

Divorce and Remarriage

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- Is it God-permitted that man and woman divorce and remarry?
- Does God approve that someone marries a divorced person?

I believe it necessary to adopt a methodological order to deal with this sensitive and controversial issue:

First, analyze the passages that more clearly and directly deal with the subject and then study those more difficult to understand at their light. The revelation of the Old Testament appears gradually and progressively until Christ is manifested, who is the revelation of God for all men in all times. This is why I believe it is better to begin with the passages found in the New Testament. Then, I believe we need to start with the words of Jesus found in the gospels, to then consider the passages in the Old Testament at their light.

Second, focus on the general rule for the subject to then deal with the exceptions. If we first deal with the exceptions without establishing the general rule, we would end up making the exception the rule, distorting thus the teaching of the Lord.

Third, resolve the biblical aspect of the matter and only then the pastoral aspect. This means that the pastoral treatment of the particular cases constitutes the second instance. If we consider the cases without having a defined biblical understanding, we run the risk of performing judgment based on human feelings and rationalism, as opposed to judgment based on the Word of God.

What Jesus Said on the Matter

To follow the proposed order, let's consider first Jesus' declarations over Divorce and remarriage, and those that without question are clear, complete and determining. We will first focus on the general rule and then on the only exception rule given by Moses and mentioned by Jesus.

We can find four instances in the Gospel in which Jesus speaks on the particular:

¹¹ *And he saith unto them, Whosoever shall put away his wife, and marry another, committeth adultery against her. ¹² And if a woman shall put away her husband, and be married to another, she committeth adultery. Mark 10:11-12 (KJV)*

¹⁸ *Whosoever putteth away his wife, and marrieth another, committeth adultery: and whosoever marrieth her that is put away from her husband committeth adultery. Luke 16:18 (KJV)*

³² *But I say unto you, That whosoever shall put away his wife, saving for the cause of fornication, causeth her to commit adultery: and whosoever shall marry her that is divorced committeth adultery. Matthew 5:32 (KJV)*

⁹ *And I say unto you, Whosoever shall put away his wife, except it be for fornication, and shall marry another, committeth adultery: and whoso marrieth her which is put away doth commit adultery. Matthew 19:9 (KJV)*

As we can observe, Jesus establishes a general rule and an exception clause on this delicate question. The exception clause is "*except it be for fornication*".

It may be highlighted that neither Mark nor Luke includes the exception clause; it is only mentioned by Mathew in the two verses above. (I will later mention my understanding on the fact that Mathew is the only one including this exception).

The General Rule

As I pointed before, we first need to clarify the general rule established by the Lord. We will later address the exception clause.

It is obvious that the general rule involves the cases in which persons divorce and marry again without the existence of the cause of "fornication"; those that do it simply because they don't love each other anymore, they don't get along, or because of other reasons not included in the exception clause.

Let us analyze some possible cases:

Case 1: Does God allow a man to divorce his wife and marry another? Or, does God allow a woman divorce her husband and marry another?

Answer: (I am not adding any human explanation or interpretation; I am only limiting to the transcription of the plain and determining answer given by Jesus):

... Whosoever shall put away his wife, and marry another, committeth adultery against her. ¹² And if a woman shall put away her husband, and be married to another, she committeth adultery. Mark 10:11-12 (KJV)

Case 2: Can a woman who has been put away marry another man? (The same question applies for the case of a man that has been put away by his wife). Answer:

³² *But I say unto you, That whosoever shall put away his wife, saving for the cause of fornication, causeth her to commit adultery: and whosoever shall marry her that is divorced committeth adultery. Matthew 5:32 (KJV)*

Case 3: Does God allow somebody to marry a divorced person? Answer:

...and whosoever shall marry her that is divorced committeth adultery (Mat 5:32, 19:9, Luke 16:18)

Case 4: We have seen that if a man divorces his wife and remarries commits adultery. But, does his adultery free his first wife to marry another man? Answer:

¹⁸ *Whosoever putteth away his wife, and marrieth another, committeth adultery: and whosoever marrieth her that is put away from her husband committeth adultery. Luke 16:18 (KJV)*

What is the spiritual condition of these people before God?

According to the statements of Jesus, those who divorce and marry again, or those that marry divorced persons are in adultery. All the texts repeat this in a plain and determining way. What is serious concerning people that continue to be in such illicit relationships is that they continue to be in adultery. When Jesus met the Samaritan woman who was in such condition said to her:

For thou hast had five husbands; and he whom thou now hast is not thy husband. John 4:16-18 (KJV)

Jesus is Questioned by the Pharisees

Mat. 19:3-32

They came to Jesus with this question:

Is it lawful for a man to put away his wife for every cause?

Mathew and Mark say that their reason for this question was to tempt Jesus. They wanted to catch Jesus in some contradiction with Moses to discredit him as sent by God. But Jesus never contradicted Moses. He declared:

¹⁷ *Think not that I am come to destroy the law, or the prophets: I am not come to destroy, but to fulfil. Matthew 5:17 (KJV).*

Moses did not speak on his own account but on God's account and the same did Jesus. Jesus and Moses agreed in every aspect of moral law. Jesus did not demand a higher standard of justice than Moses, but higher than that of the scribes and Pharisees, who applied a wrong and tendentious interpretation of the law.

The Answer Given by Jesus

To the Pharisees question Jesus gave a clear "no". And he based his "no" citing the very Moses and the passage found in Genesis 2:24. This being the foundational law established by God when instituting marriage:

²⁴ *Therefore shall a man leave his father and his mother, and shall cleave unto his wife: and they shall be one flesh. Genesis 2:24 (KJV)*

(It is interesting that in Mark's Gospel, when speaking of this same instance, he says that the Pharisees only asked if it was licit for a man to divorce his wife, without including "for any reason". And Jesus' answer found both in Mark and Mathew is the same).

The Pharisees Counterattack

They believed they had finally found Jesus contradicting Moses when He gave them the "Genesis" answer, and insisted: "*Why did Moses then command to give a writing of divorcement, and to put her away?*" like saying "why do you say "no" when Moses said yes".

Jesus didn't ignore the only exception in the divorce Law found in Deuteronomy 24:1-4. But the Pharisees, hiding behind that exception (we will analyze it later) had turned divorce into a valid alternative allowed by God beyond his will, and the exception had become almost the general rule as it happens in our days.

So Jesus now signals the reason for the exception clause:

⁸ He saith unto them, Moses because of the hardness of your hearts suffered you to put away your wives: but from the beginning it was not so. Matthew 19:8 (KJV)

The only case of Divorce Allowed in the Old Testament

¹ When a man hath taken a wife, and married her, and it come to pass that she find no favour in his eyes, because he hath found some uncleanness in her: then let him write her a bill of divorcement, and give it in her hand, and send her out of his house. ² And when she is departed out of his house, she may go and be another man's wife. ³ And if the latter husband hate her, and write her a bill of divorcement, and giveth it in her hand, and sendeth her out of his house; or if the latter husband die, which took her to be his wife; ⁴ Her former husband, which sent her away, may not take her again to be his wife, after that she is defiled; for that is abomination before the LORD: and thou shalt not cause the land to sin, which the LORD thy God giveth thee for an inheritance. Deuteronomy 24:1-4 (KJV)

This text signals two things. First is the time aspect. The moment in which divorce is allowed is when the marriage has just been consummated: "*When a man hath taken a wife*". The second aspect found in this passage is: "*and it come to pass that she find no favour in his eyes, because he hath found some uncleanness in her*". Since this expression is not very clear, it had given place to different interpretations among the Jews. In the days of Jesus, the more liberal, those of the school of Hillel, believed that divorce was allowed for any reason. Other followed the interpretation of the rabbi Sammai, who affirmed that "*some uncleanness*" referred to adultery.

Verses 2-4 in this passage point at several things:

- That the divorce had to be done formally, in writing, and it was of a final and definite character.
- That in this very only case, the divorcees were free to marry another person, since it practically implied an annulment of the recently celebrated marriage.
- That the husband in this divorce would not be allowed to marry again the wife put away in the case that she would marry someone else after the divorce.

The principal difficulty of this passage is found in verse 1, because of its apparent lack of clarity. So Jesus (who never ran into a contradiction with Moses) gave the correct interpretation when declaring:

And I say unto you, Whosoever shall put away his wife, except it be for fornication, and shall marry another, committeth adultery: and whoso marrieth her which is put away doth commit adultery. Matthew 19:9 (KJV)

The Exception Clause

What is the meaning of “*except for fornication*”? The key to well interpret these words of Jesus is to know the meaning of the word “fornication” specifically in this passage. It would be wrong to apply to this passage all the meanings that the word “fornication” has in the entire Bible, since we know that in the Scripture one word can have different meanings.

Let us see some examples of this.

The word “world” (in Greek, “cosmos”) is used in the Scripture to mean different things in different passages: in Ephesians 1:4 it is a synonym of “universe”, in psalm 24:1 of “planet earth”, in John 3:16 of “all humanity” and in 1 John 2:15 it means the “system of today’s society, rebellious and enemy of God”.

The same happens with the word “flesh” (in Greek, “Sarx”). Sometimes it is used to speak of the physical aspect, the body, in other occasions of humanity, in others of human fragility, and other times of human nature. In the same way, the word “fornication” (in Greek, “porneia”) is used to speak of at least 5 different meanings:

- Sexual relations between singles (1 Cor 7:2, Dt 22:21, Lv 19:29, 1 The 4:3-4)
- Illicit union, forbidden by the word of God (1° Co. 5.1; ver Dt. 22.30; Lv. 18.8; Dt. 27.20).
- All types of sexual sin, adultery included (1° Co. 6.13-18; Nm. 25.1).
- Prostitution, commercial acts of prostitutes, the Greek word for “prostitute” being “porne” (Le. 15.30; 1° Co. 6.16).
- Idolatry, spiritual unfaithfulness (Jer. 3.6; Ez 23; Rev 17.1-2).

It results clear that we cannot use all meanings here listed to explain the word “fornication” in each case. Now, who will have the say to determine the meaning of the word in the exception clause? The right interpretation is given by the logical sense of the text, its context and the rest of the Scriptures. Christ affirms in Luke 16:18 “*Whosoever putteth away his wife, and marrieth another, committeth adultery: and whosoever marrieth her that is put away from her husband committeth adultery*”. We find here that the adultery committed by the man does not free his innocent wife to marry again.

The very same text in Mt 19:9 where the exception clause is mentioned, makes us discard “adultery” as a possible meaning for “fornication” , since Jesus warns us that the innocent wife that has been put away commits adultery if she marries another man. Thus, we can’t consider adultery as a cause for divorce with the possibility to marry again.

Based on the meaning of the text and other similar passages, the word “fornication” in Mt 19:9 and 5:32 is not used to mean “adultery”. The two possible meanings are: Having had sexual relations while being single or being in an illicit relationship that needs to be dissolved.

It is also important to note that Jesus never said "saving for the cause of adultery" (in Greek, "Moicheia"). He always said "*saving for the cause of fornication*" (in Greek, "Porneia"). And when a divorced person marries another, Jesus never says that such commits "porneia", but "moicheia". "*And I say unto you, whosoever shall put away his wife, except it be for fornication [porneia], and shall marry another, committeth adultery [moicheia]: and whoso marrieth her which is put away doth commit adultery [moicheia].*" (Matthew 19:9)

The same statements of Jesus in Mt 5:32 don't let us give "porneia" the meaning of adultery. This would probably explain what Moses said in Dt 24:1-4 "*When a man hath taken a wife, and married her, and it come to pass that she find no favour in his eyes, because he hath found some uncleanness in her...*" What can a man find in his wife that is indecent when he marries her? The most probable case is that she is not a virgin. When this situation was found at the moment when two married, there were two possible processes to follow according to the Law. If there was litigation within the couple, the husband could start a public judgment, or he could write a letter of divorce which could not be reversed. Dt. 22:13-21 explains the first process in which an official judgment was required. If the new wife's virginity and innocence was proved, the husband needed to pay a fine to her father "*and she shall be his wife; he may not put her away all his days*" (V.19). But if he could make his case and prove that she was not a virgin when marrying him she had to be stoned to death (v. 20-21)

Dt 24:1-4 points to another possible process for the same case. Here if the husband wanted to annul the recent marriage "*because he hath found some uncleanness in her*", indecency that she didn't deny, he wrote a letter of divorce, he would hand it to her and both remained free.

Christ refers to these cases when He says "*saving for the cause of fornication*". So only in these circumstances can a man and the wife that has been put away (or the next man who marries her) divorce and remarry without committing adultery. Of course the husband can always forgive her and receive her as his wife until death.

So Moses' and Jesus' teaching agree. Christ doesn't contradict Moses but ratifies and clarifies his teaching. Why is Mathew the only evangelist to add the exception clause? I believe that since Mathew writes his gospel for the Jews, he is careful to mention the exception to make sure he makes clear Jesus respect for Moses. The exception clause in reality has a very limited and remote application today.

What was the intention or purpose of the law in Dt 22 and 24?

- To warn all the young ladies and girls in Israel to maintain their virginity until marriage
- That if a young woman had lost her virginity, knowing the risks she was facing through this law, should confess this to her future husband (the same had to do the man).
- That in the case that she was in fault and he would not want to keep her as his wife for the rest of his life, there would be a peaceful option to resolve the conflict without having to incur in a public judgment and the resultant death penalty.

- That the man that rejected the woman would not have any power over her from then on
- To free both to marry again since this was almost an annulment of the recently celebrated wedding

The Instructions of the Apostle Paul

1 Cor 7. This is the most extensive and perhaps only passage in the apostolic letters that deals with this issue. Based on what verse 1 says, Paul is responding to a series of questions presented to him by the brethren of Corinth. This is one of the few occasions in which Paul clearly distinguishes between what the Lord says and his own personal opinion. Framed within this personal counsel he recommends to the single, the maids and the widows to remain celibate as himself if they can contain, to dedicate more freely to the Lord. But he makes it very clear that if they marry they are not committing sin, and they do good to do so and even better if they stay single. But he never says to divorcees that if they marry again they are not committing sin.

In verses 10 and 11 he speaks of the condition of the married.

¹⁰ And unto the married I command, yet not I, but the Lord, Let not the wife depart from her husband: ¹¹ But and if she depart, let her remain unmarried, or be reconciled to her husband: and let not the husband put away his wife. 1 Corinthians 7:10-11 (KJV)

The Lord says clearly that she should not depart but if the separation would anyway happen (by means of disobedience to Him, or because staying together has become unsustainable, or because the unbelieving husband decides to go or divorce), there are two alternatives: *“let her remain unmarried, or be reconciled to her husband”*.

Separation is a first evil which we sometimes need to accept. To marry again would constitute a second error, much more serious than the first, since it would mean, according to the words of Jesus, to commit adultery. That is why Paul emphasizes: *“yet not I, but the Lord”*.

In verses 12-16 Paul speaks of a marriage in which one of the two becomes a disciple and the other doesn't. If we carefully read these verses we note that:

- The believing spouse should not abandon the unbelieving one
- If the unbelieving spouse leaves, the believing one needs to accept this peacefully.
- In no place in the chapter is found that the believing spouse that is abandoned by the unbelieving spouse can remarry.

Those that see in verse 15 freedom to marry again are taking the verse out of the context. In verses 10 and 11 Paul establishes clearly that if a separation occurs, one must remain single, without marrying again.

Those who argue that the word “depart” (in Greek, “chorizo”) means “legal divorce”, are wrong, since the same verb “chorizo” appears again in verses 10 and 11 of the chapter, where Paul clearly states that none have the freedom to remarry. Furthermore the same term is used

in Acts 1:4 and 18:1. It can easily be seen that it does not refer to a legal divorce but to a simple separation, and in some cases, a temporal one as in the case of Onesimus and Philemon seen in Philemon 15. Therefore at the light of Jesus' and Paul's statements in 1 Cor 7:10-11, verse 15 needs to be interpreted simply as a case of an believing woman abandoned by an unbelieving husband. She is not obliged to live as his wife. She can stay alone and in peace, but the text does not provide freedom to remarry with another man. Those that affirm that the use of "chorizo" breaks, terminate, or annul the marriage until death, are doing so by a simple deduction.

The only case in which Paul says that a woman is free to remarry is if she becomes a widow: "*The wife is bound by the law as long as her husband liveth; but if her husband be dead, she is at liberty to be married to whom she will; only in the Lord*". (1 Corinthians 7:39)

Although Paul speaks of a different matter in Romans 7, he uses the same principle to make his point in verses 2 and 3:

² For the woman which hath an husband is bound by the law to her husband so long as he liveth; but if the husband be dead, she is loosed from the law of her husband. ³ So then if, while her husband liveth, she be married to another man, she shall be called an adulteress: but if her husband be dead, she is free from that law; so that she is no adulteress, though she be married to another man. Romans 7:2-3 (KJV)

Paul here says exactly the same as Jesus. It could not have been any other way. If the married woman remarries another man while her husband is still alive, she shall be called an adulteress. Both for Jesus and Paul the second marriage is adultery.

God Hates Divorce

In the last book of the Old Testament God, through Malachi the prophet, speaks very irately against the priests of Israel. In His strong protest tells them: "*I will even send a curse upon you, and I will curse your blessings*". Why? In this chapter God speaks of three sins: they have not been impartial (v. 9-10), they have profaned the holiness of the Lord marrying pagan women (v. 11-12), and they have divorced their wives:

*¹³ And this have ye done again, covering the altar of the LORD with tears, with weeping, and with crying out, insomuch that he regardeth not the offering any more, or receiveth it with good will at your hand. ¹⁴ Yet ye say, Wherefore? Because **the LORD hath been witness between thee and the wife of thy youth, against whom thou hast dealt treacherously: yet is she thy companion, and the wife of thy covenant.** ¹⁵ And did not he make one? Yet had he the residue of the spirit. And wherefore one? That he might seek a godly seed. Therefore take heed to your spirit, and let none deal treacherously against the wife of his youth. ¹⁶ For the LORD, the God of Israel, saith that **he hateth putting away: for one covereth violence with his garment, saith the LORD of hosts: therefore take heed to your spirit, that ye deal not treacherously.** Malachi 2:13-16 (KJV)*

God hates those that divorce their wives since they fail to keep their word, the covenant they made when they married, to which God is a witness of. God simply hates all divorce and only tolerates the exception pointed by him.

The minimum and the ideal

Some sustain that it is the ideal not to divorce and to live all one's life with the same spouse, but given the reality of sin and human complexity, we need to be more flexible to admit divorce and the possibility of marrying again. This is my question: To whom do we obey, to ourselves or to the Lord? To what word do we yield, to our word or His word? If it is adultery to divorce and remarry for Jesus, to not commit adultery is the ideal or the minimum that God requires? Doesn't God's word say that adulterers are not going to enter the Kingdom of Heaven? (1 Cor 6:9-10).

It is the ideal that the husband loves his wife as Christ loved the Church. It is the ideal that the wife has a peaceful and sweet spirit always, submitting and respecting her husband. The minimum that God requires is that we respect our marriage covenant and don't commit adultery abandoning our spouse and remarrying.

Summary

- To divorce and remarry is to commit adultery
- To marry a divorced person is to commit adultery
- To put away a spouse is to expose him/her to adultery
- The adultery of a spouse does not free the innocent one to remarry
- If a marriage separates, both have two alternatives: stay single or reconcile
- In a mixed marriage, the believing spouse should not take the initiative to separate
- The only case where divorce and remarriage is permitted is when at the moment of celebrating the covenant it is discovered that there has been immorality (and this allowance is granted because of the hardness of the heart)
- The fact that the country law allows divorce does not modify at all the situation of believers, since we are under God's government and His laws that remain forever.