

John Meade

10/11/06

Dr. Stuart Scott

34335 Gender, Marriage, and Sexuality

## Divorce and Remarriage: A Case in which The Scriptures Must Reign Supreme

This paper seeks to defend the position on divorce and remarriage,<sup>[1]</sup> which permits divorce for the two exceptions of marital infidelity and desertion, and the possibility of remarriage for each exception. Before moving to a defense of this position, the other viewpoints should be mentioned and summarized. This step does not simply show scholarship, but also demonstrates that there are a variety of viewpoints that many biblical scholars hold. After the three alternative positions are mentioned, I will advance my position on the DR question.

The first viewpoint of the DR question is no divorce and no remarriage.<sup>[2]</sup> J. Carl Laney succinctly captures the main thrust of this view, "I believe Scripture teaches that marriage was designed to by God to be permanent unto death, and that divorce and remarriage constitute the sin of adultery."<sup>[3]</sup> This view argues for a view of marriage that is permanent or indissoluble until death. When this view approaches an explanation of Matt 19:9, Jesus must be talking about a betrothal period or an incestuous marriage,<sup>[4]</sup> because he has already affirmed the permanence of marriage by quoting Gen 2:24. This view relies on a specialized meaning of *porneia* ("incestuous marriage"), which is a challenge to sustain (see below).

The second viewpoint of the DR question is divorce for the two exceptions, but no remarriage. William Heth, who has since changed his view, has aptly defended this viewpoint in earlier writings, "Even though marital separation or legal divorce may be advisable under some circumstances, Jesus taught that his disciples should not remarry after divorce . . . The New Testament allows Christians to remarry after divorce only in the event that the marriage has been dissolved through the death of one

of the partners.”[5] Heth defends the indissolubility of marriage. Although he will argue for divorce under some circumstances (infidelity and desertion), he does not believe the NT ever grants the right for remarriage in these cases. Rather he argues that the one who remarries commits adultery.

The third view allows for divorce and remarriage under a variety of circumstances. This viewpoint emphasizes three points, “We must approach the question of divorce and remarriage on three levels: (1) we must study relevant texts with careful attention to their context; (2) we must test our interpretation against patterns seen in the whole Word; (3) we must check the harmony of our conclusions against the Scripture’s most basic context, that of the grace of our God.”[6] Richards’s third principle separates his view from the other views. Each view claims to be sensitive to the biblical context and to the whole teaching of Scripture, but Richards moves one step further when he makes a theological leap towards the grace of God. Unfortunately, this idea sets God’s grace against his justice when Scripture does not place the DR question in this tension.[7]

Before moving straight to the typical DR texts, which usually consist of Matthew 19:9 and 1 Corinthians 7:15, I will speak to the question: “What is marriage?” or “What is the nature of marriage?” The answer to this question is foundational to a person’s view of DR. After a discussion of the nature of marriage, I will conclude the section with a brief synthesis of the data. Next, I will look at the two texts which present the only marriage covenant violations, which may dissolve the marriage covenant. All covenants have obligations and violations, and the marriage covenant is not an exception in this regard. However, this paper will argue for only two violations of the marriage covenant, under which violations Jesus Christ has granted permission for the offended spouse to divorce his or her spouse and remarry.[8]

### **The Nature of Marriage**

What is the nature of marriage? How does one even begin to answer this question? In some respects (but certainly not in all respects) the question has affinities with this question: What is Christ’s relation to the Church? Immediately, the question becomes biblical and theological and less emotional and personal. In relation to the DR issue, the most foundational question that must be answered is as follows: theologically, is the marriage relationship dissoluble or indissoluble? [9] I will argue that even though marriage is a covenant, it is still dissoluble for two God-given reasons.

## Marriage as Covenant

The proper place to begin the study of any serious theological question is the beginning of the Bible, the book of Genesis. Not only is this starting point reasonably self-evident, but Jesus and Paul also looked back to Genesis 2:24 in their discussion of the same issue. Therefore, one must look back to God's original intention to interpret what God has revealed to us in the first marriage between Adam and Eve.<sup>[10]</sup> After a brief examination of this text, we will turn to one other passage in the OT, which describes the marriage relationship in terms of a covenant: Proverbs 2:17.

*Genesis 2:24.* The foundation for one's view of marriage must come from this text. In particular, we will look at the phrase, "and they will be as one flesh."<sup>[11]</sup> What does this phrase mean? It is the final clause in a succession of three clauses beginning with, "Let a man forsake his father and mother."<sup>[12]</sup> The following two clauses are then successive. In other words, grammatically, the last clause is connected to the first two clauses in a logical or chronological order. Whatever "one flesh" means, its meaning is dependent on the succession of the first two clauses. The first two clauses contain covenantal language. The man will leave and cleave to his wife in a *voluntary covenantal relationship*.<sup>[13]</sup> One flesh is the consequent of logical/chronological situation: leaving and cleaving, which are covenantal actions.<sup>[14]</sup>

Does this text imply an indissoluble relationship, a relationship that could be compared to a blood (kin) relationship?<sup>[15]</sup> At least two problems exist with this view. The phrases which immediately precede "one flesh" are not the phrases which Heth appeals to for the meaning of "flesh." Heth appeals to the earlier usage of "flesh" in v. 23. Of course, Eve was from Adam's rib, and Adam is correct to call her flesh of his flesh, but is Adam saying Eve is someone who is equivalent to his sister? This argument cannot be sustained from Scripture.<sup>[16]</sup> Rather the phrase, "therefore, a man will leave his father and his mother, and cleave to his wife" precedes the phrase "one flesh," and defines "one flesh" not as kinship, but as a covenant relationship, may or may not be dissoluble for any reason.

The second argument against reading "one flesh" in Gen 2:24 as kinship or indissoluble relationship is in 1 Cor 6:16-17. Paul clearly states that it is the sex act of joining oneself to a prostitute that constitutes becoming one flesh with her. Paul cites Gen 2:24 in support of his statement. Paul uses this text to show the depths of the sin of sexual immorality, but he is clear that

the sex act with a prostitute means a one flesh act. Not many are willing to argue that a Christian's relationship to a prostitute is an indissoluble relationship.

Genesis 2:24 simply indicates a covenantal relationship between husband and wife before God.<sup>[17]</sup> However, the syntax of Genesis leads one to interpret the one flesh language as the result of two preceding actions, and not to interpret the word *basar* from Adam's comment in v. 23 as kinship language. Clearly, from the beginning, marriage was intended to be a permanent covenant relationship before God, although this verse cannot be used to defend a kinship view or an indissoluble view of marriage.

*Proverbs 2:17*. This text clearly refers to a marital relationship as "the covenant with her God."<sup>[18]</sup> The harlot or married woman ("strange woman") is described as one who makes smooth her words, who forsakes the companion of her youth, and forgets the covenant of her God.<sup>[19]</sup> The language of "forgetting" in the OT can best be understood by its opposite "remembering." The latter refers to faithfulness to a promise or covenant (Gen 8:1), whereas the former refers to the breaking or "dismembering" of the covenant obligations. Under the Sinai covenant, the language of "dismembering" almost surely means a resultant divorce (Deut 24:1-4). The woman has broken her God-given obligations and is almost assuredly divorced from the husband of her youth, and now joined to another husband, to whom she is not faithful either.<sup>[20]</sup> According to this text, marriage is a covenant with God. God has imposed obligations on each party in the covenant, as witness to the same covenant. One party may "forget" or "dismember" this covenant with God, resulting in divorce.<sup>[21]</sup>

### **Conclusion on the Nature of Marriage**

Marriage is a covenant ("one flesh" relationship) made between husband and wife and comes with God-given obligations. God is also the witness of this covenant between man and woman, signifying that every marriage is accountable to God, whether the couple realizes it or not.<sup>[22]</sup> Before sin and hardness of heart, this covenant between husband and wife would have been maintained perfectly, but now that sin has entered the world the dissoluble nature of the marriage covenant has been revealed. Deut 24:1-4 clearly affirms that under some circumstances ("the nakedness of the matter"), divorce is permitted. The "nakedness of the matter" probably does not refer to adultery because this offence was punishable by death under this covenant arrangement. Rather, some other

offence was present which would allow a man to write a certificate of divorce and allow the woman to remarry. This type of procedure does not occur in the case of kinship relationships. A brother is always a brother to a sister. There is no certificate for getting out of that relationship. Marriage is simply not presented like this *involuntary* relationship.[\[23\]](#)

## **Divorce and Remarriage**

Viewing marriage as a covenantal relationship with obligations and violations is the foundation for this section. Redemptive history is very important to the DR question. Genesis 2:24 pictures a marital covenant before the Fall, which would have been permanent. The old covenant allows for divorce and remarriage under certain circumstances (Deut 24:1-4). The question is how does the new covenant era view marriage? What did Jesus and the apostles instruct concerning this vital issue? This section will examine Matthew 19:9 and 1 Corinthians 7:15.

### **Matthew 19:9**

Because a full exegesis cannot be provided at this juncture, I will summarize the high points of Jesus' discourse on marriage. Those who argue for the permanence of marriage and no exception have a legitimate case to make from this text's context, but they fail to actually reckon with what 19:9 says. It is true that Jesus returns to Gen 2:24 in Matt 19:5-6 and he places Deut 24:1-4[\[24\]](#) in the context of the Mosaic covenant and states that divorce was instituted by Moses for hardheartedness. This interpretation is sound as far as it goes. However, Jesus has not stopped talking. Jesus introduces another sentence with a very familiar phrase in the book of Matthew ("but I say unto you"), which any reader of Matthew's gospel would recognize as an introduction to the "bottom line" and more importantly the authoritative word of the Messiah Jesus on this issue.

*The Syntax.* Matthew 19:9 reads as follows, "But I say to you, whoever divorces his wife, not on the basis of *porneia*, and remarries another, he commits adultery."[\[25\]](#) Although the syntax is unique, one can make sense of it without resorting to reading clear syntax through different syntactical constructions.

*The Meaning of Porneia.* Those who analyze the syntax in the above manner, but still do not think Jesus is talking about an exception for marriage usually understand the meaning of *porneia* in one

of two restrictive senses: fornication during the betrothal period or some sort of incestuous marriage.[\[26\]](#) *Porneia* poses challenges for understanding its meaning, but it seems that this challenge stems from the broad meaning of the word, "sexual immorality." The word seems to cover the broad range of meaning for illicit sexual behavior, which would include anything from fornication to homosexual sex. There are places where the meaning probably does not mean adultery.[\[27\]](#) There are probably places where it only means incest.[\[28\]](#) If one broadens the scope to other occurrences of the root *porn*- then there are probably places where fornicators are specifically in view.[\[29\]](#) There are places where *porneia* is unqualified and is probably a term used to mean all of the illicit sexual behavior of the Gentiles.[\[30\]](#) In the marriage context of Matthew 19:9, *porneia* has to mean "adultery." Jesus does not mention betrothals at this point because he has already cited Gen 2:24, which supports his case for the permanence of marriage. Matthew uses a common word in a specific context of marriage. *Porneia* means adultery here.[\[31\]](#)

*Conclusion on Matt 19:9.* Jesus clearly affirms the permanence of the marriage covenant and his superiority over Moses and the interpretations of Shammai and Hillel in this text; however, Jesus does not remove every reason for divorce in this text. Jesus allows for divorce in the case of adultery. The text leaves open whether the spouse will divorce his/her covenantal partner for this egregious covenantal violation. Other principles and courses of action (forgiveness and reconciliation and fidelity to one's covenantal companion, even when the covenant is breached, is always preferred over divorce) should be taken before employing Jesus' exceptive clause.

## **1 Corinthian 7:15**

Paul gives his fullest treatment of DR issues in this chapter. His basic principle in this text is, "Stay as you are." If one is married, let him remain as he is, if single, let him or her remain as he or she is. Paul has an eschatological perspective in this text, and he knows that marriage is a temporal blessing of the Lord (7:20). However, if a couple desires marriage and become married, they do not sin. The new covenant era has brought another dimension to the DR question: what about those in believer/unbeliever marriage?[\[32\]](#) In essence, Paul's instruction rests on the Lord's (7:10-11). After this principle, Paul adds his instruction in the case of a believer's and unbeliever's marriage.[\[33\]](#) Paul says that the brother or sister is not enslaved in such cases (i.e. cases of separation or desertion). In

other words, Paul says that the believer is not bound to the unbeliever who wants to leave the marriage.<sup>[34]</sup> This verse does not specifically permit remarriage, but in the context (7:39), Paul does see death as ending the “binding” of a marriage covenant, and granting freedom to remarry in this case. The text most naturally reads in a way where Paul is commenting on the dissolubility of marriage in the cases of desertion and death, and remarriage is specifically allowed in the case of the latter. Paul does not specifically prohibit remarriage in the case of desertion. Therefore, I would argue that Paul would permit remarriage for desertion because it is a legitimate violation of the marriage covenant, and now the remaining spouse has the freedom to remarry.

### Conclusion

In this short paper, I have argued that marriage is ideally a permanent covenantal relationship before God. However, as a covenant relationship, violations and obligations are intrinsic to the marriage relationship. The Bible gives several obligations and exhortations for husbands and wives that are to be obeyed while in marriage, but there are only two biblical violations of this covenantal relationship: adultery and desertion.<sup>[35]</sup> Because adultery and desertion are biblical violations which may potentially end the covenantal relationship, the person violated is free to remarry without reproach. This person remains above reproach, and should be accepted by the church as innocent of sin. On the other hand, when a person divorces his or her spouse for any other reason, church discipline (with love and grace) may be necessary for the parties involved. If someone desires to be remarried after being divorced for a non-biblical reason, the church should discourage this person from pursuing remarriage, and encourage the person in his or her singleness (God will provide the grace for this person) in order to prevent the church member from an adulterous relationship.

---

<sup>[1]</sup> Henceforth, I will use the abbreviation DR for “divorce and remarriage.”

<sup>[2]</sup> Sometimes this view is referred to as the “No, No” view.

<sup>[3]</sup> J. Carl Laney, “No Divorce and No Remarriage,” in *Divorce and Remarriage: Four Christian Views*, ed H. Wayne House, (Downers Grove, IL: Inter Varsity Press, 1990), 16.

<sup>[4]</sup> Laney, “No Divorce and No Remarriage,” 37.

<sup>[5]</sup> William Heth, “Divorce, but No Remarriage,” in *Divorce and Remarriage: Four Christian Views*, ed H. Wayne House, (Downers Grove, IL: Inter Varsity Press, 1990), 73.

[6] Lawrence Richards, "Divorce and Remarriage under a Variety of Circumstances," in *Divorce and Remarriage: Four Christian Views*, ed H. Wayne House, (Downers Grove, IL: Inter Varsity Press, 1990), 219.

[7] In the final analysis, this view does depart from Scripture's specific teaching on DR and will not be interacted with below.

[8] Of course this decision would only be reached after much counsel and prayer from church, family, and godly friends. This paper will not be able to speak to all of the pastoral responsibilities of this decision making process, but some interaction with this area will be given where relevant.

[9] I qualify this question because some might argue on pragmatic grounds that it is dissoluble, people divorce one another every day. The question is, "Does God view the marriage relationship as dissoluble or indissoluble?"

[10] Clearly, much literature has been written on this text, but for the sake of space, secondary literature will be used sparingly.

[11] We will follow the Hebrew text here. The LXX adds "the two" as an interpretive remark of *the same* Hebrew parent text that we have in the MT. In Matthew 19:5, Jesus employs the same interpretive remark validating the additional remark of the LXX translator.

[12] I translate the imperfect as a jussive because prefix forms in clause-initial position usually mark deontic modality. Cf. Peter Gentry, "The System of the Finite Hebrew Verb in Classical Biblical Hebrew," *Hebrew Studies*, 39 (1998): 23.

[13] Heth, "Divorce, but no Remarriage," (74-75). Heth correctly understands Ruth 1:14-16 as containing the covenantal language of Gen 2:24, but he does not mention Ruth's volition to be in this covenant with Naomi. Certainly, this is not a kinship relationship, which comes to someone without choice.

[14] Cf. *IBHS* §32.2.2, though the grammarians actually list Gen 2:24 under § 32.1.2d

[15] Heth, "Divorce, but no Remarriage," (74-75). Heth says, "To be someone's "bone and flesh" is a common expression used in the Old Testament to denote kinship . . . In each case it indicates a permanent relationship of kinship. This is what the abbreviated "one flesh" signifies in Genesis 2:24" (77).

[16] Lev 18:6-18 does not talk about divorce and remarriage, rather v. 18 prohibits one from marrying a woman and her sister. The phrase in Lev 18:6 for "close relative" is not exactly the phrase found in Gen 2:23, but the different word may be a synonym for *basar*.

[17] The words, "And he [Yahweh] brought her to the man" signify that Yahweh is a significant part of this relationship. Not only did he fashion the woman from man, but he brought her to the man. If this language is covenantal, then Yahweh is in all likelihood pictured as a witness in this covenant.

[18] There is some discussion about the meaning of covenant, but the traditional view has regained some prominence. This view takes "covenant of her God" to refer to the marriage covenant, and not the national covenant made at Sinai. Cf. Bruce Waltke, *The Book of Proverbs 1-15*, (Grand Rapids: Eerdmans, 2004), 123.

[19] *Ibid.* Waltke's comments about this woman are germane, "In the synthetic parallel, "forgets" means that she dismembers herself from her former allegiance . . . a synonymous equivalent of "abandon." "Her covenant" means "imposition," or "obligation" imposed on her, more especially her marriage obligations, and the addition "with her God" suggests that the Creator is the witness to, guarantor, and possibly author of her marriage obligations" (123).

[20] Ibid, 124-125.

[21] Malachi 2:14-16 also uses the word "covenant" to describe the marriage relationship. Too many interpretive issues (linguistic and background) surround this text for a paper of this nature. However, two citations from a more recent commentary will suffice to summarize this text. Concerning Malachi on marriage, E. Clendenen says, "What may be in view, then, is a reality that was being neglected. Marriage is not only a union of the flesh *that can be dissolved* but one of the divine Spirit, who "remained," maintaining a unity that survived human efforts to sever it" (355; emphasis added). Again, Clendenen says about divorce in Malachi 2:16, "Although the details are less than certain, the view that accounts best for the data of the text understands the issue to be unjustifiable divorce, that is, for reasons other than 'something indecent' in the wife (Deut 24:1)" (368). Malachi upholds the covenant of marriage which was initiated from the beginning, but his condemnation of divorce is not general or absolute. According to Clendenen, Malachi is confronting a non-biblical divorce, which was not meeting the criterion of Deut 24:1. Men were divorcing their wives and taking new ones to themselves for personal gain and greed. Malachi called them back to fidelity and their role as provider of good things for their wives (369-370, Clendenen). For a discussion of the grammatical issues involved see, E. Ray Clendenen and Richard Taylor, *Haggai, Malachi*, (Nashville: Broadman and Holman Publishers, 2004), 342-370. Also cf. David Clyde Jones, "Malachi on Divorce," *Presbyterion* 15 (1989): 16-22. These explanations of the Masoretic text are far superior to the NIV emendation which says "I [Yahweh] hate divorce" in verse 16. The verb in the clause is actually a third person masculine and not a first common singular.

[22] Andreas Köstenberger and David W. Jones, *God, Marriage, and Family: Rebuilding the Biblical Foundation*, (Wheaton, IL: Crossway, 2004), 91.

[23] The voluntariness of marriage is the real difference between the kinship view and the covenantal view. Some may argue that the wife did not volunteer because the marriage was arranged, but the point still stands. It was the father's and husband's wills that brought about the marriage. Marriage is still a voluntary covenantal relationship [contra kinship], which once entered into becomes a covenant and a permanent relationship with only God-given exceptions for dissolving it.

[24] The reference to "certificate of divorce" almost certainly makes this text the probable background. This text assumes the possibility of remarriage after a certificate of divorce "has been placed in the hand". Indeed, the purpose of the apodosis (v. 4) protects a woman who has been divorced *and remarried* from going back to her former husband, who sent her away in the first place. The text specifically distinguishes between the "former husband" and "the coming after (latter) husband."

[25] A straightforward reading of the verse in Greek shows that one subject governs two verbs in the subjunctive ("divorces" and "marries another") with an exception clause in the midst of these two verbs, and the main verb ("he commits adultery"; the verb of the apodosis) follows the entire conditional-relative clause. This reading of the syntax means the person who divorces for any other reason other than *porneia* and marries another, he commits adultery. The converse is true as well: If a person divorces in the case of *porneia* and remarries, he/she does not commit adultery. This paper agrees with D.A. Carson's paraphrase of this verse, "Anyone who divorces his wife and marries another woman commits adultery—though this principle does not hold in the case of *porneia*" (416). D. A. Carson, *Matthew*, in vol. 8 of the *Expositor's Bible Commentary*, ed. Frank E. Gaebelin and J.D. Douglas, (Grand Rapids: Zondervan, Regency Reference Library, 1984), 416. Against this reading of the syntax, see Gordon Wenham, "The Syntax of Matthew 19:9," *JSNT* 28 (1986): 17-23. Wenham argues that the protasis of this verse is unique and should read, "(A) To divorce except for *porneia* is adulterous. (B) To divorce and remarry is adulterous" (18). He only applies the exception to the first verb, which creates two cases (propositions) in the text. The end result of the reading causes all remarriages to be adulterous. Wenham acknowledges from the outset that the syntax of 19:9 is unique to Matthew and the NT. In his opinion, the closest construction is Matthew 7:21, though he acknowledges, "However one must suppose that the present construction [19:9] has been deliberately chosen in preference to that in 7.21. 7.21 is clearly contrasting 'saying, Lord, Lord' with 'doing the will of the God'" (21-22). The same situation does not apply to Matt 19:9.

[26] See Thomas Edgar, "Divorce and Remarriage for Adultery or Desertion," in *Divorce and*

*Remarriage: Four Christian Views*, ed. H. Wayne House, (Downers Grove, Ill: Inter-Varsity, 1990), 173-87, for an adequate refutation of these views.

[27] 1 Cor 6:13, 18.

[28] 1 Cor 5:1-2.

[29] *Pornos* is used in Hebrews 13:4 and 1 Cor 6:9. In both places the word for adulterers is also used, so the author probably has two types of people in mind. The latter verse also contains the two terms for a homosexual relationship, so  *pornos* probably does not include this variety of illicit sex as well.

[30] Acts 15:20, 29. Because of the focus on the Mosaic Law in this context, one should go back to the Law for a definition of *illicit sexual relations*, not necessarily those practices which legitimate marriages might be free to do under the NC (e.g. the law concerning sexual relations while a woman is on her period).

[31] Köstenberger, *God, Marriage, and Family*, 233. Köstenberger demonstrates that the verbal forms of *porneia* and *moicheia* ("adultery") are used interchangeably in Jer 3:8-10 and Hos 2:2-5a [LXX 2:4-7a]. These texts do not prove that *porneia* means "adultery" in Matt 19:9, but these texts show that *porneia* may mean adultery, and does mean adultery in the poetry of the Prophets.

[32] The old covenant did not have this same problem because all ethnic Jews were apart of the old covenant. The new covenant requires believers to be married to one another.

[33] Paul does not rely on the immediate instruction of the Lord here, but as apostle of the Lord Jesus Christ, he speaks for the Lord to the churches on this issue (7:25).

[34] The word choice of *douloō* over *deō* (7:39) may be stylistic, or Paul may be distinguishing between circumstances in this case. The first refers to a believer and unbeliever marriage, whereas the second is most likely referring to a marriage union between Christians where no "separation" has taken place, but the woman wants freedom to remarry anyway. Roman law since the 1<sup>st</sup> century B.C. gave the freedom for a woman to decide a divorce (s.v. "Marriage Law" in the *Oxford Classical Dictionary*). Paul may be addressing this question in the latter part of the chapter. A distinction must be seen between 7:15 and 7:39 or Paul has contradicted himself within less than thirty verses.

[35] Of course death frees the living spouse to remarry.