

“Divorce & Remarriage”

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The findings in this book are based on a multitude of new discoveries and academic publications:

- Dead Sea Scroll fragments dealing with divorce, which help us to understand the other scrolls
- Newly discovered Jewish divorce certificates, such as one written by a Jewish man on Masada in A. D. 72 and one written by a Jewish woman in about A.D. 125
- More than two hundred Aramaic, Greek and Latin marriage and divorce papyri, which have been collected together for the first time
- Rabbinic evidence that can now be dated to the first century
- Publication of hundreds of Samaritan documents, including ancient marriage contracts
- Publication and analysis of all the rabbinic and Karaite marriage and divorce documents from the Geniza of the Cairo Synagogue.

I had always found the Bible passages about this to be confusing and contradictory ...

- Why did Jesus sometimes say no to divorce and sometimes allow it?
- Why did Jesus allow divorce only for adultery while Paul allowed it only for desertion?
- Why was remarriage equivalent to adultery, even though it was after a divorce for adultery?

TRADITIONAL CHURCH TEACHING

People have interpreted what the Bible says about divorce and remarriage in two main ways (although there are many others):

1. There are two valid grounds for divorce, but remarriage is not allowed unless one of the former spouses has died.
2. There are no grounds for divorce or even for separation.

The first interpretation is the one given by most established churches. They conclude that Jesus and Paul both taught that there was one valid ground for divorce (although these were different). Jesus allowed the divorce of someone who had an adulterous partner, and Paul allowed the divorce of someone whose nonbelieving partner had deserted them. The interpretation goes on to say that neither Jesus nor Paul allowed remarriage unless one of the couple had died, because in some sense a marriage remains valid until it is ended by death. The main problem with this interpretation is that it is illogical: why do Jesus and Paul identify these two grounds for divorce but not allow divorce for physical abuse or other harmful situations?

The second main interpretation – which doesn’t allow divorce for any reason – is more logical. It says that Jesus’ ground of adultery applied only to the Jews of his day, because according to their laws, adultery led to compulsory divorce. It then says that Paul’s ground of desertion by a non-Christian partner was, similarly, just for Romans of his day, because under Roman law desertion was equivalent to compulsory divorce. This interpretation tells modern believers that divorce is not allowed unless you are divorced against your will and that remarriage is not allowed unless you are widowed. Although this interpretation is more logical than the first, it is even less practical, because it means that someone can continue to commit adultery or physical abuse in the knowledge that their partner cannot end the marriage.

“God Himself Is A Divorcee.”

The Bible never says, “Those whom God has joined, no man can separate.”

“Therefore what God has joined together, let man not separate.”
Matthew 19:6 (NIV)

None of these translations of Jesus’ words reads, “no one can separate.” Although the phrase “no one can separate” does not sound very different from “let no one separate” or “one must not separate,” there is a world of difference in meaning. If Jesus had said “no one can separate,” it would mean that divorce is impossible, since once a couple has married, they will always be married in God’s eyes.

In other words, if God has joined a couple in marriage no one can “unjoin” them. It is, in any case, something of a digression, because as I’ve said, the words “no one can separate” are not in Scripture. The words that Jesus did say, “let no one separate,” do not mean, “it’s not possible for you to separate”; they mean “it is possible to separate, but you should not.”

What it actually means, therefore, is that separation is certainly possible but that it is wrong or, at the very least, undesirable. So what does Jesus mean when he tells people not to separate? Clearly he is saying that it is wrong, but is he talking about divorce or about separation?

The Greek word he uses for “separate” – *chorizo* – is the word usually used to mean, “divorce” (in fact, the standard lexicon for nonliterary Greek, Moulton & Milligan, even says that *chorizo* was the technical term for “divorce”; although this is probably an exaggeration, it was certainly one of the technical terms for divorce). It is therefore clear that Jesus is making a plea or a command against divorce rather than separation. He isn’t saying that divorce cannot happen but that it shouldn’t happen.

What defines a broken marriage is broken vows: the vows that marriage partners make to each other in God’s presence. The Old Testament describes God’s relationship with Israel like a marriage that ended in divorce because of Israel’s adulteries. So God is a divorcee – and he hates it as much as any victim of divorce. Yes, God is a victim of divorce, even though he actually carried it out; in the same way, many victims today are actually the ones who initiate proceedings to bring the marriage to an official end.

Although the breakup of a marriage is always due to sin, it is not the divorce itself that is the sin; the sin is the breaking of the vows, which causes the divorce.

The fact that Israelite women could be given a divorce certificate doesn’t mean that God thinks divorce is a good idea. He designed marriage to last forever – for both the couple’s and the children’s benefit – and the breakup of a marriage is always a disaster. We have to distinguish between marriage breakup, which is always wrong, and divorce, which is the legal recognition that a marriage has broken up.

Moses’ law did not say that it was acceptable to break up a marriage; it merely prescribed the legal process that was necessary after a breakup had happened. It said that the man couldn’t have his cake and eat it; he couldn’t abandon his wife and expect her to be waiting for him at a later

date. Whatever sin causes the marriage to break up; there should be a clean end. Neither partner should hold the other as a prisoner in a marriage that is dead.

Adultery is not, of course, the only sin that can end a marriage. Many marriages are killed by neglect or abuse. Christians today accept that the Bible allows divorce for adultery, but many believe that it does not allow divorce for reasons such as physical or emotional abuse, or when a man withholds money from his wife, or stops her going out, or when a wife neglects the children and leaves them filthy and starving. This has led Christians to feel confused and concerned, because they conclude that God isn't interested in such things, that these issues don't seem to touch his heart. But why? *Why is adultery more valid a reason for divorce than cruelty? Why wouldn't God allow divorce in these situations? And why wouldn't a victim be allowed at the very least the choice of leaving such a marriage?*

The Bible does have a law that addresses this situation. Exodus 21:10-11 is a text that is usually forgotten, but it provides precisely what is needed, for it allows the victim of abuse or neglect to be freed from the marriage.

“If a man marries another woman, he must not deprive the first one of her food, clothing and marital (conjugal) rights. If he does not provide her with these three things, she is to go free, without any payment of money.”

Exodus 21:10-11 (NIV)

This text is actually a law about a slave who has married her master; it states the rights that she has if he decides to marry a second wife. This law tells him to make sure that he doesn't neglect his first wife when he marries a second.

At first glance this text doesn't seem to apply to us at all, since we don't have polygamy and we don't marry slaves (though in some marriages it may seem like it!). **But this does actually apply to all marriages.**

Polygamy was allowed in the Old Testament, and human nature being what it is, when a man took a second wife he often neglected his first wife and favored the new one. This was especially likely if his first wife had been a slave before he married her. So the point of this law was to ensure that the first wife was treated fairly. It says that the husband would not be permitted to withhold food, clothing or conjugal love from her. If he did neglect any of these, she would be able to go free – that is, she could get divorced.

Before we dismiss this as irrelevant to our marriages today, it is important to remember that this is case law, not statute law, which means that the principles are more important than the details. Then as now, some laws were written as “statutes,” summarizing a whole subject area (such as divorce), while other laws were “case law.”

Case law is a collection of decisions made by judges in actual cases that established a new legal principle. These rulings can then be applied to other cases that share something in common with the case that established the principle. For example, the statute law on keeping the Sabbath is part of the Ten Commandments (Exo. 20:8-11), but it does not define the punishment for breaking it. When a man was caught gathering sticks on a Sabbath (Num. 15:32-36), his case was brought before Moses, who decided that he deserved death.

This story, with the decision about the punishment, became an item of case law-the principle derived from it is that breaking the Sabbath law makes one liable to the death penalty. Exodus 21:10-11 is case law, so we have to ignore the details about slavery and polygamy and **look for the principles that apply to all marriages that involve neglect.**

The rabbis found the following principles in this text ... They reasoned that if a slave wife had the right to divorce a husband who neglected to supply food, clothing and conjugal love, then a free wife would certainly also have this right. And they argued that if one of two wives had this right, so did an only wife. Furthermore, if a wife had these rights, then a husband was also entitled to divorce a wife who neglected him. **The biblical principle that is established, therefore, is the right of someone to divorce their partner if they neglect their vow to provide food, clothing or conjugal love.**

This means that the Old Testament recognizes four grounds for divorce. The first three are neglecting to provide food, clothing and conjugal love (by either husband or wife), and the fourth is committing adultery.

Thus the Old Testament provided very sensible laws about divorce. Each partner had to keep his or her four marriage vows to feed, clothe, share conjugal love and be faithful. The principles behind these vows were that they had to supply material support (food and clothing) and physical affection (conjugal love). Abusive situations were covered by these laws, because physical abuse and emotional abuse are extreme forms of neglecting material support and physical affection.

Hosea was told to marry a prostitute, who continued to be unfaithful to him, in order to illustrate God's marriage to Israel (Hosea 1-3). Ezekiel described how Israel committed adultery with other gods along with other sins that led to the divorce (Ezekiel 16:23). Jeremiah warned Israel's sister nation Judah to watch out because she was heading the same way (Jer. 3-4). Isaiah brought the good news that unlike Israel, who was divorced, Judah had only suffered separation and that God wished for reconciliation (Is. 50).

Note: "Covenant" and "contract" are both translations of the same Hebrew word, so the idea of a distinction does not exist in the Bible.

Ezekiel was particularly interested in the grounds for God's divorce. He warned Judah that she was going the same way as her sister kingdom of Israel (Ezekiel 23:30-33). God kept all four of his marriage vows: he loved Judah and gave her food and clothing fit for a queen (Ezekiel 16:8-13), and of course he was faithful to her. But, in contrast, Judah broke all four marriage vows: she did not return God's love; she committed adultery with idols (Ezekiel 16:15); she presented idols with the food that God had given her (Ezekiel 16:19); and she decorated idols with the clothing and jewels with which God had honored her (Ezekiel 16:16-18).

God warned Judah that he had already divorced Israel for these types of sins (Ezekiel 23:9). The remarkable message of the prophets was that although God had every right to divorce Judah, just as he had divorced her "sister" Israel, he decided to do something completely different. He decided to create a new covenant that would transform people from the inside. Unlike all God's previous covenants, and unlike any human covenant, this one could not be broken when one side failed to keep the stipulations, but it would continue unconditionally forever (Ezekiel 16:60-62).

These prophecies were fulfilled in the New Testament (which is named for this new covenant) when Christ died for all sin. Even Israel was going to share in this restoration, not by re-marrying God but by rejoining Judah to become a single new nation (Ezekiel 37:15-28).

We know now why God says in Malachi that he “hates divorce”: he knows from personal experience how much pain results from it. As he says in Malachi, divorce results from breaking marriage contract promises – promises to which God himself was a witness:

“The Lord was witness between you and the wife of your youth, to whom you have been faithless, though she is your companion and your wife by covenant.”

Malachi 2:14

God does not criticize the legal process of divorce or the person who carries it out; otherwise he would criticize himself, because he had to divorce Israel. God hates the breaking of marriage vows that results in divorce.

A marriage is ended by the person who breaks the marriage vows, not by the wronged person who decides to end the broken contract by enacting a divorce.

People cannot divorce their husband or wife simply because they want to, but only if their spouse has broken their marriage vows.

Jesus fulfilled the ceremonial parts of the law on the cross, but he wants us to fulfill the moral parts of the law, and he even said that he wanted us to be perfect like our Father (Mt 5:48). He never told anyone to break an Old Testament law. Even though the Pharisees accused him and his disciples of breaking the law, they only broke traditions that the Pharisees had added to the Old Testament.

Jesus did not reject the Old Testament, but he did reject new interpretations that had diluted the Old Testament’s moral principles. He emphasizes the importance of the Old Testament law by saying, “Whoever relaxes one of the least of these commandments and teaches others to do the same will be called least in the kingdom of heaven” (Mt 5:19). Jesus does not mean that we should keep all the details of Old Testament law in exactly the way it was prescribed for the nation of Israel in the ancient Near Eastern world.

“Jesus taught that Old Testament moral principles should be applied much more strictly by Christians – not less.”

Exodus 21 is also where we find the moral principle that a victim of marital neglect or abuse can choose to end the marriage. Bearing in mind that other principles in the same passage form the foundation of our national laws, we should think very carefully before we choose to simply dismiss it. Likewise the church should not decide to teach the Old Testament morals about sex outside marriage and yet reject its morals about neglect or abuse within marriage.

Although the divorce certificate is part of the Law of Moses in Deuteronomy 24:1, this groundless divorce “for men only” did not become available until about the time of Jesus’ birth.

“Suppose a man marries a woman but she does not please him.
Having discovered something wrong with her, he writes her a letter of divorce,
hands it to her, and sends her away from his house.
Deuteronomy 24:1 (NLT)

This new type of divorce was invented by a rabbi called Hillel, who lived a few decades before Jesus, and was called the “Any Cause” divorce.

Very soon the “Any Cause” divorce had almost completely replaced the traditional Old Testament types of divorce. We can see how respectable it had become by the time of Jesus’ birth because Joseph considered using this means to break off his betrothal to Mary:

“Her husband Joseph, being a just man and unwilling to
put her to shame, resolved to divorce her quietly.”
Matthew 1:19

Joseph did not want to put Mary through the disgrace of a public trial, so he decided to use the quiet “Any Cause” divorce that did not require any proof of wrongdoing. Matthew considered that this would be the action of a “just man,” because Joseph could have ensured that he didn’t have to pay Mary’s marriage inheritance if he had decided to prove her guilty of adultery in court.

The disciples of Shammai, a rival of Hillel who often disagreed with him, said that Hillel had interpreted the Scriptures wrongly and that the whole phrase “a cause of sexual immorality” meant nothing more than the ground of sexual immorality; it did not mean two grounds, sexual immorality and “Any Cause.”

The interpretation of this short phrase, “a cause of sexual immorality,” was a matter of huge public debate. The disciples of Shammai wanted people to restrict themselves to divorces based on the Old Testament grounds – unfaithfulness in Deuteronomy 24:1 and neglect of food, clothing or conjugal love in Exodus 21:10-11. But the common people preferred Hillel’s interpretation, which added the “Any Cause” divorce.

However, if you translate the question “Is it lawful to divorce one’s wife for ‘Any Cause’?” it makes perfect sense. The rabbis wanted to know what Jesus thought about the new “Any Cause” type of divorce and how he interpreted Deuteronomy 24:1.

“Some Pharisees came to him to test him. They asked, ‘Is it lawful for a man to divorce his wife for any and every reason?’ ‘Haven’t you read,’ he replied, ‘that at the beginning the Creator ‘made them male and female,’ and said, ‘For this reason a man will leave his father and mother and be united to his wife, and the two will become one flesh’? So they are no longer two, but one flesh. Therefore what God has joined together, let no one separate.’ ‘Why then,’ they asked, ‘did Moses command that a man give his wife a certificate of divorce and send her away?’ Jesus replied, ‘Moses permitted you to divorce your wives because your hearts were hard. But it was not this way from the beginning. I tell you that anyone who divorces his wife, except for sexual immorality, and marries another woman commits adultery.’ The disciples said to him, ‘If this is the situation between a husband and wife, it is better not to marry.’”

Matthew 19:3-10 (NIV)

Jesus was asked if he agreed with the new Hillelite “Any Cause” divorce, but he wasn’t really interested in this debate and was more concerned, as we will see below, to tell the Hillelites and Shammaites where they had both gone wrong. When the rabbis eventually got Jesus back to their question, he gave the same straightforward interpretation of Deuteronomy 24:1 that Shammai taught; that is, he said that the phrase “a cause of sexual immorality” meant “nothing except sexual immorality.” And to emphasize this, Jesus said that if someone got divorced on the basis of any other interpretation (i.e., the “Any Cause” divorce), they were not properly divorced, and so if they remarried they would be committing adultery (Mt 19:9).

Most interpreters have not recognized that Jesus is quoting the rabbinic legal phrases “divorce for ‘Any Cause’” and “nothing except ‘sexual immorality.’” As a result, they think that Jesus was asked “Is it ever lawful to divorce?” and that he answered “No – except in cases of sexual immorality.”

Not knowing the meaning of the rabbinic legal phrase “nothing except ‘sexual immorality,’” these interpreters have tried to find out what “sexual immorality” meant by looking carefully at the Greek word *porneia*. Some interpreted it as “adultery” and others as “sex before marriage” (especially during betrothal) or as “incest.” These definitions are actually all correct, because *porneia* is a very general word that means all these things as well as any other type of sexual immorality, including visiting prostitutes (as in 1 Cor. 6:13-18).

Jesus used it because it was the best translation of the Hebrew word for general “sexual immorality” (*ervah*) in the rabbinic legal phrase “except ‘sexual immorality.’” Jesus was using the same language as the people he was speaking to, and he was referring to biblical texts and legal discussions they all knew about. He was not speaking a new language that only he knew, so we should ask ourselves not what Jesus meant by *porneia* but what his hearers or the original readers would have understood by *porneia* or by the phrase “except for ‘sexual immorality.’”

Jesus was answering their question in plain language, and he wasn’t making a universal statement. Therefore when he said “nothing except ‘sexual immorality,’” he was saying that the phrase “a cause of sexual immorality” did not include the extra ground of “Any Cause,” and he didn’t mean “there is no divorce ever, in any part of the Bible, except on the ground of ‘sexual immorality.’” If he had been making this universal statement, he would have been contradicting Paul, who allowed divorce for abandonment ...

“But if the unbeliever leaves, let it be so. The brother or the sister is not bound in such circumstances; God has called us to live in peace.”

1 Corinthians 7:15 (NIV)

Jesus gave the Pharisees a straightforward answer about where he stood in their debate, but actually he was not very interested in this subject. He was much more interested in marriage than in divorce, so although he gave this answer in Matthew 19:9, he didn’t do so until he had spent the intervening verses talking about marriage, and specifically about matters where he disagreed with both Hillelites and Shammaites.

Jesus was determined to tell his listeners where they had all gone wrong with regard to marriage and divorce – so he went back to basics!

Polygamy was allowed by most Jews in the first century (except for the sect at Qumran and a few progressive Jews who taught against it) and was widely practiced in Palestine – the only place where Roman law allowed it. Jesus tells his questioners, however, that monogamy was the biblical ideal from the beginning. Jesus alludes to Genesis 2:24 when he says, “So they are no longer two but one flesh.” He deliberately includes the word two, which is not actually found in the Hebrew text, although it was often added there when the Old Testament was translated into other languages such as Greek and Aramaic.

The fact that Jesus includes the word two is therefore very significant. He also points out that God made the first human beings “male and female” – both singular – and thus reminds his questioners that the perfect marriage in Eden involved only two people. Jesus continues by stressing that God intended marriage to be lifelong and that marriage breakup is a tragedy. Therefore instead of divorcing an erring partner, he says, you should try to forgive them.

Jesus demonstrates how serious it is to break up a marriage by giving a commandment:

“What therefore God has joined together, let not man separate.”
Matthew 19:6

The Pharisees think that they have a clever answer for this: they say that sometimes Moses instructed that you must divorce a wife. They believed that divorce was compulsory if a woman committed adultery, because Deuteronomy 24:1 says that a man should give a divorce certificate to a wife guilty of “sexual immorality.”

So they argue with Jesus: “Why then did Moses command one to give a certificate of divorce?” (Mt 19:7). Jesus replies, “Moses allowed you to divorce your wives” (Mt 19:8)-that is, he did not *command* it but *allowed* it. It was not compulsory, although it was permissible.

Jesus also says that God does not want us to divorce if we can avoid it, even in the case of adultery; he wants us to forgive an erring partner rather than divorce them. “But surely there’s a limit to the number of times we have to forgive?” we say – and I’m sure that the Pharisees also said this, or at least they thought it. So Jesus explains further: “Moses allowed divorce for hardheartedness.” The Pharisees knew immediately what he meant, but we are not so familiar with the Old Testament, so we have to work at it a bit. Hardheartedness means “stubbornness and the corresponding Greek word had been invented by the translators of the Septuagint, the official Jewish translation of the Old Testament into Greek.

So Jesus is presumably alluding to an Old Testament text but which one? This was not a difficult question for the Pharisees, many of whom knew the Old Testament by heart, because hardheartedness occurs in only one place in the context of divorce – where Jeremiah warns Judah that God might divorce them as he divorced Israel ...

“Circumcise yourselves to the LORD, circumcise your hearts (*hardheartedness* – *LXX*), you people of Judah and inhabitants of Jerusalem, or my wrath will flare up and burn like fire because of the evil you have done— burn with no one to quench it.”

Jeremiah 4:4 (NIV)

Jeremiah has described Israel as God's wife at the beginning of this section (Jer. 2:1) and has said that she committed adultery with other gods (Jer. 2:20-26) so that God was forced to divorce her (Jer. 3:1-8), as we saw in some detail in chapter three. Jeremiah warns Judah that she is going the same way as her sister nation, Israel (Jer. 3:10-14), and that she is being hardhearted – stubborn – in her adultery (Jer. 4:3-4).

Jesus says that marriage was not like this “from the beginning” (Mt 19:8). In Eden there was no sin to break up marriages, and therefore there was no need for divorce. But when sin came and marriages started going wrong, Moses “allowed” divorce for broken marriage vows (Mt 19:8). Jesus thought that people were being too quick to divorce, so he reminds them that Moses meant divorce to occur only when there was “hardheartedness” – that is, a stubborn refusal to repent and stop breaking marriage vows.

We should consider divorce only if they continually break their vows with hardheartedness – if they stubbornly continue without repenting or trying to change. God found himself in this position when Israel constantly and unrepentantly went running after other gods, until eventually God, who hates divorce, had to divorce her for hardhearted adultery.

The most shocking part of Jesus' teaching, as far as the general public was concerned, was his rejection of the “Any Cause” divorces. It meant that men could divorce their wives only on specific biblical grounds; they could not simply decide they didn't like her looks or her cooking anymore. And furthermore, Jesus said that they should forgive a partner who repented, and although he did allow divorce, he said that it should be only a very last resort. Jesus did not just say that “Any Cause” divorces were invalid, but he emphasized their invalidity by saying that people with “Any Cause” divorces were not really divorced at all. Therefore, if they remarried after this type of divorce, they were actually committing adultery because they were still married to their previous partner.

A summary, for a modern generation, of Jesus' teaching during this debate would be something like this: All divorces based on “Any Cause” (i.e., groundless divorces) are invalid, because the phrase “a cause of sexual immorality” (Deut. 24:1) means nothing more than “sexual immorality.” Moses never commanded divorce but allowed us to divorce a partner who is hardhearted (who unrepentantly breaks marriage vows, as in Jer. 3-4).

Matthew and Luke both summarized this debate on divorce in one sentence and had to decide which aspects of Jesus' teaching to emphasize: his teaching on monogamy, on marriage not being compulsory, on divorce not being compulsory for adultery, on his opposition to “Any Cause” divorces, or his plea that we avoid divorce unless the erring partner is sinning “hardheartedly”?

Both Matthew and Luke picked the element that was most shocking for ordinary Jews: Jesus' rejection of the “Any Cause” type of divorce. This affected any family with a divorcee in it – which probably included most families in the land. It affected only those divorces that were based on “Any Cause,” but since this type of divorce had already almost totally replaced the other types of divorce, the Evangelists could say, for the sake of abbreviation, that Jesus was talking about “everyone who divorces.”

Jesus had expressed this part of his teaching in a shocking and memorable way, saying that remarriage after this type of divorce was technically adultery, and they retained this in their summary versions ...

“Everyone who divorces his wife and marries another commits adultery,
and he who marries a woman divorced from her husband commits adultery.”

Luke 16:18

“But I say to you that everyone who divorces his wife,
except on the ground of sexual immorality, makes her commit adultery.
And whoever marries a divorced woman commits adultery.”

Matthew 5:32

These two texts look at the issue from several different viewpoints, but they come to the same conclusion. They both say that any remarriage would be adulterous because their divorces are invalid and so they are still married to their former partners. The point is that Jesus was so intractably against the “Any Cause” divorces that he said they were completely invalid.

We would also like to know what Jesus thought about other biblical grounds for divorce. We know that he rejected the new non-biblical “Any Cause” divorces and that he accepted divorce for adultery, as in Deuteronomy 24:1, but we do not know what he thought about the three grounds for divorce in Exodus 21:10-11 because no one asked him about this text – or if they did, the Gospel writers did not think his teaching on this was significant enough to include in their short accounts. I would guess that for these grounds, as for adultery, he would counsel forgiveness rather than divorce, unless the spouse was sinning hardheartedly, but again, we have to look to Paul to fill in this gap in our knowledge.

It is almost certain that Paul had been married when he was younger, though we know that he was single when he wrote 1 Corinthians. Marriage was compulsory for a pious Jew, and Paul said that before his conversion he was a very religious Pharisee (Acts 23:6; Phil 3:5). Every Jewish male was expected to marry in order to fulfill God’s command to “multiply and fill the earth” (Gen 1:28); it was unthinkable that a pious young man would remain single.

Paul contradicted both the Jewish and the Roman laws by teaching in 1 Corinthians 7 that marriage is optional. Corinth, being a Roman city, followed Roman law, and many members of its church were former Jews, so they also knew about Jewish law Paul therefore had a tough job to convince them that, if they were not already married, they should not get married – at least, not yet.

In general Paul approved of marriage, but there were some Christians in Corinth who were against marriage and who wrote to Paul to ask him if he agreed. Paul quotes a phrase from their letter that encapsulates their viewpoint: “Now concerning the matters about which you wrote: ‘It is good for a man not to have sexual relations with a woman’” (1 Cor. 7:1). One English translation unfortunately says, “Now for the matters you wrote about: It is good for a man not to marry,” so that it looks as if Paul is making this statement himself and that he is against marriage. These are actually the words of some Corinthians who wanted to avoid sex. They thought that they could live holier lives if they avoided women, and one woman had evidently already left her husband (1 Cor. 7:10-11).

Even Christians in Corinth were using the **Roman method of divorce-by-separation**. Having separated from their partners they considered themselves divorced and free to remarry, and under Roman law they were. Paul had to remind them of the law of the Old Testament, pointing out that biblical divorce was always based on the grounds of broken vows, unlike the Roman groundless divorce. Therefore **Christians should not practice the Roman divorce-by-separation- they should not simply separate from their partner and consider themselves legally divorced.**

“To the married I give this charge (not I, but the Lord): the wife should not separate from her husband (but if she does, she should remain unmarried or else be reconciled to her husband), and the husband should not dismiss his wife.”

1 Corinthians 7:10

TRANSLATING “SEPARATE”

These verses are translated in various ways in different Bibles, but it is important to translate them as literally as possible, especially concerning the way in which the separation occurs. Paul pictures both the husband and the wife deciding for themselves to divorce. She “separates herself” (that is, she walks out on him); he decides to “dismiss his wife” (that is, send her packing). The differences lie in the fact that the husband was the one most likely to own the house, so for the wife to divorce her husband she would have to leave the house (that is, “separate herself”), while for the husband to divorce his wife he would have to tell her to leave his house (that is, “dismiss her”). In this situation Paul is not talking to partners who were divorced against their will, since both the man and the woman in these verses make their own decision to separate from their partner.

Paul uses separate in the reflexive mood, i.e., “separate themselves,” but this Greek form is exactly like the passive mood, “be separated.” This has confused a lot of translators, but in 1 Corinthians 7:15 Paul uses the same word again, with exactly the same form, in a context where it cannot possibly be passive and must be reflexive:

“If the unbelieving partner separates, let it be so.”

In effect he is saying, if an unbeliever leaves a believer, let them do so, because after all there is very little the believer can do about it. Now, if “separate” were translated in verse 15 with the passive rather than the reflexive, it would be ...

“If the unbelieving partner is separated, let it be so.”

In other words, any believer can leave an unbelieving spouse, and if they do, we should do nothing about it and just let it happen. This is patently the wrong translation, because it is exactly the opposite of what Paul had already said in 1 Corinthians 7:10-11. Therefore **the correct translation is “separate themselves.”**

Paul’s point is that Christians should not use this Roman form of divorce-by-separation because it is groundless; therefore it is too easy to divorce people against their will when they have done nothing wrong. Anybody could take it on themselves to separate, and their partner would suddenly find that they had been legally divorced whether they wanted it or not. For Christians, this is simply not an option.

But some Christians had already used divorce-by-separation, and Paul was keen to tell them what to do in that situation.

“If she does [separate herself], she should remain
unmarried or else be reconciled to her husband.”
1 Corinthians 7:11

He is saying that if someone has separated, they should not consider themselves to be divorced but should try to reverse the separation by remaining unmarried while trying to be reconciled again. In other words, they should do all that they can to reverse the Roman divorce-by-separation. Paul was probably thinking of a particular woman at this point because he says “she,” but in the rest of this chapter he was always careful to address both men and women, even to the point of repeating himself in an almost tiresome way.

The Corinthians presumably knew which woman Paul was referring to, but we can only guess the reason she separated from her husband. The only clue we have is in 1 Corinthians 7:1, where Paul quotes the Corinthians’ letter asking him about the teaching of some groups that taught that holiness included avoiding sex: “It is good for a man not to have sexual relations with a woman” (and vice versa). The woman was probably influenced by one such group, but as we saw above, Paul certainly did not regard this as a biblical reason for divorce. Paul points out that Jesus himself condemned this type of groundless divorce, because he rejected the Jewish groundless divorce (the “Any Cause” divorce). The only difference in the Roman groundless divorce was that women as well as men could initiate it. Paul assumed that if Jesus condemned the Jewish groundless divorce, then he would condemn the Roman one. This is why Paul tells the Christians that the Lord commands them not to separate (1 Cor. 7:10).

What about the victim of a divorce-by-separation? Paul has told the person who enacted the separation that they should remain unmarried and try to effect a reconciliation, but what if you have been forced into a divorce by your partner even though you did not want to split up? Paul addresses this situation in 1 Corinthians 7:15 ...

“But if the unbelieving partner separates, let it be so. In such cases the
brother or sister is not enslaved. God has called you to peace.”

In effect, he says that if a non-Christian divorces you, you should let him or her go. This seems like a sudden U-turn-as if Paul does not care and as though he does not want marriages between Christians and non-Christians to last. But we know this is not true, since he said the opposite in 1 Corinthians 7:12-13, where he tells Christians not to divorce their non-Christian partner ...

“If any brother has a wife who is an unbeliever, and she consents to live with him,
he should not dismiss her. If any woman has a husband who is an unbeliever,
and he consents to live with her, she should not dismiss him.”

So Paul does not want Christians to divorce their non-Christian partners, and yet he says that Christians should let non-Christians divorce them. This does not seem to make sense until we look at it pragmatically. Ask yourself, what can the divorced Christian partner do? Their non-Christian husband or wife has told them the marriage is over; the husband has dismissed his wife or the wife has walked out. What can Paul tell the Christian to do to reverse this divorce?

Of course, they should have been doing their utmost to hold the marriage together before the divorce, but once it has happened, any attempts at reconciliation are unlikely to work and are likely to be seen as pestering. Paul teaches that once such a divorce has happened, a line should be drawn under it; he says, in effect, “If they divorce you, there is not much you can do; if the actual divorce-by-separation has happened, then let them go.” He then adds that God has called us to peace and not to endless conflict after a divorce.

Paul and Jesus have the same message for two different cultures ...

1. Believers should never cause a divorce – that is, they should not break their marriage vows.
2. Believers should not use a groundless divorce – Jewish believers should not use the Hillelite “Any Cause” divorce, and no one should use the Roman “divorce-by-separation.”

Jesus adds that believers should do all they can to save a marriage, which includes forgiving a partner who breaks vows and then repents. And Paul adds that believers who have wrongly enacted a divorce-by-separation should attempt to be reconciled and not remarry because that would make the divorce irreversible. Paul says further that if someone is divorced against their will, they may accept it. There is nothing they can do to reverse the divorce, and God has called them to peace.

Some marriages cannot be rescued, and the Bible does not promise that all marriages have a lifetime guarantee.

There are three other New Testament texts that appear to say that all marriages last for a lifetime, and two that seem to say that only death can end a marriage.

1. Jesus’ description of remarriage after divorce as “adultery” (Mt 19:9 and parallels), which implies that a divorcee is still married. However, Jesus was specifically referring to the new “Any Cause” divorces rather than all types of divorce. So rather than saying in this text that marriage lasts a lifetime, in context Jesus is simply emphasizing that the “Any Cause” divorce was not a valid one.
2. The description of a married couple as “one flesh,” which seems to imply a permanent condition that can only end with death (Mt 19:5-6 and parallels). Paul points out that, sadly, people can become “one flesh” with prostitutes (1 Cor. 6:15-20) and says that this is a very serious sin because Christians are a temple of the Holy Spirit. But he does not say that a “one flesh” relationship with a prostitute is permanent. If it were, he would have had to warn those at Corinth who were converted fornicators (1 Cor. 6:11) that they must remain single because their previous one-flesh relationships prohibited them from getting married. Paul certainly regarded a one-flesh relationship as more intimate than any other, but he did not think that it was, by definition, a permanent relationship. So although the phrase describes a relationship that *should* be lifelong, it does not guarantee that the relationship *will* last for a lifetime.
3. Ephesians 5:32. In the original Greek, Christ’s marriage to the church is described as a “mystery” (Greek *musterion*), but when the Greek was translated into Latin, the word *musterion* or “mystery” was translated as “sacrament.”

These suggestions that marriage is always lifelong turn out to have no biblical foundation, but we must still examine two important texts that both appear to say that only death can end a marriage. These two texts (in 1 Cor. 7 and Rom. 7) are actually more important for what they do *not* say, because although they both say that death can end a marriage, neither of them mentions divorce. Using them to draw conclusions about divorce, then, is a type of reasoning called “an argument from silence.”

We have failed to find any evidence that God gives a lifetime guarantee with every marriage. Although some people may be disappointed by this, there will be others – those who are suffering cruel abuse or who have been deserted – who may be relieved to hear that God does not imprison them in a marriage when their partner has so obviously and painfully broken it up. We have learned that God is not constrained by any supposed universal law that marriage lasts a lifetime, and we have found nothing in the Bible that speaks about any such rule. Instead, we find that Jesus commands those who have been joined through marriage vows that they *should* never separate, but a sinner who disregards Jesus’ command *can* still break up the marriage. The phrase “one flesh” describes a very real unity that married partners find in sexual union, but it is not necessarily permanent – for instance, when that union is with a prostitute. Although marriage is as special as any sacrament, this does not guarantee that it will last forever; marriages *don’t* always last until death. The fact that divorce is absent from two texts does not mean that this silence is significant, especially when divorce would not fit in the context – as in the case with the two texts that are usually cited.

So if Jesus believed that neglect and abuse were valid grounds for divorce, why didn’t he say something about them? The most likely answer is that he did not need to say anything – or he *did* say something but the Gospel writers did not think it was necessary to record it – because the principle was so universally accepted that there was no dispute about it.

There were no debates about the validity of neglect and abuse as grounds for divorce in *any* Jewish literature, for the same reason that there are none about the oneness of God: these principles were unanimously agreed on. **Rather than indicating that Jesus did not accept the validity of divorce for neglect and abuse, his silence about it highlights the fact that he did accept it, like all other Jews at that time.**

When the Shammaites said there was no divorce “except for ‘sexual immorality,’” they did not mean that they rejected the validity of other biblical grounds for divorce. We know this because we have records of debates they had with the Hillelites about these grounds – the neglect of food and clothing. These debates were not about whether or not divorce for neglect was valid – that was accepted; they were about how to *define* neglect. They debated the minimum quantities of food and clothing that had to be provided and the amount of “conjugal love” that was necessary to avoid being charged with neglecting one’s partner.

Christian interpreters have made exactly the same mistake with the words of Jesus. Like the later rabbis, they forgot (or did not realize) that the context of the phrase “nothing except ‘sexual immorality’” was a question about the meaning of Deuteronomy 24:1. Jesus used exactly the same words as the Shammaites in exactly the same context (a debate about Deut. 24:1) with exactly the same people (the Pharisees) in the same time and place (first-century Palestine), so we have to conclude that Jesus and the Shammaites meant the same thing – there is only one valid type of divorce in Deuteronomy 24:1.

Neither he nor the Shammaites implied by this that there is only one valid type of divorce *in the whole of Scripture*. We have concluded that Jesus' words in Matthew 19:9 (and parallels) only exclude divorce for "Any Cause," but does this mean that Jesus accepted the grounds given in Exodus 21:10-11? We can probably assume that he did accept them because if he had not he would have said so. This law in Exodus is not as self-evident to us as it was to first-century Jews so this conclusion is, perhaps, not so obvious to us. Fortunately Paul *does* specifically refer to this law.

In 1 Corinthians 7 Paul refers to the three grounds for divorce in Exodus 21 when he replies to the Corinthians' question about leaving their partners:

"If he takes another wife to himself, he shall not diminish her food,
her clothing, or her conjugal love."
Exodus 21:10

He reminds those who want to stop physical relations with their husband or wife that they had made a vow to share "conjugal love" with them ...

"The husband should fulfill his marital duty to his wife, and likewise the wife to her husband. The wife does not have authority over her own body but yields it to her husband. In the same way, the husband does not have authority over his own body but yields it to his wife. Do not deprive each other except perhaps by mutual consent and for a time, so that you may devote yourselves to prayer. Then come together again so that Satan will not tempt you because of your lack of self-control."
1 Corinthians 7:3-5 (NIV)

Later in the chapter, when he suggests that people should postpone their marriage plans because of the famine, he reminds them that marriage involves promising to clothe and feed their partner, which he summarizes as being "anxious about worldly things, how to please" each other ...

"I would like you to be free from concern. An unmarried man is concerned about the Lord's affairs—how he can please the Lord. But a married man is concerned about the affairs of this world—how he can please his wife— and his interests are divided. An unmarried woman or virgin is concerned about the Lord's affairs: Her aim is to be devoted to the Lord in both body and spirit. But a married woman is concerned about the affairs of this world—
how she can please her husband."
1 Corinthians 7:32-34 (NIV)

Therefore, although Paul does not specifically say that these three areas of neglect can be grounds for divorce, the fact that he talks about them as obligations implies that he accepted them and agreed with them. The Scripture text from which they come (Ex 21:10-11) is primarily concerned with releasing the neglected person from the marriage; thus the three obligations are merely a secondary meaning inferred from the grounds for divorce in this text.

If Paul did not accept these grounds for divorce, he would not have used these verses as a basis for his teaching on the obligations within marriage. As well as these three grounds of divorce for neglect, Paul presumably also allowed divorce on the ground of adultery. Although he does not say so, most interpreters assume that he did allow this because Jesus allowed it.

Another reason for believing that he allowed it was because, like these three grounds of neglect, adultery was universally recognized as a ground for divorce. Therefore, as with all the other biblical grounds for divorce, Paul would have had to state very clearly that he disagreed with it if he did not want believers to assume that he permitted divorces on these grounds.

In summary, Paul accepts all four Old Testament grounds for divorce. He accepts unfaithfulness as a ground because this was allowed by Jesus (Deut. 24:1), and he also accepts neglect of food, clothing and conjugal love (Ex 21:10-11).

How can we apply and define these four grounds for divorce in the twenty-first century?

Paul does not define the frequency of conjugal activity or suggest fines for withholding it as the rabbis did, but he tells both partners that they should regard conjugal love as if it were a debt that they owe to each other (1 Cor. 7:3-5). Paul is careful not to say that anyone has the right to *demand* conjugal love, but he says that both partners *owe* this support, because love is something that we give and not something that we take. The term *conjugal love* should not be defined as narrowly as “sexual intercourse,” because this can become impractical or inappropriate in cases of illness or frailty.

Physical affection can be demonstrated in many different ways; often a hug is far more appreciated than intercourse. The most difficult question is how broadly we can extend the principle of physical affection. The Hebrew word for “love” in Exodus 21:10 (*onah*) is very difficult to define because it occurs so rarely, but the most likely meaning is “conjugal love,” which is how the ancient rabbis interpreted it. We can accept their interpretation as a good indication of its meaning partly because they had access to ancient traditions about what it meant, but mostly because neither Jesus nor Paul felt that it was necessary to correct any misconceptions they had on this point.

Jesus’ emphasis that divorce should occur only when there is “hardhearted” breaking of vows suggests that he would be against a divorce for something like “falling out of love,” which does not involve the breaking of any vows or any actual harm to either partner. Therefore, although the obligation of providing “conjugal love” in Exodus 21:10 can be regarded as the foundation of a principle of physical affection or even perhaps respect, it should not be spread so broadly that the concept of life long marriage is weakened.

God’s ideal for marriage is for a husband and wife to be faithful to each other and, as we saw in the Old Testament, for them to support each other with food, clothing and conjugal love. If these vows are broken, then there are grounds for divorce.

Most of the historical data presented in this book have been known to Christian scholars for the last 150 years, but theologians have failed to apply the information to the doctrine of marriage and divorce. Virtually every significant commentary on Matthew since 1850 mentions the dispute between the Hillelites and the Shammaites. Before then, the information had been available in the large volumes of rabbinic law that were well known to Jews, though not to Christians.

There is actually a very good reason the church has not reassessed its teaching about divorce and remarriage: *no* church doctrine should change. Preserving the status quo in this case is normally assumed to be the best policy, because God does not change and his truth does not change. Church doctrine should not be allowed to blow one way and then the other simply because society has changed. In fact, **the purpose of this book has not been to argue for a new interpretation of Scripture but for an *old* one, that is, the interpretation of the hearers and readers of the words of Jesus and Paul in the first century.**

In the light of this study a Christian counselor can say with confidence that believers do have grounds for divorce in cases of adultery, abuse or neglect but that Jesus asks us to forgive partners who repent after breaking their vows. Jesus allows us to divorce a “hardhearted” partner, but neither he nor Paul chose to define how much neglect is too much – unlike the rabbis, who defined the minimum amount of food, clothing and conjugal love that was due.