another to lift him up” (Eccl. 4:10). But the helper whom God made for man is “fit for him,” that is, “corresponds to” or “is the counterpart to” him. Woman is “a partner over against man, turned in his direction and fit for him to encounter.”⁴

It is particularly this latter point which Adam immediately recognizes when the living God brings to him the gift that He had made from the rib of Adam. He first declares that the companion or partner God created is “bone of my bones and flesh of my flesh,” and that “she was taken out of man (*'ish*.)” For this reason Adam calls her woman (*'ishshah*).

Thus, when we speak of “companionship” as a purpose for marriage, more is designated than a partnership of mutual assistance and support to the spouse. As the Commission stated in its 1981 report on “Human Sexuality” with reference to the relational purpose of marriage, “rather, the woman is ‘a helping being, in which, as soon as he sees it, he may recognize himself.’ She is the mirror in which the man will come to know himself as man. The man and

² Luther observed, “Adam does not snatch Eve of His own will after she has been created, but he waits for God to bring her to him. So Christ also says (Matt. 19:6): ‘What God has joined let no man part.’ For the lawful joining of a man and a woman is a divine ordinance and institution.” *Luther's Works*, American Edition, 1:134.

³ Francis Brown, S. R. Driver, and Charles A. Briggs, eds., *A Hebrew and English Lexicon of the Old Testament* (Oxford: Clarendon Press, 1907), p. 487.

⁴ E. Schillebeeckx, *Marriage: Human Reality and Saving Mystery* (New York: Sheed and Ward, 1965), p. 17.

woman have been created toward fellowship and neither can come to know the self rightly apart from the other. The woman is given to the man in order that neither of them may be alone, that together they may know themselves in relation to one who is other than self."⁵ Divorce, therefore, must be viewed as the refusal to accept in thanksgiving and honor the gift which God has given as the answer to the "aloneness" of man and woman.

b. *Flesh of My Flesh*. Man's affirmation that woman is "bone of my bone and flesh of my flesh," while appearing to be a mere biological statement describing a blood relationship, is an assertion about the original unity of man and woman as whole persons. The term "flesh" here has reference to the entire human being,⁶ requiring that marriage be regarded as the union of two individuals in *both* their physical and psychological dimensions. It is therefore not something in man or something in the woman that is united; the man himself and the woman herself become one. Hence man's exclamation about the gift which God brings to him describes the coming together of male and female into a profoundly personal union: "that which was *basar 'echadh* (one flesh) before the creation of the *'ishshah*, 'woman' (Gen. 2:21f.), is again united into *basar 'echadh* through the consummation of marriage (Gen. 2:24) and the *basar 'echadh* attested thereby bears undeniable witness to its complete unity."⁷

Jesus deduces from the creation of man as male and female, whose original unity is manifested and restored when they come together in the one flesh union of marriage, that the Creator made no provision for divorce in the beginning. What was complete is also indissoluble. "The creation of sex, and the high doctrine as to the cohesion it produces between man and woman, laid down in Genesis, interdict separation."⁸

2. *Marriage*. In a simple, straightforward manner the writer

⁵ "Human Sexuality: A Theological Perspective," A Report of the CTCR, 1981, p. 14. What is said here in no way suggests that the single state falls short of God's design for male-female relationships. As the Commission stated in its 1981 report, "Not every human being need enter the order of marriage." Thus, "the church must also assure those who do not enter the order of marriage that they also please God" (p. 7; see pp. 6-9 for a more extended discussion of this subject).

⁶ The *Expositor's Greek Testament*, 1:246, states: "But flesh in Hebrew thought represents the entire man, and the ideal unity of marriage covers the whole nature. It is a unity of soul as well as of body: of sympathy, interest, purpose."

⁷ G. Johannes Botterweck, and Helmer Ringgren, eds., *Theological Dictionary of the Old Testament* (Grand Rapids: William B. Eerdmans Publishing Company, 1975), 2:328.

⁸ *Expositor's Greek Testament*, 1:246.

of Genesis⁹ speaks of the nature of the marital union designed by God in the creation of male and female: "For this reason a man will leave his father and mother and be united to his wife, and they will become one flesh" (Gen. 2:24). When two people marry they enter into an estate whose structure God Himself has established. The structure of marriage is unlike other human associations which for solidarity and permanence depend merely on the mutual agreements of the partners, associations which are entered into by mutual consent and may be dissolved by mutual consent. In marriage we have a "divine joining together" which requires obedience to God and His will that the union remain lifelong.

a. *Mutual Commitment.* When a man and a woman desire to come together in the one flesh union of marriage, they must be fully cognizant of the permanence and undivided loyalty which constitute the mutual commitment required of them by God. They must be prepared to consent, freely and without constraint, to live with one another in a lasting community of life. This is evident from the terminology employed by the inspired writer in Gen. 2:24.

The man (and by implication the woman) is to leave (*ʾazav*) his father and his mother and cleave (*davaq*) to his wife.¹⁰ Several observations must be made regarding especially the term *davaq* in this passage. The term means to cling, cleave, or keep close.¹¹ In a literal sense it can refer to physical things sticking together. For example, Job speaks of his bone cleaving to his skin (19:20; cf. Ps. 102:5) or of the tongue cleaving to the roof of the mouth (Job

⁹ Commentators generally agree that the words of Gen. 2:24 are not the words of Adam, but of the author of Genesis.

¹⁰ In marriage the partners terminate one loyalty and embrace a new one. This implies that parental consent and blessing should be sought. Although a valid marriage may exist without parental consent, the Biblical paradigm according to which parents were directly involved in the arrangement of the marriages of their children (e.g., Gen. 24:4; 29:23, 28:34:8; see O. J. Baab, "Marriage" in *The Interpreter's Dictionary of the Bible* [New York: Abingdon Press, 1962], 3:283) suggests that the custom of parents' "giving away" their daughters be preceded by parental counsel and affirmation on the part of both sets of parents for their children. After marriage, "leaving" does not imply abandonment of commitment to care and concern for the needs of parents and others within one's family.

The commitment of marriage, according to Lutheran theology, has significance beyond the union of husband and wife. It is a vital part of God's design for human life in general. The marriage partners commit themselves to the establishment of a home, a structure designed by the Creator to serve the common good of all in society. Where parents fulfill their duties and children live in honor and obedience toward them, the promise of long life is attached. And, "to have long life means not merely to grow old but to have everything that pertains to long life — health, wife and child, livelihood, peace, good government, etc., without which this life can neither be heartily enjoyed nor long endured." (Large Catechism, I, par. 134; Tappert, p. 383)

¹¹ Brown, Driver, Briggs, *Lexicon*, p. 179.

29:10). But *davaq* also refers to the clinging of someone to another with affection and faithfulness (Ruth 1:14; 2 Sam. 20:2; Gen. 34:3; 1 Kings 11:2). Significantly, the word is a covenant term in the Old Testament, denoting the affection and loyalty with which the Israelites are to cleave to the Lord (Deut. 10:20; 11:22; 13:4; 30:20; Josh. 22:5; 23:8). It signifies an exclusive relationship, shutting out all other partners and entailing the jealousy of the covenant partner. Joshua summons Israel to "cleave (*davaq*) to the Lord your God as you have done to this day" (Josh. 23:8) and to "Take heed . . . to love the Lord your God" (v. 11). Just as permanence and undivided loyalty are essential elements in the covenant relationship between God and His people, so must the covenant of marriage be entered only by those ready to pledge their permanent fidelity to one another.¹² Foreign to, and even in conflict with, the Biblical understanding of marriage as a covenantal relationship is the current emphasis in modern culture on compatibility as the all-important constitutive element of the marital union. When compatibility supplants fidelity, and the interests and needs of the individual are made to count for more than commitment to the welfare of another, the likelihood of divorce and its attendant tragedies is greatly increased.

b. *One Flesh*. Of the union of man and woman in marriage Jesus said: "So that they are no longer two but one flesh."¹³ In the coming together of man and woman a new entity is created: "It signifies the coming into being of a unitary existence, a complete partnership of man and woman which cannot be broken up without damage to the partner in it."¹⁴ Whenever a couple unites in the act of inter-

¹² Lutheran theologians have traditionally held that the mutual consent of the parties constitutes the essence of marriage. Some have regarded this understanding as deficient, if not wrong, and claim that it diminishes the importance of lifelong commitment. For this reason it needs to be emphasized that mutual consent, in the total Biblical perspective, is the agreement of the two partners to a common life of giving and receiving. Marriage is not a mere contractual arrangement with a series of contingency clauses.

If the permanent commitment of marriage is referred to as establishing an "indissoluble union," this should not be understood to mean that marriage *cannot* be dissolved. A covenant relationship can, through the unfaithfulness of either or both covenant partners, be broken. God's command is that it must not be broken. See Brian Byron, "1 Cor. 7:10-15: A Basis for Future Catholic Discipline on Marriage and Divorce?" *Theological Studies* 34 (September 1973), p. 436. Byron states: "Nor does he [Jesus] speak of indissolubility, which means literally 'impossibility of being dissolved.' Jesus does not say the union *cannot* be dissolved; He says 'What God has joined together, let no man separate.' Indeed, the prohibition itself implies that it *can* be sundered."

¹³ It is significant that Jesus quotes the Septuagint rendering when He states, "and the two shall become one flesh." The insertion of the word "two" accents the fact that something completely new is created by the sexual union.

¹⁴ Colin Brown, general editor, *The New International Dictionary of New Testament Theology* (DNTT) (Grand Rapids: Zondervan Publishing House, 1976), 1:678.

course something happens that reaches down to the very core of their being. The union brings into existence a oneness which extends beyond the physical to include the whole man and the whole woman. Subsequent acts of intercourse are expressions of this new reality created by God.

That this is the significance of the one flesh union in marriage is shown by Paul's discussion in 1 Cor. 6:12-20, as well as in Eph. 5:21-33. In 1 Corinthians 6 the apostle, arguing against those who regard sexual intercourse as merely a physical encounter, concludes: "Do you not know that he who unites himself with a prostitute is one with her in body? For it is said, 'The two will become one flesh' "(6:16).¹⁵ A merely physical or bodily, and therefore transient, relationship is an impossibility. Only man himself as total self can be joined with another, not man as a partial being (i.e., as one who functions sexually). Accordingly, "he who loves his own wife, loves himself" (Eph. 5:28). This is because the one flesh relationship makes husband and wife, despite their sexual differentiation, *one*—as indeed also Christ and the church are one (Eph. 5:31-33). Thus, by its very nature the one flesh union cannot tolerate the intrusion of a third party. In ways that we will probably never fully understand, casual sexual relationships are destructive of the human being, and more critically, are completely incompatible with one's relationship to the Lord. Thus, sexual intercourse outside of marriage is something from which the Christian must flee. (1 Cor. 6:18)

B. Divorce and Remarriage

The creation of marriage as a permanent union of husband and wife in the one flesh relationship remains the normative principle in the Old Testament.¹⁶ Although the breaking of marriage through

¹⁵ See J. Paul Sampley's thorough discussion of this phrase in '*And the Two Shall Become One Flesh*.' A Study of the Traditions in Ephesians 5:21-33 (Cambridge: University Press, 1971).

¹⁶ Polygamy apparently was a common practice in ancient Israel (Lamech and Cain—Gen. 4:19; 26:34-35; Abraham—Gen. 16:1-4; Jacob—Gen. 29:26; 30:4, 9; Elkanah—1 Sam. 1:5; Gideon—Judges 8:30; David—2 Sam. 5:13ff.; 20:3; Solomon—1 Kings 11:1, 3; Rehoboam—2 Chron. 11:21) and was assumed in the legal code (Ex. 21:10; Deut. 21:15-17). The desire for offspring seems to have been the principal motivation, though other factors undoubtedly contributed to its acceptance as well (see David Mace, *Hebrew Marriage* [London: Epworth Press, 1953], pp. 121-22). Although polygamy as such is not condemned by the Old Testament, neither is any attempt made to justify the practice or to give it divine sanction. In those passages which are fundamental for our understanding of marriage, monogamy is presupposed (Gen. 1:26ff.; 2:18-24). In light of Jesus' confirmation of the original institution of marriage, polygamy, like divorce, must be regarded as evidence of Israel's refusal to be bound by the constraints of God's will expressed in the pattern set down at creation.

divorce is assumed as a present reality of the fallen world, never is divorce and subsequent remarriage sanctioned nor the inviolability of the marriage relationship compromised. Both in the legal code given to Israel for the ordering of its communal and religious life, as well as in later prophetic pronouncements, divorce is judged to be contrary to the will of God.

Deuteronomic law at first glance appears to approve of the practice of divorce, and subsequent remarriage. In Deut. 24:1-4, the text to which Jesus' opponents appealed (Matthew 19 and Mark 10), Moses wrote: "When a man takes a wife and marries her, if then she finds no favor in his eyes because he has found some indecency in her, and he writes her a bill of divorce and puts it in her hand and sends her out of his house, and she departs out of his house, and if she goes and becomes another man's wife, and the latter husband dies, who took her to be his wife, then her former husband, who sent her away, may not take her again to be his wife, after she has been defiled; for that is an abomination before the Lord, and you shall not bring guilt upon the land which the Lord God gives you for an inheritance." However, as has often been noted, the structure of this lengthy sentence in Hebrew is crucial. *If* a divorce should occur, Moses prescribes, *then* the woman cannot return to her first husband should her second husband divorce her or die. Moses does not here institute divorce and the right of subsequent remarriage, but tolerates the behavior because of the refusal of people to conform to the original pattern in creation ("for the hardness of your heart," Matt. 19:8). The union of the divorced woman brings moral defilement and is equal to adultery (Lev. 18-20; Num. 5:14, 20). Nevertheless, Moses does not prohibit the remarriage of a divorced woman. He legislates to mitigate the social evils that accompany this practice by limiting divorce and precluding its abuse.¹⁷ Here, as elsewhere,¹⁸ the Bib-

¹⁷ See S. R. Driver, *A Critical and Exegetical Commentary on Deuteronomy* (New York: Charles Scribner's Sons, 1906), p. 272. Driver points out that the law here provides three guarantees against rash or arbitrary divorce: a definite and substantial ground must be alleged; a proper legal instrument must be prepared; and the case (it is implied) must be brought before some public functionary, who would not only secure the due observance of the requisite legal formalities, but also take care that the grounds alleged were sufficient, and consider any defense that might be offered. The deed must also be formally delivered to the wife. Moreover, the provision that a wife may not return to her husband following subsequent divorce or the death of her spouse, would serve as a deterrent to hasty divorce. See J. Duncan M. Derrett, *Law in the New Testament* (London: Darton, Longman and Todd, 1970), p. 379.

¹⁸ The right to divorce belonged to the husband, but this right was restricted: he could not divorce his wife if he had accused her falsely of pre-nuptial uncleanness (Deut. 22:13-19) or if he had ravished her before marriage (Deut. 22:28-29). A priest was forbidden to marry a divorced woman, "for the priest is holy to his God." (Lev. 21:7, 14)

lical intention is to control, not to sanction. This is precisely the point of Jesus' response to those who argued that Moses "commanded" divorce: "For your hardness of heart Moses *allowed* you to divorce your wife, but from the beginning it was not so." What is "legal" is not necessarily morally right in God's sight.¹⁹

Indeed, Deuteronomic law attests that the sanctity of the marriage must be carefully guarded. The severity of the law regarding adultery (as well as the vigorous protests against it by the prophets—e.g., Jer. 7:9; 23:10; Ex. 16:32; 18:6, 11, 15; 22:11; 33:26) is a poignant reminder of the disfavor with which the Lord looks upon intrusion into the sacred union of husband and wife. The prohibition against adultery in the sixth commandment (Deut. 5:18) is written into civil legislation that to the modern ear sounds unreasonably severe, if not cruel.²⁰ The penalty for one caught in the act of adultery was death (Deut. 22:22–24; cf. Lev. 20:10).²¹ There is little evidence to show that this provision was ever actually enforced to any degree. However, it stands as a reminder of the gravity of marital unfaithfulness, and more importantly for those who have learned to know the Gospel of Jesus Christ, of the enormity of God's grace that He should pardon those who come to him with penitent hearts (John 8).

Prophetic commentary on the sacredness of the divinely established covenant of marriage takes the form of a call for a return to marital faithfulness. In the context of Israel's own unfaithfulness to God and her profanation of the covenant, the prophets of God denounce the practice of divorce (Mal. 2:13–16; cf. Hos. 2–4; Ezekiel

¹⁹ Luther distinguished between two types of commandments, those which are "spiritual, teaching righteousness in the sight of God," and those which are "worldly," "drawn up for the sake of those who do not live up to the spiritual commandments, in order to place a limit upon their misbehavior and prevent them from doing worse and acting wholly on the basis of their own maliciousness." Deuteronomy 24 belongs to the latter category. "Accordingly," Luther continues, "He (God) commanded them, if they could not endure their wives, that they should not put them to death or harm them too severely, but rather dismiss them with a certificate of divorce. This law, therefore, does not apply to Christians, who are supposed to live in the spiritual government. In the case of some who live with their wives in an un-Christian fashion, however, it would still be a good thing to permit them to use this law, just so they are no longer regarded as Christians, which after all they really are not." American Edition, 45:31.

²⁰ This fact has led most commentators to conclude that the "indecent" (Greek *aschemon pragma*) of Deut. 24:1 is an offense of a lesser kind than adultery.

²¹ David Mace concludes that the Hebrew horror of adultery and the ruthlessness of the law concerning it was due to "the immensely important principle that a man must be sure that his children were his own." (*Hebrew Marriage*, p. 242) But this view is colored by Mace's sociological approach to the subject of marriage in the Old Testament. Theologically the norm of Genesis 1 and 2 is monogamous marriage, which is protected by the sixth commandment.

16 and 23; Jer. 3:1; Is. 50:1). Malachi, for instance, who reminded the husband in Judah that his wife is his "companion and . . . wife by covenant," prophesies: "For I hate divorce, says the Lord of hosts. So take heed to yourselves and do not be faithless." (Mal. 2:16)

What are we to conclude from the Old Testament's treatment of the subject of divorce and remarriage? In keeping with the principle that the union of husband and wife brings into existence something not present prior to the union, viz., oneness, divorce is regarded as something fundamentally aberrant. Though Deuteronomic civil law assumes the practice and attempts to control it, there are no declensions from the primal will of God given in Genesis 1 and 2 that marriage remain a permanent union of one man and one woman. Important for the New Testament's evaluation is the nature of the union established when man and woman enter marriage. The union is described as a oneness of two persons (a biunity), created not by individual human choice but by divine institution. This is true of all marriages according to God's created order, entered by Christians and non-Christians alike.

Christian partners in marriage, we would have reason to hope, will especially recognize that they are not bound merely in a horizontal relationship with one another by their pledge of faithfulness, but by their mutual pledge *to God* to remain faithful. Moreover, they will recognize that no legal restraint, no matter how stringently applied, can guarantee their fidelity to one another. Only reverence for the Creator and love for His good ordinance can assure permanence of marriage. The Christian's fidelity in marriage derives from and rests in a faithful relationship with God in both His law and His promises.

II.

The Teaching of Jesus



A. Jesus and Old Testament Teaching

Jesus' instruction concerning divorce and remarriage was occasioned by a discussion about what the Old Testament Scriptures permitted in this realm. Jesus' contemporaries had shifted the discussion on marriage and its dissolution from an exposition of Genesis 1 and 2, where the primal will of the Creator is given, to a debate about external legalities aimed at interpreting Deuteronomy 24. In response to the prevailing laxity that ensued, our Lord took issue with His interlocutors and instructed His disciples at two levels: 1) the meaning of the sixth commandment; and 2) the implications of the divine institution of marriage. All three of the synoptic Gospels provide us with information which constitutes the Creator's own commentary (cf. Col. 1:16) on His will for the marriage relationship: Matt. 5:31-32; 19:3-12; Mark 10:2-12; and Luke 16:18.

1. *The Sixth Commandment.* Jesus' treatment of divorce in the Sermon on the Mount (Matt. 5:31-32) follows immediately upon His explication of the meaning of the Old Testament prohibition "You shall not commit adultery" (Matt. 5:27-30). What are we to conclude from this? Our Lord is making the point that the sanctity of marriage requires not only external acts of faithfulness to one's spouse, but faithfulness also within the heart (cf. 1 Thess. 4:3-6). "In Jesus," Martin Franzmann stated, "God's original creation intent breaks through into the fallen world." He continued:

He makes the bond between man and woman absolute, established in the heart and kept or broken there. Man is called on to renounce all that impedes his assent to the will of God for his marriage: the eye that looks and lusts must be plucked out, the

hand that reaches for what the evil heart desires must be cut off. Jesus is not, of course, suggesting self-mutilation . . . (But this is) a drastic expression of the imperative to quell the evil will which becomes incarnate in the look of the eye and the reach of the hand.²²

This revelation of the divine will stands in sharp contrast to every attempt to solve marital problems by changing the law to accommodate sinful human behavior. In Jesus' day the application of the sixth commandment to the question of divorce and remarriage had given rise to a large body of legislation that distorted God's original intention for marriage. Despite an occasional lament,²³ scribal interpretations sought to legitimize, and thereby sanction, an evil for which no provision was made in the beginning. Modern divorce law has accomplished the same effect and the impression is wrongly gained, even in the Christian community, that what has legal justification in the civil sphere also has divine approval.

But Jesus taught that what takes place in the sphere of a person's thought and will—not just overt behavior—is subject to the limitations of God's will for marriage. The sixth commandment, as well as the tenth which forbids *coveting* the wife of one's neighbor, is broken not only when adultery takes place in the act of unfaithfulness to one's spouse, but also when it takes place in the heart ("the center of the inner life of man"). (Matt. 15:19)²⁴

2. *Genesis 1 and 2 and the Institution of Marriage.* The Lord's response to current attitudes toward divorce and remarriage was grounded not only in the commandment "You shall not commit adultery," but also in the will of the Creator that those who are joined in the one flesh union of marriage must not separate what God has joined together. His appeal to the divine institution of marriage takes place within the context of an interchange with the Pharisees in Matthew 19:3-9 (also Mark 10:2-9), who were interested in putting Jesus to the test.

The Pharisees came to Jesus with the question, "Is it lawful to

²² Martin H. Franzmann, *Follow Me: Discipleship According to St. Matthew* (St. Louis: Concordia Publishing House, 1961), p. 46.

²³ A. Oepke (*Theological Dictionary of the New Testament* [TDNT], s. v. *gune*, 1: 784) states: "Individual rabbis protested against divorce, but the evil was not tackled at the root. Commenting on Mal. 2:13f. R. Eleazar said: 'If a man divorces his first wife, even the altar sheds tears over him.' It is expressly stated, however, that this applies only to the first wife."

²⁴ TDNT, 3:611.

divorce one's wife for any cause?" Most commentators agree that the Pharisees were here trying to draw Jesus into taking sides in a Rabbinic dispute. The phrase "for any cause"²⁵ in Matt. 19:3 gives us reason to suspect that their test had something to do with the well-known debate between the Rabbinic schools of Hillel and Shammai on the question of divorce.²⁶ At the time of Jesus the right of divorce was presupposed as self-evident, since according to Deuteronomy, it was said, Moses had arranged for the letter of divorce. The only uncertainty concerning this matter was the ground which entitled the man to the dissolution of the marriage.²⁷ The debate hinged on the meaning of the expression "some indecency" in Deut. 24:1. Those who followed Hillel's teaching extended the grounds for justifiable divorce beyond marital unfaithfulness to include a number of trivial causes which gave the husband the right to put away his wife and hand her a "bill of divorce,"²⁸ which conferred on her the freedom to marry again.²⁹ Rabbi Akiba (ca. 50–135 A.D.), for instance, considered divorce justified in the case

²⁵ "For any and every cause," in W. F. Arndt and F. W. Gingrich, *A Greek-English Lexicon of the New Testament and Other Early Christian Literature* (BAGD), 2nd edition revised and augmented by F. Wilbur Gingrich and Frederick W. Danker from Walter Bauer's 5th edition, 1958 (Chicago: University of Chicago Press, 1979), p. 26; "on the ground of any cause," in C. F. D. Moule, *An Idiom Book of New Testament Greek*, 2nd edition (Cambridge: Cambridge University Press, reprint edition, 1982), p. 59.

²⁶ The *Mishna*, Gittin 9, 10: "The School of Shammai say: A man may not divorce his wife unless he has found unchastity in her, for it is written, 'Because he hath found in her indecency in anything.' And the School of Hillel say: (He may divorce her) even if she spoiled a dish for him, for it is written, 'Because he has found in her indecency in anything.' R. Akiba says: Even if he found another fairer than she, for it is written, 'And it shall be if she find no favour in his eyes . . .'" (*The Mishna*, ed. Herbert Danby [London: The Clarendon Press, 1933], p. 321). See David Amram, *The Jewish Law of Divorce* (London: David Nutt, 1897), pp. 32–40.

²⁷ F. Hauck, *TDNT*, 6:592, states "Whereas in the days of the prophets a husband might pardon his wife in the case of infidelity (cf. Hos. 3:1ff.), in the time of Jesus the Law was stricter and an adulterous wife was forbidden to have further intercourse with her husband or the adulterer; her husband had to divorce her." (Note 73: "Sota 5, 1: As she [the adulteress] is forbidden [*surh*] to her husband, she is also forbidden to the adulterer. Test. R. 3:15; Blau, I, 37f.")

²⁸ The *apostasion* (Matt. 5:31) or *Biblion apostasiou* of Matt. 19:7–9 and Mark 10:4, and the LXX of Deut. 24:1–4 refer to the *sefer keritut*, "document of sundering." This latter term also occurs in the sense of a divorce certificate in Is. 50:1 and Jer. 3:8. For the elaborate legislation surrounding the formulation and execution of this writ in Judaism see Hermann L. Strack and Paul Billerbeck, *Kommentar zum Neuen Testament aus Talmud und Midrash*, vol. 1: *Das Evangelium nach Matthäus Erläutert aus Talmud und Midrash* (München: C. H. Beck'sche Verlagsbuchhandlung, 1926), pp. 303–21. Also, *TDNT*, 1:783. For background information on the legal significance of the document, see Philip C. Hammond, "A Divorce Document from the Cairo Geniza," *The Jewish Quarterly Review* 52 (October 1961), pp. 131–53. Hammond notes that it provided for the wife's release from her husband and thus guarded her against the charge of adultery should she remarry.

²⁹ David Daube, *The New Testament and Rabbinic Judaism* (London: The Athlone Press, 1956), pp. 74–76.

where the inclination of the man turns toward a woman who pleases him more than his present wife.³⁰ The followers of Shammai, on the other hand, adhered to a more conservative position; only sexual immorality or adultery was regarded as a ground for divorce.³¹

Lifting "the whole issue to the high region of the strong claims of the kingdom of God on each person's life,"³² Jesus opposed this distortion of what Moses wrote in Deuteronomy 24 by affirming on the basis of Genesis 1:27 and 2:24 the primal will of the Creator that a man and a woman who have become one flesh in marriage are not to be "put asunder"³³: "So they are no longer two but one flesh. What therefore God has joined together, let not man put asunder" (Matt. 19:6).³⁴ The Pharisees counter by asking, "Why did Moses command³⁵ one to give a certificate of divorce and put her away?" Their point seems to have been this: the original will of the Creator has been superseded by a later provision allowing that the dissolution of marriage for sufficient cause was also contemplated in the beginning. Jesus corrected their misreading of the Scriptures. Man's hardness of heart,³⁶ his rebellious will in

³⁰ Str.-Bil. Mt. 5:32, p. 314. Cf. Josephus, *Ant.* 4, 8, 23. Str.-Bil. note that "on the basis of the passages brought forth in Numbers 1-3, one must say that in the mishnaic period there was no marriage among the Jewish people which could not have been dissolved abruptly by the husband in a fully legal manner through the delivery of a letter of divorce."

³¹ Str.-Bil., pp. 413ff.

³² Martin H. Scharlemann, "The Pastoral Office and Divorce, Remarriage, Moral Deviation," *Concordia Journal* 6 (July 1980), p. 147.

³³ The Greek term for divorce is *chorizo*. The term occurs elsewhere in the New Testament at Mark 10:9 and at 1 Cor. 7:10, 11, 15 (2x), but never in the Septuagint (where *ekballo* and *ekapostello* occur). In the rabbinic period this term, as well as the term *aphienai*, was rendered as a technical term for divorce, usually to designate the putting away of the wife, though instances of the wife divorcing the husband can be found. See David Daube's discussion of "terms of divorce" in *The New Testament and Rabbinic Judaism*, pp. 362-72. Also among the Greeks of both the classical and Hellenistic periods *chorizo* was a technical term for divorce. Isaeus 8:36; Euripides, Fr. 1063:13; Polybius, *Hist.* 31, 26.6; cf. James H. Moulton and George Milligan, *The Vocabulary of the Greek Testament, Illustrated from the Papyri and Other Non-Literary Sources* (M-M) (Grand Rapids: Eerdmann, 1949), pp. 695-96, and Adolf Deissmann, *Bible Studies* (Edinburgh: T & T Clark, 1909), p. 247.

³⁴ Again we note that Jesus quotes from the Septuagint which adds the words "the two," thereby enabling him to make with greater force the point that God originally intended marriage to be a union of two into *one* flesh.

³⁵ The use of the word "command" here (cf. Mark 10:4) reflects the fact that for the Pharisees the Mosaic sanction had become a mandate.

³⁶ Heinrich Greeven, "Zu den Aussagen des neuen Testaments über die Ehe," *Zeitschrift für evangelische Ethik* I (1957), p. 114, contends that *pros* here means "against," in which case the Deuteronomy 24 provision would be all the more a form of judgment against Israel's obduracy (cf. William Lane, *The Gospel According to Mark* [Grand Rapids: William B. Eerdmans Publishing Company, 1974], p. 355).

Theodore Laetsch, "Divorce and Malicious Desertion," *Concordia Theological Monthly* 3 (December 1932), p. 924: "Because of their hardness of heart, in order to avoid still greater evil, murder, adultery, etc., he permitted the existing custom of obtaining a divorce for

conflict with the divine intent for marriage, made it necessary for Moses, not to approve of, but to regulate divorce to avoid other and comparatively greater evils.³⁷ It was made necessary by their refusal to live within the restraints of God's high and holy will. Also implied in Jesus' words is "a rebuke of those who, rather than lamenting the state of the human heart which sometimes made it necessary to allow divorce to take place, welcomed such a permissive rule."³⁸

Within the framework of Law and Gospel, Jesus' radical call for a return to the original norm according to which husband and wife cling to each other all the days of their life in mutual commitment and faithfulness functions to reveal the sinfulness of divorce and to condemn every attempt to justify wrongdoing before God. Any tendency to view the teaching of Jesus as just another casuistic system in which obedience to a set of rules is understood to earn favor before God must, of course, be judged as a form of legalism. Repentance is the truly God-pleasing response. To those seeking pardon, Christ stands ready to forgive and to remedy the brokenness of human life that stands in the way of the devotion God envisions for those who enter the holy estate of marriage.

At the same time, Jesus' instruction provides moral guidance for those who desire in faith to be His followers. In this connection, the tendency to reject the specific words of Jesus on divorce and remarriage as providing moral direction must be regarded as a form of antinomianism. The discussion to follow presupposes that the One through whom "all things were created" (Col. 1:16) intended to provide counsel that must always be regarded by the church as having prescriptive force that may not be set aside.

B. Jesus' Teaching on Divorce and Remarriage

The passages which contain Jesus' specific instruction on divorce and remarriage in the Gospels vary somewhat in precise detail. However, we proceed in this report on the assumption that

some uncleanness to continue, seeking, however, to discourage and curb this wicked, pernicious practice as much as possible under existing circumstances. Not Moses, but the hard-heartedness of the Jews was responsible for the existence and permission of divorce laws in Israel."

³⁷ William F. Arndt, *Bible Commentary: The Gospel According to St. Luke* (St. Louis: Concordia Publishing House, 1956), p. 362.

³⁸ Scharlemann, pp. 146-47..

as God's Word the Gospels do not present contradictory views of what Jesus taught. Rather, the pertinent texts complement one another and provide us with a complete picture of where Jesus stood on this issue. After examining the distinctive elements of Jesus' teaching contained in each of the passages below, we wish to draw together the principles which He has given His church.

1. *Matthew 5:31-32*. "It was also said, 'whoever divorces his wife, let him give her a certificate of divorce.' But I say to you that everyone who divorces his wife, except on the ground of unchastity, makes her an adulteress; and whoever marries a divorced woman commits adultery."

In Matt. 5:31-32 Jesus formulates His directives concerning divorce in such a way as to emphasize that the act of divorce itself, apart from the question of remarriage, is contrary to God's will, especially as it affects in this case the wife.³⁹ Jesus here condemns all self-seeking on the part of those who put away their wives, while at the same time refusing to offer divine sanction for the spouse who has violated the one flesh union itself, thereby breaking the unity of the marriage.⁴⁰

In this text Jesus puts the responsibility squarely on the husband who initiates and executes the divorce of his wife. The term *divorce* used in this passage (also in Matt. 19:3, 7, 8, 9; Mark 10:2, 4, 11, 12; Luke 16:18) refers to the act of dismissing or "putting away" one's spouse, which in the New Testament period involved placing into her hand a "bill of divorce" and "sending her away" from one's house.⁴¹ The text underlines the husband's responsibility for the act. *He* causes her to be and makes her an adulteress. At variance with prescriptions that guarded the husband's general immunity from guilt (except in those cases where he violated another man's wife or betrothed [Deut. 22:22ff.; Lev. 20:10], he was allowed to divorce his wife at will for the least of provocations, e.g., burned food), Jesus declares that the act of putting away victimizes *her*. The verb translated "makes her an adulteress" indicates that the stigma which she bears and the position into which

³⁹ Jesus' formulation here assumes the Jewish practice whereby the legal initiative for divorce was exclusively the prerogative of the husband.

⁴⁰ Adolf Schlatter, *Der Evangelist Matthäus*. (Stuttgart: Calwer Verlag, 1948), p. 180. Schlatter remarks, "Indeed, Jesus treats the bond created by marriage as indissoluble and traces it back to the divine reign, which puts an end to all of the self-seeking caprice of the husband. But what He has said for the protection of the wife, He has not said in defense of the sin."

⁴¹ TDNT, 6: 591.

she is placed have been imposed on her by the sin of another.⁴² The moral tragedy here is that she is implicated in a wrong which she did not commit, even if she does not remarry. (Jesus says nothing explicitly about remarriage on her part.)

The presence of the so-called "exceptive clause" ("except on the ground of unchastity"—RSV; "except for marital unfaithfulness"—NIV) in Matt. 5:32 and 19:9 introduces a new element into Jesus' teaching, which has caused endless debate among exegetes.⁴³ The discussion of this much disputed clause has generally centered on three questions: the meaning of the words grammatically; the authenticity of the clause as the words of Jesus; and the meaning of "unchastity" (*porneia* in Greek—"fornication").

Grammatically, there is little doubt that the two exceptive clauses in Matthew (*parektos logou porneias*—Matt. 5:32; *me epi porneia* Matt. 19:9) comprise a genuine exception enunciated by Jesus.⁴⁴ Even among scholars who deny the genuineness of these words on the lips of Jesus (*ipsissima verba*) there is widespread agreement that taken in their obvious sense they denote an actual exception to Jesus' prohibition of divorce. With respect to the authenticity of these words as Jesus' own, the most widely held view is that they represent an interpretive gloss inserted at a later time by the early church through the pen of Matthew or another editor of the Gospel,⁴⁵ and therefore constitute a historically conditioned

⁴² The verb is translated by some in the middle voice, with an active meaning. In this case, the one who divorces his wife for a reason other than *porneia* causes her to commit adultery, i.e. by placing her into a position to remarry. Upon remarriage (which is assumed), even if the offended party, she commits adultery. Others take the verb in the passive. The meaning in this case is that one who divorces his wife for less than Biblical reasons causes her to be stigmatized as adulterous (Lenski). The emphasis then is on the fact that she (or, as the case may be, he) suffers the offense. See John Murray, *Divorce* (Philadelphia: Maurice Jacobs Inc., 1953), pp. 21–24.

⁴³ Joseph A. Fitzmyer, "The Matthaean Divorce Texts and Some New Palestinian Evidence," *Theological Studies* 37 (June 1976), pp. 2–7.

⁴⁴ F. Blass and A. Debrunner, *A Greek Grammar of the New Testament and Other Early Christian Literature* (BLDF), a translation and revision of the ninth-tenth German edition incorporating notes of A. Debrunner by Robert W. Funk (Chicago: University of Chicago Press, 1961), p. 116, par. 216, 2; A. T. Robertson, *A Grammar of the Greek New Testament in the Light of Historical Research* (Nashville: Broadman Press, 1934), p. 646; Maximilian Zerwick, *Biblical Greek* (Rome: Scripta Pontificii Instituti Biblici, 1963), p. 43, note 8 and p. 148; C. F. D. Moule, *Idiom*, p. 86; cf. BAGD, p. 625; M-M, p. 492. See Bruce Vawter, "Divorce Clauses in Matthew 5:32 and 19:9," *Catholic Biblical Quarterly* 16 (April 1954), pp. 155–67; E. Schillebeeckx, *Marriage*, pp. 142–55; Pat E. Harrell, *Divorce and Remarriage in the Early Church* (Austin: R. B. Sweet Company, Inc., 1967), pp. 101–29.

⁴⁵ The list of critical scholars who hold this view would be endless. See e.g., Willoughby C. Allen, *A Critical and Exegetical Commentary on the Gospel According to St. Matthew* in *The International Critical Commentary* (Edinburgh: T & T Clark, 1907), pp. 202–203. F. Hauck, *TDNT*, 4:73, note 33. Also, H. Greeven, "Zu den Aussagen des Neuen Testaments über die Ehe," pp. 109–25.

adaptation having questionable abiding normative force for the church.⁴⁶ (Also significant is the fact that those scholars who deny that Jesus spoke these words hold that they are nevertheless a genuine part of Matthew's gospel.⁴⁷) As we have noted, the conclusion often drawn from this supposition is that Christ Himself, to whose authority we must ultimately bow, allows no exceptions and brands *all* divorce as contrary to the will of God.⁴⁸ The absolute form of Jesus' prohibition in Mark 10:11–12, Luke 16:18, and Paul's exhortation in 1 Cor. 7:10–11, it is alleged, supports this conclusion. However, such a view cannot be sustained on the basis of the text itself. On the one hand, since the manuscript support for Matthew's exceptive clauses is firm, there is no reason to doubt their trustworthiness as a genuine element in Christ's teaching.⁴⁹ Moreover, we must reject the notion that God's Word presents us with conflicting views of what Jesus taught. William F. Arndt has correctly stated in his commentary on Luke 16:18, "Jesus here in Luke, as well as in Mark 10:11f., states the general principle and makes no exceptions. In the passage found in Matthew's Gospel the presentation is somewhat more complete and the exception which God allows is included."⁵⁰

Finally, we must ask, what is the meaning of *porneia* in Matt. 5:32 (as in Matt. 19:9)? The Biblical writers employ this term to refer in general to "unlawful sexual intercourse," whether involving a violation of the marriage of another or not. *Porneia* is often distinguished from *moicheia* ("adultery") which denotes sexual intercourse as an act whereby the marriage of another is violated⁵¹

⁴⁶ R. N. Soulen, "Marriage and Divorce; Problem in New Testament Interpretation," *Interpretation* 23 (October 1969), pp. 447, 449–50.

⁴⁷ Fitzmyer, for instance, says, "They may not have the authority of *ipsissima verba Jesu*, but they do have the authority of Scripture." (p. 224)

⁴⁸ It should be noted, however, that even among interpreters who accept the genuineness of the exceptive clause, the view is argued that Jesus nevertheless gave an *absolute* prohibition of divorce *and* remarriage. See William A. Heth and Gordon J. Wenham, *Jesus and Divorce* (Nashville, Camden, Kansas City: Thomas Nelson Publishers, 1984), *passim*.

⁴⁹ F. Hauck, who himself rejects their authenticity, acknowledges: "Hence one has to reckon with at least the possibility that the Matthaean text is original; it is certainly not open to challenge on textual grounds." TDNT, 6:591.

⁵⁰ Arndt, *Luke*, p. 362.

⁵¹ In the Greek Old Testament *porneia* and its verbal counterpart *porneuo* are commonly and consistently used to translate the Hebrew *zanah* and its derivatives. The term is employed by the Old Testament writers to refer in the general sense to sexual intercourse with another (chiefly of the woman), and often with reference to prostitution. Insofar as *porneia* violates the marriage of another it can refer to marital unfaithfulness and parallels *moicheia* in such contexts. Accordingly, it is applied in the extended sense to Israel's unfaithfulness to the Lord (e.g., Jeremiah 3; Hosea 4; Ezekiel 16, 23). In the New Testament the term refers to sexual intercourse with a prostitute (1 Cor. 6:13, 18), incestuous inter-

(cf. Matt. 15:19). *Porneia*, however, is the broader term; it refers to sexual intercourse in general outside of marriage (Rom. 7:2). Some argue that Jesus had in mind something as specific as marriage in the prohibited degrees of consanguinity (Lev. 18), that is, incest (cf. Acts 15:20).⁵² But there is no way of establishing this with certainty. New Testament usage taken as a whole suggests that sexual intercourse apart from the lawful union of husband and wife in marriage is meant.

In light of the above considerations, the force of the exceptive clause is this: The spouse who divorces his/her partner on the grounds of *porneia* does not by that act cause the partner to become adulterous; the partner has already committed an adulterous act and sundered at the deepest level what God has joined together. In view of what *porneia* does to the one flesh union itself, the spouse who suffers this form of abandonment may (though certainly not *must*) put away the partner guilty of *porneia* without forcing such a one into adultery.

Thus, as marriage may be destroyed by the procurement of divorce, so may unchastity on the part of a spouse lead to the severance of the marital union. In either case, Jesus "could not and did not champion and protect those who defiled God's pure gift and defied God's will."⁵³

The status of the abandoned spouse who is not responsible for

course (1 Corinthians 5), and intercourse in general outside of marriage (Rom. 7:2). It is regularly listed in the catalog of those sins which are to have no place in the life of one in whom God's Spirit dwells (Gal. 5:19; Eph. 5:3; Col. 3:5; cf. Acts 15:20, 29; 21:25; Mt. 15:19; Mk. 7:21; 2 Cor. 12:21), whether married or unmarried (1 Cor 6:18; 1 Thess. 4:3; Rom. 7:2). In the Revelation of St. John the term, still having as its underlying idea illicit sexual intercourse, appears in the metaphorical sense (2:21; 14:8; 17:2, 4; 18:3; 19:2). While in the Old Testament there is a tendency in some respects to assimilate the terms *porneia* and *moicheia* (cf. M-M, p. 529), yet the Scriptures generally distinguish between these terms. *Moicheia* and its verbal counterparts translate *naaf* and its derivatives, and denote more specifically the sin of adultery, that is, the violation of the marriage of another (Lev. 20:10; cf. Gen. 39:10ff.), while *porneia* represents the broader term for illicit sexual intercourse, including, of course, that engaged in by one married. Theodore Laetsch concludes that *moicheia* is used in a narrow and a wide sense in the New Testament. In its narrower sense it means sexual intercourse between two people either or both of whom are married to another. In its wider sense the term refers to a moral general infraction of the sixth commandment. Of Matt. 5:32 Laetsch states: "Taking adultery in this wider sense, both the divorce and the remarriage are here stamped as adultery, an infraction of that commandment given by God to protect His own institution and here acknowledged by the Lord as binding for all times in His kingdom." (p. 927)

⁵² See H. Baltensweiler, "Die Ehebruchsklausen bei Matthäus," *Theologische Zeitschrift* 15 (September-October, 1959), pp. 340-56. See M. J. Harris, "Prepositions and Theology in the Greek New Testament," *DNTT*, 3:1195, for a summary of the various interpretations given to *porneia*.

⁵³ Franzmann, p. 46.

the final breakdown of marriage caused by divorce for reasons other than fornication, or by unchastity on the part of the offending spouse, is not expressly mentioned by Jesus in Matthew 5:32. Neither is there any direct prohibition of the remarriage of one who has not destroyed the union through divorce and unchastity. That Jesus refrains from charging with adultery the one who has been put away as victim of the sinful act of another suggests that we, too, ought to exercise considerable caution regarding judgments in such cases, lest we "bind heavy burdens, hard to bear."⁵⁴

A rather technical grammatical point may have some bearing on the above observation, though it is not possible to decide with absolute certainty its ultimate import. The second half of verse 32 reads, ". . . and whoever marries a divorced woman commits adultery." At first glance these words appear to prohibit categorically the remarriage of *any* divorced woman, even one put away illegitimately at the initiative of the husband. However, it should not be overlooked that the text (cf. parallel in Luke 16:18) reads literally, ". . . whoever marries *a* divorced woman commits adultery." The participle here does not have an article and therefore is indefinite.⁵⁵ If the text read, "whoever marries *the* divorced woman" it would be clear that the reference is to the woman just mentioned, that is, the one wrongly put away. The indefinite use of the participle, however, entails the possibility that Jesus had in mind a woman who herself was responsible for obtaining a divorce for reasons other than *porneia*.⁵⁶

2. *Matthew 19:9*. "And I say to you: whoever divorces his wife, except for unchastity, and marries another, commits adultery." The Lord succinctly enjoins that whoever divorces his wife for any other reason than illicit sexual intercourse and marries another, commits adultery. If we compare what Jesus teaches in this passage with what He says in Matt. 5:32 we are able to add the following to the whole of what He teaches. Not only is the act of divorce itself sinful, apart from remarriage, but the act of remarriage after an illegitimate divorce is judged contrary to the will of God. Moreover, Jesus focuses on what the husband's act means for him: *he* becomes an adulterer.

⁵⁴ The Treatise on the Power and Primacy of the Pope declares as unjust "the tradition which forbids an innocent person to marry after divorce." (par. 78, Tappert, p. 333)

⁵⁵ Lenski ignores this point and assumes the participle has the article. (*Matthew*, p. 234)

⁵⁶ See Otto E. Sohn, "What God Hath Joined Together: III—'Until Death Us Do Part,'" *The Lutheran Witness* 76 (September 27, 1957), pp. 416-17; 426.

Once again the exceptive clause occurs, indicating that *porneia* (in this case on the part of the wife, and by inference on the part of the husband, as the case may be) introduces the possibility that a divorce may be secured and a second marriage entered without the commission of adultery. Lutheran theologian Martin Chemnitz concludes in this connection, "Therefore because Christ says: 'Whoever divorces his wife, except for the cause of fornication, and marries another commits adultery,' therefore, from the contrary sense, whoever divorces his wife for the cause of fornication and marries another does not commit adultery."⁵⁷ The divinely given exception to the original pattern of creation cannot be understood, however, as a recommendation that a divorce should be sought. Nor does this exception function as the main emphasis of Jesus' command in this passage. John Murray's comment is appropriate:

What is of paramount importance is that however significant is the exceptive clause as guarding the innocence of the husband in dismissing for sexual infidelity, it is not the exceptive clause that bears the emphasis in the text. It is rather that the husband may not put away *for any other cause*. It is the *one* exception that gives prominence to the illegitimacy of any other reason. Preoccupation with the one exception should never be permitted to obscure the force of the negation of all others.⁵⁸

3. *Mark 10:11-12*. "And He said to them [the disciples], 'whoever divorces his wife and marries another, commits adultery against her; and if she divorces her husband and marries another, she commits adultery.' "

Following an interchange between the Pharisees and Jesus similar⁵⁹ to that which is reported in Matthew 19, Jesus' disciples

⁵⁷ Martin Chemnitz, *Examination of the Council of Trent—Part II*, translated by Fred Kramer (St. Louis: Concordia Publishing House, 1978), p. 748. This position is safest for consciences, Martin Chemnitz maintained, and does not militate against the divine decree "what God has joined together let not man put asunder." Chemnitz wrote: "Now the question which was proposed is whether it is lawful to divorce a wife for any and every cause. In answering this question Christ does not say that it is lawful for any and every cause; also He does not say that it is lawful for no cause whatsoever. But when He wants to explain for what causes it is lawful and for what causes it is not, He lists only the cause of fornication; for other causes, whatever they may be, He declares that the bond of marriage is not dissolved, but that if intercourse takes place with another person adultery is committed. This opinion is safest for consciences, for it is clear and certain from the words of Christ." (p. 742)

⁵⁸ John Murray, *Divorce*, p. 21.

⁵⁹ Note, for instance, that in Matthew the Pharisees state that Moses "commanded" the divorce procedure, while Jesus states Moses "permitted" divorce. Mark reports that Jesus asked "What did Moses *command*, and the Pharisees respond that Moses *permitted* the procedure. For a helpful discussion of this point see Murray, pages 43ff.

ask Him about His instruction privately. In His response Jesus elevates the whole issue to a level higher than even the disciples were accustomed to think about this subject (Matt. 19:10). They themselves may not have fully understood the distinction between God's primary intention for marriage revealed in creation and the later provisions given to mitigate the evil consequences of divorce. Once again they are reminded of how their contemporaries had left the commandment of God and held fast "the tradition of men." (Mark 7:8)

In a way not immediately obvious to the modern reader, Jesus corrects the tradition of the elders (Mark 7:3) at two critical points. First, according to Jewish law only a man could commit adultery against another man, but he does not commit adultery against his wife.⁶⁰ However, "whoever divorces his wife and marries another commits adultery *against her*."⁶¹ Husband and wife are placed on the same level.⁶² The husband's immunity has ceased. Secondly, Jesus extends his prohibition against divorce to the wife: ". . . and if she divorces her husband and marries another, she commits adultery."⁶³ The principle is now set forth that the act of divorce and remarriage on the part of either spouse must be called adulterous. Jesus does not mention the exceptive clause here, perhaps because the Pharisees do not raise the issue of what grounds are lawful for divorce. (v.2)

In Mark's account, therefore, Jesus underscores the absolute nature of God's injunction that marriage remain permanently in-

⁶⁰ See Vincent Taylor, *The Gospel According to St. Mark* (New York: St. Martin's Press, 1966), p. 419. Of Salome divorcing her husband Costobarus by sending him a bill of divorce and dissolving the marriage, Josephus says, ". . . though this was not according to the Jewish laws, for with us it is lawful for a husband to do so; but a wife if she departs from her husband, cannot of herself be married to another, unless her former husband put her away" (*Ant.* XV. 7.10). C. E. B. Cranfield, *The Gospel According to Saint Mark* (Cambridge: University Press, 1972), p. 321: "According to Rabbinic law a man could be said to commit adultery against another married man, and a wife could be said to commit adultery against her husband, but a husband could not be said to commit adultery against his wife. So Jesus goes beyond Rabbinic teaching by speaking of a husband committing adultery against his wife."

⁶¹ "Against her" can possibly refer to the second wife, but the first wife seems the most likely choice in light of the point being made here by Jesus.

⁶² See C. F. D. Moule, *An Idiom Book*, p. 49, for the force of *epi* ("against").

⁶³ Such a practice did occur with greater regularity, however, among the Greeks and Romans, who were likely represented in Mark's audience. Only in rare instances did Jewish women divorce their husbands. The cases of Herodias (Matt. 14:3f.) and Salome (*Ant.* 15.259f.) are often cited. Also frequently mentioned is the fact that for Jewish women living in the military colony at Elephantine in Egypt in the 5th century B.C. divorce was a possibility (see Fitzmyer, p. 205, and note 29). See also A. H. M'Neile, *The Gospel According to St. Matthew* (London: Macmillan and Co., LTD. 1961), p. 274.

tact. Those who marry and those who provide counsel to those entering this holy estate are urged to dispel any notion that marriage may be looked on as a contractual arrangement which may be dissolved "if it does not work out," and are summoned to honor this "glorious institution and . . . object of God's serious concern." (Luther's *Large Catechism*, I:208)

4. *Luke 16:18*. "Everyone who divorces his wife and marries another commits adultery, and he who marries a woman divorced from her husband commits adultery."

In Luke's gospel our Lord's prohibition of divorce, an act which evidently had as its object the removal of the wife to make room for another one,⁶⁴ comes as a case in point to illustrate the principle that "it is easier for heaven and earth to pass away, than for one dot of the law to become void" (16:17). G. B. Caird has summarized the situation well by observing that for the pedantically conservative scribes "it was easier for heaven and earth to pass away than for [them] to surrender that scrupulosity which could not see the Law for the letters."⁶⁵ It was this scrupulosity that jealously guarded every letter of the law that at the same time flagrantly violated the spirit of the Law. Within this context Jesus spoke the words of Luke 16:18.

Again, no exceptions are noted. The principle that to divorce one's spouse and remarry is to commit adultery is presented by the Lord. In the second half of the verse, we hear again (cf. Matt. 5:32) that for one to marry *a* divorced woman is to commit adultery. We repeat here the grammatical point that the participle, without the definite article, cannot be pressed to refer with absolute certainty to *every* divorced woman.⁶⁶ Nor does the passage address in express words the case of the remarriage of the spouse put away unjustly at another's initiative. These qualifiers, however, in no way diminish the uncompromising character of the Lord's requirement: divorce and remarriage are not in accordance with God's will that marriage remain unbroken.

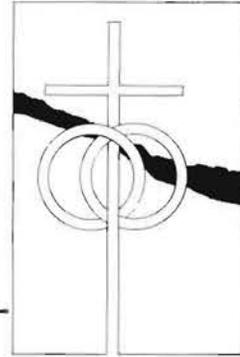
⁶⁴ Arndt, *Luke*, p. 362.

⁶⁵ G. B. Caird, *The Gospel of St. Luke* (Middlesex: Penguin Books, 1963), p. 190.

⁶⁶ J. Reiling and J. L. Swellengrebel, *A Translator's Handbook on the Gospel of Luke* (Leiden: E. J. Brill, 1971), p. 569. The perfect participle "points to a situation in which a woman finds herself after having been divorced from her husband," that is, she is "a divorced one." Nothing is presumed regarding the initiative in bringing about the divorce.

III. —

The Teaching of the Apostle Paul



The spread of the Gospel to the Gentile world and the creation of new Christian congregations on Gentile soil gave rise to questions calling for pastoral care and judgment that were not specifically addressed by Jesus. The existence of mixed marriages, in which a Christian had a non-Christian spouse, was one of those questions. We are fortunate to have in hand a specific pastoral application of the Lord's principles on divorce and remarriage written by the apostle Paul to the church at Corinth. While Paul addresses the topic of marriage elsewhere, it is principally to 1 Cor. 7:10–16 that we must look to learn what the apostle taught regarding divorce and remarriage.

In 1 Cor. 7:10–16 the apostle states:

To the married I give charge, not I but the Lord, that the wife should not separate from her husband (but if she does, let her remain single or else be reconciled to her husband)—and that the husband should not divorce his wife. 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, he should not divorce her. If any woman has a husband who is an unbeliever, and he consents to live with her, she should not divorce him. For the unbelieving husband is consecrated through his wife. Otherwise, your children would be unclean, but as it is they are holy. But if the unbelieving partner desires to separate, let it be so; in such a case the brother or sister is not bound. For God has called us to peace. Wife how do you know whether you will save your husband? Husband how do you know whether you will save your wife?

In 1 Cor. 7:1 Paul makes known his intention to respond to a number of specific questions addressed to him by the Corinthians

in a letter.⁶⁷ While we can only conjecture regarding the situation in Corinth that prompted these inquiries, one gets the impression in this chapter that an ascetic tendency may have deprecated marriage as belonging to a lower spiritual estate and urged freedom from the obligations of marriage, especially to the pagan spouses.⁶⁸ In any case, the apostle addresses those in Christian marriage (10–11) and in mixed marriages (in which one spouse has evidently been converted subsequent to the marriage) (12–16) regarding the permanence of the marital bond. With the authority of an apostle,⁶⁹ St. Paul presents to Christian spouses an express word from the Lord prohibiting divorce, and to Christians in mixed marriages his own application of the Scriptural principle that marriage was created to be a lifelong union.

“To the married” Christian spouses, the Lord says through the apostle: “that the wife⁷⁰ should not separate from her husband (but if she does, let her remain single or else be reconciled to her husband)—and that the husband should not divorce his wife”(10–11). In keeping with the dominical principle that there should be no divorce among those who want to be Christians, the apostle charges that neither the wife nor the husband⁷¹ is to take action to dissolve their marriage, whether that be some form of separation or actual divorce.⁷² If due to their fallen condition they have parted, or in the event such a case should arise,⁷³ the Lord teaches that they

⁶⁷ See J. C. Hurd, *The Origin of 1 Corinthians* (New York: Seabury Press, 1965).

⁶⁸ Martin H. Franzmann, *Concordia Bible With Notes* (St. Louis: Concordia Publishing House, 1971), p. 291. James Moffatt, *The First Epistle of Paul to the Corinthians* (New York: Harper and Brothers Publishers, 1938), p. 78: “Some wives of an ultra-spiritual temper, may have gone or wished to go further than to suspend marital relations (vss. 3, 4). . . . The feminist party in the local church evidently claimed freedom to desert or divorce a husband.”

⁶⁹ See Birger Gerhardsson, *The Origins of Gospel Traditions* (Philadelphia: Fortress Press, 1977), pp. 33ff., and *Memory and Manuscript* (Uppsala: Almqvist and Wiksells, 1961), pp. 262–63 for the significance of the way Paul speaks about his authority as one who passes on Christ’s teaching as an apostle.

⁷⁰ Jean-Jacques Von Allmen, *Pauline Teaching on Marriage*, trans. from the French (London: The Faith Press, 1963), p. 55; cf. pp. 25–26. Von Allmen says this of the Corinthian situation: “There was too, among the married people, a strong tendency to deduce from the presence of the world of the resurrection the wholly contradictory thought that marriage had now had its day and should be broken off. It would even appear that it was the women more especially who had been in the van of this movement . . . St. Paul knows that there are Christian women who have abandoned the conjugal heart (v. 11).” (p. 55)

⁷¹ Paul speaks to the Greek/Roman setting, where wives could divorce their husbands.

⁷² See note 33.

⁷³ Some commentators (e.g., H. Baltensweiler, “Die Ehebruchsklausen bei Matthäus,” pp. 340–56) hold that this is a Pauline insertion and compromises Christ’s absolute demand. But the parenthesis does not qualify; it underlines the inviolate nature of marriage.

should either remain unmarried or reconcile.⁷⁴ The apostle discusses neither the matter of fornication nor spousal abandonment in these verses, for among Christians such conduct should not be found. (Eph. 5:3)

"To the rest," Christians in mixed marriages who had been reached by the gospel preached to the Gentiles, the apostle offers counsel not specifically treated by the Lord (vv. 12-16). Consistent with the principle that God wills marriage to be an indissoluble union for life, Paul does not advise Christians to initiate divorce in those cases where a non-Christian spouse⁷⁵ is willing⁷⁶ to maintain the marriage.⁷⁷ To someone who would argue that a believer cannot continue to cohabit with an unbeliever without in some way incurring contamination and thus consenting to a union less than sacred, the apostle responds that the mixed marriage is in itself God-pleasing. If this were not true, how does one explain the fact that the unbelieving spouse and children of the union are brought into the sphere of holiness by virtue of their relationship to the believer (though, of course, by virtue of their relationship to the Lord).⁷⁸

What should the believer do, however, if the unbeliever refuses to continue the marriage and departs? The apostle's answer: "But if the unbelieving partner desires to separate, let it be so; in such a case the brother or sister is not bound. For God has called us to peace." The crux of interpretation in this verse is this: In cases of

⁷⁴ Luther wrote, "To those who really want to be Christians, we would give this advice. The two partners should be admonished and urged to stay together. If the guilty party is humble and reformed, the innocent party should let himself be reconciled to him and forgive him in Christian love." (LW, 21, p. 96) Similarly, see Chemnitz, *Examination*, II, p. 751.

⁷⁵ Luther commented on the application of 1 Cor. 7:15: "What St. Paul here says of the heathen applies also to false Christians." (Walch, 2nd ed., 8:1062)

⁷⁶ One might translate *suneudokeo* with perfective force "is quite content." (cf. Luke 11:48; Acts 8:1, 22:20; Rom. 1:32) Actually, even when the non-Christian is not content to maintain the marriage Paul does not advise the Christian to initiate divorce.

⁷⁷ The expression the apostle uses for maintaining the marriage is that of cohabitation, *oikein met' autou*. An element of desertion, therefore, is the refusal to live with the spouse under the same roof.

⁷⁸ *Hagiastai* does not imply salvation, as in verse 16. Str.-Bil. cite an interesting parallel in Judaism. The proselyte takes part in holiness (*karasha*), as soon as he converts to Judaism. Therefore it is said of his children, who are born to him while he is still in heathenism that they are not begotten or born in holiness. On the other hand, of those children who were conceived or born after their conversion to Judaism, it is said that they are begotten and born in holiness. (Str.-Bil. 1 Cor. 7:14, p. 374; see Otto Procksch, *TDNT*, 1:112; Archibald Robertson, and Alfred Plummer, *A Critical and Exegetical Commentary on the First Epistle to the Corinthians* [Edinburgh: T. and T. Clark, 1958], pp. 141-42; C. K. Barrett, *A Commentary on the First Epistle to the Corinthians* [New York: Harper and Row, 1968], pp. 164-65; F. F. Bruce, *1 and 2 Corinthians* [London: Marshall, Morgan and Scott, 1971], pp. 69-70.)

definitive abandonment, is the believer free to secure a legal divorce and subsequently to remarry? Textually, the question is posed, what does Paul mean by "is not bound?"

Commentators usually proceed in two directions in their interpretation of this expression. Some hold that the apostle frees the abandoned believer *from* the bond of marriage, and thus *for* remarriage.⁷⁹ Others argue that he allows no more than freedom from the obligation to seek restoration of the broken relationship.⁸⁰

We note, first of all, that the apostle has in mind the dissolution of the marriage and liberty to remarry another in the expression he uses in Rom. 7:2 and 1 Cor. 7:27, 39. The wife is bound (*dedetai*) in marriage to the husband while he lives, but death brings freedom (*eleuthera*) to marry again. In 1 Cor. 7:15 the apostle uses the verb which he uses elsewhere to denote a state of slavery, not the weaker verb *deo*, which is not his word to express what it means to be under the ownership of someone else. The stronger expression "is not bound" suggests that the believing spouse is no longer tied to the obligation to preserve *the marriage*, since the unbelieving party has already withdrawn consent to maintain the union.

Admittedly, Paul does not expressly state that the Christian may remarry. However, neither does he expressly forbid remarriage as he did explicitly in verse 11 of the Christian spouse who departs. The apostle recognizes that when one who does not submit to Christ's teaching (particularly His teaching regarding marriage) departs, the union is terminated.⁸¹ The believer is under no constraint of conscience to preserve a union that has suffered dissolution by one who does not recognize the authority of Christ's

⁷⁹ E.g., Hans Conzelmann, *A Commentary on the First Epistle to the Corinthians*, trans. James W. Leitch and ed. George W. MacRae (Philadelphia: Fortress Press, 1975), p. 123; Herman Ridderbos, *Paul: An Outline of His Theology*, trans. John Richard DeWitt (Grand Rapids: Eerdmans, 1975), p. 309; cf. F. F. Bruce, *Paul: Apostle of the Heart Set Free* (Grand Rapids: Wm. B. Eerdmans Publishing Co., 1977), pp. 268ff.

⁸⁰ E.g., Robertson and Plummer, *First Corinthians*, p. 143; Barrett, *First Corinthians*, p. 166; Rudolf Schnakenburg, *The Moral Teaching of the New Testament* (New York: Herder and Herder, 1965), p. 249.

⁸¹ Byron, pp. 429-45. Byron concludes: "When Paul makes his decision in 1 Cor. 7:15, he is making a particular application of a more general principle. An unbeliever who separates from a Christian can realistically be regarded as making an unconditional and final break. The union may be regarded as in fact finished. The more general principle behind this is that, while neither party *may* make such a definitive break, if one does and abandons the other in a way that prudently and practically can be considered final, the deserted party is unbound and free to marry again." (439-40)

Word. "God has called us to peace,"⁸² not to fight for a marriage that has already been broken by one who has no desire or intention of returning. The prospect of converting one's spouse is not certain,⁸³ although of course Paul does desire this. If, therefore, the Christian spouse is no longer bound, such a one is free to secure a civil divorce and remarry.⁸⁴

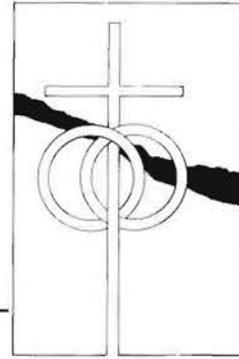
The pastoral question as to what may realistically be regarded as a definitive or final break and who may be the deserter has given rise to extended discussions of casuistry. While maintaining the principle that genuine cases of desertion can and do occur also today (see considerations on pages 28 and 29), and that the apostle's counsel applies, caution should be exercised in pastoral care and in the exercise of church discipline that the apostle's instruction not be interpreted by believers as a license to put away their spouses for any and every cause. 1 Cor. 7:15 must indeed not be summoned to do service for those who wish to be free of their spouse for reasons the Scriptures never sanction.⁸⁵

⁸² The precise meaning of this phrase has been debated among New Testament scholars. Some hold that Paul by this expression summons believers to do their best to avoid divorce, while others think Paul here urges Christians not to hold on to marriages with unbelievers who desire to leave. The latter explanation seems most consistent with the meaning of "is not bound," though the more general interpretation given by Leon Morris is possible: "*But God hath called us to peace* probably refers to the whole of the treatment of mixed marriages, and not simply to the last clause. Paul's point is that the believer is called by God into a state when *peace* in the widest sense is his concern. In this whole matter of mixed marriages the line should be followed which conduces to peace. In some cases it will mean living with the heathen partner, in some cases it will mean accepting the heathen partner's decision that the marriage is at an end. But the underlying concern for *peace* is the same in both cases." *The First Epistle of Paul to the Corinthians* (Grand Rapids: Wm. B. Eerdmans Publishing Co., 1958), p. 111.

⁸³ Jeremias translates the *de* in verse 15 in a strongly adversative sense: "*Nevertheless, God has called us to peace.*" (cf. Conzelmann, *1 Corinthians*, p. 123, note 45.) *De* does nearly always imply some kind of contrast, but the context suggests that the contrast is of a general type and not as strong as *alla* would suggest. (BLDF, 447)

⁸⁴ Our Lutheran fathers have applied what Paul teaches in this passage to mean that there are cases where a marriage may *suffer* dissolution because of what may be termed "malicious desertion." Dr. C. F. W. Walther wrote in his *Pastoraltheologie* (par. 26): "Although according to God's Word there is only one legitimate ground for obtaining a divorce, namely, fornication (Matt. 19:9), yet there is according to the clear apostolic declaration in 1 Cor. 7:15 'But if the unbeliever separates himself, then let him do so. The brother or sister is not bound in such cases—' one other case, in which the innocent party does not actually carry out, but suffers the dissolution in his marriage." Walther adds that "malicious desertion" is to be defined as that situation in which a spouse abandons his/her partner with the proven intention of never returning, and refuses every effort at persuasion to return. In such a case, after a legal divorce has been obtained, the innocent party is not bound and is free to remarry. Desertion, apart from legal considerations, is itself divorce.

⁸⁵ Murray, p. 73.



Summary Statements

1. *When God instituted marriage at creation He intended that it be the lifelong union of one man and one woman. By its very nature the one flesh union of husband and wife will not permit the intrusion of a third party; therefore, what God has joined together let no man put asunder.*

The marital union is described in the Scriptures as a oneness of two persons, created not merely by individual human choice but by divine institution. Therefore, those who enter marriage are bound together not only in a horizontal relationship with each other by their pledge of faithfulness, but also by a mutual pledge to God the Creator to remain faithful. Analogous to God's covenant with Israel, the union of husband and wife is an exclusive partnership, demanding complete loyalty and permanent commitment. Only reverence for the Creator and love for His good ordinance, not the bare restraints of the law, can assure such lifelong loyalty and commitment.

2. *Divorce, destructive of what God has joined together, is always contrary to God's intention for marriage.*

In the beginning God made no provision for the dissolution of the marriage bond. The fall into sin, however, brought with it the forces which destroy human relationships, including marriage. The refusal of people to accept God's will for marriage, the "hardness of heart" resultant upon man's sin, necessitated legal provisions permitting divorce even among God's people. But "from the beginning it was not so." Throughout the Scriptures the call to remain faithful to God's original intent is made and marriage as a lifelong monogamous relationship consistently affirmed.

3. *A person who divorces his/her spouse for any other cause*

than sexual unfaithfulness and marries another commits adultery. Anyone who marries a person so discarding his/her spouse commits adultery.

The act of putting away one's spouse through legal divorce, as well as subsequent remarriage, is a violation of God's will. The New Testament passages setting forth this principle are intended as an expression of God's will for the protection of the sanctity of marriage. Viewed within their original context, these texts stress not the legitimacy of divorce for sexual unfaithfulness, but the illegitimacy of divorce *for any other reason*. Their uncompromising character is further seen by the fact that a third party is also drawn into the sin of adultery by marrying one who has divorced a spouse for "any other reason."

4. When a spouse commits fornication (i.e., is guilty of sexual unfaithfulness), which breaks the unity of the marriage, the offended party who endures such unfaithfulness has the right, though not the command, to obtain a legal divorce and remarry.

The Lord Himself addresses one situation in which the securing of a legal divorce would not be a violation of the divine principle that marriage is to be the lifelong union of one man and one woman in a relationship not to be broken, viz., sexual unfaithfulness on the part of one's spouse. While no marriage partner can avoid committing sins which threaten to harm the marriage relationship, only sexual unfaithfulness is regarded as a legitimate ground for divorce in God's sight. However, reconciliation must remain the goal even of those who suffer this form of abandonment on the part of the spouse. Love covers a multitude of sins, and mindful of Christ's forgiveness, Christian spouses will seek the healing of a broken marriage through the power of forgiveness. If such efforts fail, the spouse suffering such wrong may without burden of conscience obtain a divorce and remarry.

5. A spouse who has been willfully and definitively abandoned by his/her partner who refuses to be reconciled and is unwilling to fulfill the obligations of the marriage covenant despite persistent persuasion may seek a legal divorce, which in such a case constitutes a public recognition of a marriage already broken, and remarry.

This principle was formulated by St. Paul originally in reference to mixed marriages in which one partner was not a Christian. Its application to the modern situation in which divorce is commonplace

between Christian parties, and on grounds to include every form of alleged abuse, is difficult. In offering pastoral counsel and in carrying out disciplinary measures, pastors and others responsible for spiritual care may find the following considerations helpful.

a. In determining whether a person has been truly abandoned in a way that can be considered willful and definitive, the main factors are consent to live within the home and to carry out the commonly recognized obligations of mutual support and sexual cohabitation. In fact, one would also assume that where such consent and desire exist, the desire also to reconcile will manifest itself, even if this should involve separation for a time.

b. The freedom granted by the apostles' words "the brother or sister is not bound" must not be understood as license to "get out from under" one's marital obligations, but as the painful recognition that what God has joined together has in fact already been broken by human beings. The apostle Paul assumes that Christians will not seek divorce for reasons such as the former.

c. As in the case of sexual unfaithfulness (fornication), the freedom granted by the apostle's "is not bound" is a freedom which *may* be exercised, not a liberty which *must* be utilized. Hence, the freedom to secure a legal divorce for definitive abandonment need not be exercised; efforts to reconcile may continue, and hopefully the decision made to remain in the marriage.

d. Following a divorce that results from willful and sustained abandonment, remarriage of the deserted spouse becomes permissible.

Excursus I: Remarriage of Persons Divorced for Unscriptural Reasons

Perhaps no area of congregational life has left pastors and parishioners alike with such an uneasy conscience as the marriage in their midst of persons who, as far as it is possible to determine, are divorced for reasons not permitted by God's Word. The Scriptures teach that one who puts away his/her spouse for any other reason than marital unfaithfulness or unchastity, and one who marries such a person so discarding his/her spouse, commits adultery. But what response is to be given to those who after an unscriptural divorce desire to remarry, declaring that they are unable to restore a previously broken marriage and expressing their intention to

amend their sinful lives? The issue forces itself, and inevitably so, on pastors when such persons seek to have their new union sanctified by the Word of God and prayer in the wedding service, a public act commonly understood as placing the church's sanction and blessing on their marriage.

Obviously, no answer can be given which will cover the circumstances of each individual case, but some general observations may be helpful. It is important to remember that the Scriptures do not speak specifically to the question of remarriage of those who have been divorced for reasons which they do not permit. This is understandable, for such contravening of the divine will ought not to occur among those who wish to call themselves Christians.

Divorce for unscriptural reasons, and remarriage involving such persons, are plainly contrary to God's will. The Christian pastor, for the sake of the spiritual welfare of those whom he serves, must confront persons involved in such situations with the gravity of their sin. Moreover, he may deem it necessary to warn such individuals of what may be called "planned repentance." What the Commission stated in its 1981 report on "Human Sexuality: A Theological Perspective" concerning those seeking a divorce is also applicable to situations in which individuals who have already obtained a divorce for unscriptural reasons desire to be remarried. The Commission stated in its report:

*Since genuine sorrow over one's sin against God and faith in the forgiveness of Christ belong to the essence of repentance, it goes without saying that to proceed premeditatively in doing that which one knows to be contrary to God's will, with the intention of becoming contrite later, makes it impossible for faith and the Holy Spirit to remain in the heart (2 Sam. 11; 1 John 1:8; 3:9; 5:18). To proceed in securing a divorce with the full knowledge that such an action is contrary to God's will **with the intention of becoming repentant** at some point in the future is, therefore, to enter into great spiritual peril.⁸⁶*

Indeed, to proceed premeditatively in doing that which one knows to be contrary to God's will, with the intention of becoming contrite later, is really no repentance at all.

The question remains, however, whether the pastor may announce God's forgiveness where genuine repentance appears to be

⁸⁶ "Human Sexuality," p. 28.

in evidence. To deny such persons the assurance of God's pardon would be to limit the atoning work of Jesus Christ, in whom there is forgiveness for all sins. No matter how heinously a person has sinned, Jesus atoned for *all* sin, also for the sin of adultery (1 Cor. 6:9–11). He received many gross sinners in His day, also adulterers. He was always willing to receive any and every repentant sinner. It is difficult to imagine our Lord turning away one broken by the accusations of the law and desirous of God's mercy and help. "Where sin abounded, grace did much more abound" (Rom. 5:20). The words of Jesus to the adulterous woman in John 8 "neither do I condemn you," reveals that the grace of God covers also this sin. Jesus then proceeds to tell the woman, "Go, and do not sin again," that is, she is now to give evidence of her repentance.

It is within the context of these words of Jesus, which are typical of His approach to matters of this kind, that the request of divorced persons desiring remarriage must be evaluated and a response given that is in harmony with what the Scriptures teach regarding repentance and the forgiveness of sins. In cases of the remarriage of persons divorced for reasons not Biblically sanctioned, true repentance would presuppose a genuine desire to reconcile with one's estranged spouse. It is difficult to imagine, for example, how genuine contrition can exist or how absolution can be announced when there is present a refusal to seek healing. Where the refusal to reconcile and to seek healing is judged to be absent—insofar as such a judgment is possible—the pastor will be constrained to deny a request for remarriage.

There are circumstances, however, where there are reasons to believe that true repentance is indeed present but where reconciliation and restoration of a broken marriage simply are not possible, either because the former spouse has remarried or is unwilling to be reconciled. In such cases, remarriage becomes a possibility. Considerable caution must be exercised by pastors, however, lest what may be considered possible under exceptional circumstances come to be interpreted as license to disregard God's will in this regard. By no means may encouragement be given to go on sinning "that grace may abound." (Rom. 6:1–2)

What has been said above about the remarriage of persons divorced for unscriptural reasons may also be applied to the acquiring and holding of membership in the Christian congregation. Christian discipline in the congregation must be exercised in a firm, loving, and consistent manner, lest the offense of unrepented sin cause others to stumble.

Excursus II: Clergy Divorce⁸⁷

The Christian pastor is summoned by the Scriptures to a pattern of life that is exemplary of the Gospel at work, and worthy of emulation. (1 Peter 5:3). This is not because the pastoral office has some special "character" within the priesthood of all believers, but because the pastor stands under the special apostolic injunction that the office which he holds requires one who is "above reproach" (1 Tim. 3:2).⁸⁸ Moral failure in the life of the pastor, therefore, is never *merely* a matter of private offense which can be treated in isolation from the public office which he holds and the accountability which it requires. The credibility of the Gospel itself is always necessarily at stake, and for this reason especially those who aspire to or hold this high office are to possess a solemn regard for the integrity of its proclamation. Of St. Paul's concern in 2 Cor. 6:3 that "We put no obstacle in anyone's way, so that no fault may be found with our ministry," the *Interpreter's Bible* rightly concludes: "This is important because if anyone takes offense at anything the apostle does, he will not only blame the minister, but also be led to reject the Gospel the apostle preaches."⁸⁹

The apostolic principle that those who serve in the office of the public ministry conduct themselves in a manner worthy of imitation (cf. 1 Cor. 4:14–16; 11:1; 1 Thess. 1:6) does not, of course, lead to the perfectionist claim that the pastor must lead a sinless life in order to qualify for or a stay in his office. The pastor must also, like Paul, be willing to confess, "I am the foremost of sinners" (1 Tim. 1:15) and, he will need to model also a life of daily repentance for his many sins (Rom. 7:21–25). But the exhortation to be "examples (literally, "patterns") to the flock" (1 Peter 5:3) implies a level of behavior that is higher than those who are served. And why, we may ask, is the *public* behavior of the pastor of such critical importance? It is so, writes Helmut Thielicke, for this reason: "he (the pastor) is in a position where the facts as they are now known

⁸⁷ In April 1987 the Council of Presidents of The Lutheran Church—Missouri Synod adopted a policy statement on clergy divorce entitled "Guidelines For Dealing With Marital Crisis Involving Separation and Divorce of The Lutheran Church—Missouri Synod Clergy." The statement notes that "many of the basic principles that are set forth concerning the pastoral office also have application to other called professional church workers" (p. 2). The same may be said here concerning the Commission's excursus on clergy divorce.

⁸⁸ Helmut Thielicke, *The Ethics of Sex*, trans. John W. Doberstein (New York: Harper and Row, 1964), p. 176.

⁸⁹ Floyd V. Filson, *Interpreter's Bible*, 10:346.

to the public (as in the case of divorce) are at the mercy of whatever interpretation the public may put upon them and he has no possibility of controlling the judgments people make before or after the fact and preventing them from casting doubt upon the credibility of his office and his message."⁹⁰

It is assumed that the pastor will conform his life to what the Scriptures teach concerning divorce and remarriage as this teaching is presented in the pertinent texts discussed in this report. Fidelity to one's spouse in marriage is of particular importance in the life and conduct of the Christian pastor. This is clear from the fact that foremost in the list of requirements (*dei*—1 Tim. 3:2) for what it means for the pastor to be "above reproach" is that he be "the husband of one wife" (1 Tim. 3:2; Tit. 1:6). The precise meaning of this phrase has been the subject of extended discussion among New Testament exegetes. Several explanations have been given. Walter Lock's commentary in the *International Critical Commentary* series lists five: 1) The bishop must be a married man; 2) not a polygamist; 3) "a faithful husband," married to one woman and loyal to her, having no mistress or concubine; 4) not divorcing one wife and marrying another; and 5) not marrying a second time after his wife's death.⁹¹ The first of these explanations may be ruled out simply because it does not do justice to the "one" of "husband of one wife." The fifth choice is unlikely for reasons such as those given by Albrecht Oepke in Kittel's *Theological Dictionary*: a) the common use of the expression in Paul's day for faithful wives as a protest against successive polygamy, that is, against those who are divorced, or even repeatedly divorced; b) the right of remarriage in the case of one whose spouse has died was taken for granted in the New Testament; and c) the pastorals favor marriage, assuming a married clergy (1 Tim. 3:2, 12) and recommending younger widows to marry again (1 Tim. 5:14).⁹² Perhaps a combination of remaining explanations is in keeping with the apostle's intent. St. Paul is here establishing the general principle that any transgression of God's will for marriage as a monogamous union is ruled out, whether it should take the form of concubinage or polygamy or marital unfaithfulness, including the "virtual polygamy of illicit divorce."⁹³

⁹⁰ Thielicke, p. 177.

⁹¹ Walter Lock, *A Critical and Exegetical Commentary on the Pastoral Epistles* (Edinburgh: T & T Clark, 1924), pp. 36-37.

⁹² Albrecht Oepke, TDNT, 1: 788.

⁹³ Martin Franzmann, *Concordia Study Bible*, p. 1852.

In applying the Biblical principles regarding divorce and remarriage to crisis situations in the marriages of pastors, the church obviously needs to provide the necessary means to assist pastors and their wives in the prevention of divorce. But most difficult is the disciplinary question as to whether or not the divorced pastor should remain in the office of the public ministry. In light of what has been said here about the integrity of the Gospel proclamation, the Commission wishes to repeat here the statement that it has made in its report on "Human Sexuality":

*The divorce of Christian pastors must be taken with utmost seriousness. It is difficult to see how the church can maintain the integrity of its witness—especially in an age where divorce is prevalent—if it permits pastors who have divorced their wives for less than Biblical reasons to continue in the office of the public ministry. Generally a pastor who has been divorced, except in cases of unchastity or desertion on the part of his wife, ought not to remain in office nor be reinstated in the office of pastor. However, it is possible that under **very exceptional circumstances** a former pastor may by the grace of God come to the point of being in a position to be reconsidered as a person qualified to be entrusted once more with the powers of the pastoral office (emphasis added).⁹⁴*

We add here that in the case where a pastor is divorced due to the unchastity or desertion of his wife, serious consideration ought to be given to offense which, though beyond his control, his situation is causing. The offense given in the case of clergy divorce is rarely confined to the congregation which he serves, but spreads, and unfortunately so, to others at the circuit, district, and perhaps even national levels (to say nothing of other Christian congregations in the community). At the very least, therefore, it likely will be necessary under the guidance of those given supervisory responsibilities, to make special arrangements to evaluate his ministry in that place with a view perhaps to moving to another parish. Underlying all of these concerns ought to be the Biblical caution that "the ministry be not blamed."

To the above counsel the response is sometimes given, "Why cannot the pastor who has divorced his wife for unscriptural reasons, but who is repentant, remain in the office of pastor, since

⁹⁴ 1981 CTCR report on "Human Sexuality: A Theological Perspective," pp. 28-29.

before God there is forgiveness also for the sin of divorce?" Before God, who will not despise the broken heart (Ps. 51:17) and freely forgives those who confess their transgressions to Him (Ps. 32:5), there is indeed full pardon for the sin of divorce and the offense caused by it. That there is forgiveness before God does not mean, however, that the divinely established requirements for those who occupy the office of the public ministry have been set aside. No conditions may be attached to the grace of God, but certain conditions are indeed attached by God to holding and remaining in the office of oversight in the Christian congregation. That this office is a *public* office (meaning pastors serve the Lord in *behalf* of the congregation) implies that both the pastor and the congregation must uphold the divinely given qualifications for this office.