

Divorce and Remarriage

The original PQ Report outlined the problems raised for the traditional understanding of divorce by the writings of David Instone-Brewer (references in the text of the Report). The review of his writings formed the major part of the work of the Panel.

Can I first set all this against the background of obvious difficulties in reconciling some Biblical passages?

At first sight, in Mark 10:11,12 Jesus seems to say that anyone who divorces his wife and remarries is committing adultery; in Matthew 19:9 he seems to say there is only one ground of divorce – adultery; and in 1 Cor.7:15, the Apostle Paul seems to allow a further ground for divorce – desertion.

How do we reconcile all this? The WC position is that there are two grounds for divorce – adultery and desertion. But does this do justice to all the Biblical material on divorce, including the OT – Deut.24 and Ex.21?

In addition to that, there is the historic situation - that this whole question has plagued the Church down through the centuries and it never seemed to come up with a consistent position.

These are the kinds of questions that led David Instone-Brewer to re-examine the Biblical texts in light of recent discoveries from Jewish literature, roughly contemporary with Jesus and Paul.

His conclusions are as follows:

- Generally OT practice followed the pattern of marriage customs in the Ancient Near East. It was only when God's law differed, that it was included in Scripture – eg. Ex.21 and Deut.24 – and in these cases it was to protect women's rights in a divorce situation.
- In Deut.24, if a husband was divorcing his wife, he had to give a written certificate and she was free to remarry.
- In Ex.21, which concerns the rights of a slave wife, states that if a man then marries a second wife, he must not deprive the first wife (the slave wife) of her food, clothing and marital rights. But if he does deprive her, she is to go free (free from slavery, and free to remarry).

- This means that more was involved in marriage covenants than mere sexual faithfulness – there was the obligation to provide food, clothing and marital rights – which is still reflected in marriage vows today with phrases like “Love honour and cherish” or “love, comfort, honour and keep” – and that depriving a spouse of any of these was grounds for divorce.
- Now we come to Jesus. The full account is given in Matthew 19:1-12. DIB argues that Mark gave a shortened account because he was writing earlier and people would still be familiar with the customs and debates underlying the Pharisees’ discussion with Jesus.
- One of the main points here is the words “for any cause”. DIB shows that this was related to a contemporary debate between two schools of Jewish thought – following Shammai or Hillel. Based on a particular interpretation of Deut.24:1, Hillel held that a husband could divorce his wife for any reason. By contrast, Shammai interpreted Deut.24:1 to refer to sexual immorality.
- Therefore, Jesus was siding with Shammai against Hillel, but this did not say anything about the other grounds for divorce – such as depriving the spouse of food, clothing and marital rights. This ties in with Paul’s declaration about desertion.
- Another important point DIB brings out concerns the meaning of “hardness of heart” – “Moses permitted divorce because of your hardness of heart”. This is not a case of God conceding rights to a man because he was hardhearted, but God giving divorce rights to the woman because of the hardness of heart of their husbands in not keeping the marriage covenant.
- The conclusion DIB draws is that the Church reached mistaken conclusions about divorce for two reasons. First, after the destruction of Jerusalem, the Church was cut off from its Jewish roots, and was only familiar with the “any cause” divorce. Second, because of the extremely lax sexual morality in the ancient Greek/Roman world, they began to react very much against sexual relationships in general.

As the Conclusion was omitted by mistake from the printed Assembly Reports, I intend to read it (with perhaps some comments) – as this sums up the Panel’s conclusions:

3.7.1 Conclusion It is quite clear from Scripture that marriage is regarded as sacred and is intended to be lifelong. The key

passage appears first in Genesis 2, with regard to the first married couple: “A man shall leave his father and mother, be united to his wife and they will become one flesh” (v.24). It is quoted by Jesus in Matthew 19, where he adds, “Therefore what God has joined together, let man not separate” (v.6). It is quoted again by the Apostle Paul in Ephesians 5:31, where he is using the marriage bond of love as an illustration of the relationship between Christ and his Church. If husbands are to love their wives as Christ loves the Church, that love is to be permanent.

3.7.2 However, we have to face the reality (and the Bible faces the reality) that married love between sinful human beings is sometimes not permanent. Because of the hardness of human hearts, the marriage bond is destroyed by adultery, desertion, neglect or abuse.

3.7.3 In such cases the Bible allows for divorce. However, it must be recognised that although it may be a remedy for an intolerable situation, it is not a cure. Once the marriage bond is broken, nothing can put everything back together again. This is particularly true where there are children involved. God’s design is that children are brought up in the stable, loving and safe environment of their parents’ marriage. While it is true that through death children may be brought up by a single parent or parent and step-parent, that situation is different, because their other parent is not still around. Inevitably, in divorce children are caught up in the tensions, the arguments and the divisions, not only of their parents, but of the wider community of family and friends. It is not impossible that, by the grace of God, children may not only survive such a situation, but develop normally, but the odds are stacked against them.

3.7.4 But this is not only true with regard to the children. Separation and divorce tear at the very heart of husband and wife. They are hurt at the most vulnerable place of all — the place of love and compassion and tenderness. God has declared that they are one. They cannot simply be separated back into the same two individuals they were before.

3.7.5 Nevertheless, it must be recognised that the Bible does allow for the remedy of divorce and remarriage, and it appears from Instone-Brewer’s study in particular that the Bible allows for divorce not only in the cases of adultery and desertion, but also in

the cases of neglect and abuse. But it must be stressed that divorce is not mandatory, even in the case of adultery. Hosea was commanded to redeem his adulterous wife as an illustration of the forgiving grace of God for a spiritually adulterous Israel.

3.7.6 It should also be stressed that there is no indication in Scripture that there is any instance where divorce is permitted, but not remarriage. Both Old Testament and New make it clear that where divorce is permitted, remarriage is also permitted (Exodus 21:11, 1 Corinthians 7:15). “Free” and “not bound” mean “free to marry”.

3.7.7 What about the “guilty party” in a divorce? The whole concept of “guilty party” is no longer recognised in civil law, as the only ground for divorce now is “the irretrievable breakdown of marriage”. However, in the eyes of God, the person who commits adultery or deserts or neglects or abuses their spouse is guilty.

3.7.8 But is the guilty party free to remarry? It is difficult to see why not. If a true Biblical divorce is granted, then the marriage is ended and both partners are free to remarry. However, if a Christian marriage is being sought by the person responsible for breaking the original marriage, there should be genuine evidence of repentance.

3.8 Where do we go from here? The Study Panel is proposing that this report be remitted to Presbyteries for their careful consideration and responses in good time for the Study Panel to report to the 2012 General Assembly, which Report will also relate the Panel’s findings to the legal situation today and will include practical guidelines for ministers.