

What About Divorce?

Written by admin

Monday, 17 December 2012 14:26 - Last Updated Monday, 17 December 2012 14:57

What About Divorce?

by Brian Allison



Divorce is often a messy deal. It is typically a painful ordeal. Various psychologists agree that the emotional impact of divorce is second only to that of the death of a spouse. The subject of divorce is not an abstract matter for me. My mother went through a divorce; so did my brother. At present, I am separated from my wife. It is a 'no win' situation for everyone involved. The children of divorced parents are usually the biggest 'losers'. The conclusion of a five-year study by Mavis Hetherington of the University of Virginia reveals that "small boys are the worst victims of divorce and their painful attempts to adjust often lead them into a mutually destructive conflict with their mothers" (Cited in Dads Only, Vol. 2, No. 9, September 1979). Ray Sutton, in his book, *Second Chance: Biblical Principles of Divorce and Remarriage*, states, "In the past fifty years, the number of divorces in the U.S. has soared 700 percent. In 1940 there was one divorce for every six marriages, while in 1980, there was one for every two marriages. A million and a half unmarried couples are living together. The household units headed by unwed mothers grew from 234,000 in 1970 to more than a million in 1980 (up 350 percent)" (p. 5). Stanley A. Ellisen, in his book *Divorce and Remarriage in the Church*, writes, "In addition to this increase in legal divorce, another type of separation has become popular and should be noted to get the full picture. Andre Bustanoby, a marriage counselor and researcher from Bowie, Maryland, has noted that desertions (called the "poor man's divorce") almost equal the number of legal divorces. This suggests that divorces and separations already are outnumbering marriages today. These figures, however, do not include the countless common-law arrangements and break-ups which have increased in our age among both the young and the old" (p. 14).

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Obviously, divorce is a very serious problem in our Western Society, and even in our Western evangelical churches. The divorce statistics vary minisculely between Christian and non-Christian marriages. In this article, we will consider the New Testament's teaching on divorce. My aim is simply to establish general Biblical guidelines which will aid us in understanding and approaching this matter. Divorce is not only a social issue, but it is also an ethical and spiritual one. It is an issue that concerns right and wrong behaviour, as well as behaviour which is pleasing to God. Unfortunately, the typical, contemporary, secular attitude towards divorce has become one of acceptance and indifference. Divorce has acquired the status of normalcy in the general social mindset, and one result of this development has been a change in the legal language and proceedings concerning divorce. Today, for instance, the standard language used in divorce proceedings is a 'no-fault divorce'--no one is blameworthy and culpable; the couple can be released from marital obligations and responsibilities, with moral impunity, in order to start life anew. Such a mindset and language bleeds the intrinsic, ethical, and spiritual character from this very serious social ill, with the result being an implicit, and destructive, relativizing and subverting of God's moral absolutes.

I. Foundational Considerations

The Nature of Marriage

I am convinced that if the nature (and significance) of marriage is clearly understood, then many of the questions and issues pertaining to divorce would be readily resolved. In order to understand the nature of marriage, or the essential form marriage assumes, we must turn to Malachi 2. Accordingly we read:

Do we not all have one father? Has not one God created us? Why do we deal treacherously each against his brother so as to profane the covenant of our fathers? Judah has dealt treacherously, and an abomination has been committed in Israel and in Jerusalem; for Judah has profaned the sanctuary of the LORD which He loves, and has married the daughter of a foreign god. As for the man who does this, may the LORD cut off from the tents of Jacob everyone who awakes and answers, or who presents an offering to the LORD of hosts. And this is another thing you do: you cover the altar of the LORD with tears, with weeping and with groaning, because He no longer regards the offering or accepts it with favor from your hand. Yet you say, 'For what reason?' Because the LORD has been a witness between you and the wife of your youth, against whom you have dealt treacherously, though she is your companion and your wife by covenant. But not one has done so who has a remnant of the Spirit. And what did that one do while he was seeking a godly offspring? Take heed then, to your spirit, and let no one deal treacherously against the wife of your youth. "For I hate divorce," says the LORD, the God of Israel, "and him who covers his garment with wrong," says the LORD of hosts. "So take heed to your spirit that you do not deal treacherously" ([Mal. 2:10-16](#)).

This passage defines the marriage relationship in terms of a covenant (Heb. - berith) "Though she is your companion and your wife by covenant" ([Mal. 2:14c](#)). Marriage is a moral, religious, and legal contract which is transacted in the presence of God Who serves as the Judge and Avenger of any contractual violation. A covenant is a solemn binding agreement (i.e., a mutual oath) which is realized through the exchange of vows (or pledges). The central

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implication of the exchange of vows is that the contracting parties commit themselves to a faithful observance of the vows, the failure of which results in retribution by the One Who is the prime witness to these vows, namely, God "Yet you say, 'For what reason?' Because the LORD has been a witness between you and the wife of your youth" (

[Mal. 2:14a](#)

). God defends and executes justice for the defrauded innocent party of the broken covenant. Similarly, the book of Proverbs teaches, "For wisdom will enter your heart, and knowledge will be pleasant to your soul...to deliver you from the strange woman, from the adulteress who flatters with her words; that leaves the companion of her youth, and forgets the covenant of her God" (2:10,16,17). So, the one who engages in marital unfaithfulness has despised and rejected a covenant established and ratified in the presence of God. Thus, the Scriptures use the language: "What therefore God has joined together, let no man separate" (

[Mt. 19:6b](#)

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The Biblical language which indicates contractual violation or covenantal unfaithfulness is 'to deal treacherously' - "Do we not all have one father? Has not one God created us? Why do we deal treacherously, each against his brother so as to profane the covenant of our fathers?" ([Mal. 2:10](#)

). Similarly, we read the parallel statement in

[Hosea 6:7](#)

, "But like Adam [or man] they have transgressed the covenant; there they have dealt treacherously against Me." Accordingly, to deal treacherously in a marriage or conjugal relationship culminates in the act of divorce - "But not one has done so who has a remnant of the Spirit. And what did that one do while he was seeking a godly offspring? Take heed then, to your spirit, and let no one deal treacherously against the wife of your youth. 'For I hate divorce,' says the LORD, the God of Israel, 'and him who covers his garment with wrong,' says the LORD of Hosts" (

[Mal. 2:15](#)

,

[16a](#)

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As marriage is the enactment of a covenant; divorce is the dissolution of a covenant. Both must be legally transacted within a public or social setting in order to witness to and establish the validity of the transaction. Accordingly, both marriage and divorce typically require a public statement for the sake of certification.

The Origin and Significance of Marriage

Genesis 2 presents us with the origin and significance of marriage. The author of marriage is God. He instituted this sacred, religious state. The essential significance of marriage is that of union or oneness. Union or oneness is the basis of companionship and personal completion. We read, "Then the LORD God said, 'It is not good for the man to be alone; I will make a helper suitable for him...And the man said, 'This is now bone of my bones, and flesh of my flesh; she shall be called Woman, because she was taken out of Man.' For this cause a man shall leave

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his father and his mother, and he shall cleave to his wife; and they shall become one flesh" ([Gen. 2:18](#)

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[23](#)

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[24](#)

). Thus, the institution of marriage may be defined as a Covenant of Union. The sacredness and solemnity of marriage lies in the fact that two people have become joined into one--mystically, socially, and physically. The physical act of intercourse--body being united with body--is the demonstrative consummation and the symbolic expression of this comprehensive oneness. In fact, the sexual/physical act of intercourse is the actual seal of this covenantal relationship. In the act of physical intercourse, the covenant is ratified, and in the subsequent acts of physical intercourse, the covenantal relationship is reaffirmed.

II. General Principles Governing Divorce

The Grounds for Divorce: Unchastity

The Scriptures teach, "[Jesus says], 'And it was said, "WHOEVER DIVORCES HIS WIFE, LET HIM GIVE HER A CERTIFICATE OF DISMISSAL"; but I say to you that everyone who divorces his wife, except for the cause of unchastity, makes her commit adultery; and whoever marries a divorced woman commits adultery"' ([Mt. 5:31](#) , [32](#)). In mentioning divorce and a certificate of dismissal, Jesus is making particular reference to [Deuteronomy 24:1-4](#)

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When a man takes a wife and marries her, and it happens that she finds no favor in his eyes because he has found some indecency in her, and he writes her a certificate of divorce and puts it in her hand and sends her out from his house, and she leaves his house and goes and becomes another man's wife, and if the latter husband turns against her and writes her a certificate of divorce and puts it in her hand and sends her out of his house, or if the latter husband dies who took her to be his wife, then her former husband who sent her away is not allowed to take her again to be his wife, since she has been defiled; for that is an abomination before the LORD, and you shall not bring sin on the land which the Lord your God gives you as an inheritance.

The basis for issuing a certificate of divorce in ancient Israel was basically one of personal preference, though justifiable grounds could be presented - "and it happens that she finds no favor in his eyes because he has found some indecency in her" ([Deut. 24:1b](#)). The personal judgement of the husband was determinative under the Mosaic dispensation. The justification for divorce was the presence of 'indecency', but indecency primarily judged by the husband. Accordingly, an Israelite husband could pursue a divorce because of virtually numerous reasons, as long as the general charge of indecency could be sustained. Apparently, the Jews came to believe that a man could divorce his wife, in effect, for really any reason. Accordingly, the Pharisees questioned Jesus, "Is it lawful for a man to divorce his wife for any cause at all" ([Mt. 19:3](#)

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In [Matthew 5:32](#), Jesus proceeds to change this 'open--anything goes' policy approach to divorce - "but I say to you that everyone who divorces his wife, except for the cause of unchastity, makes her commit adultery; and whoever marries a divorced woman commits adultery." Jesus does not dismiss the legitimacy or validity of divorce, but rather places a specific restriction on it. Jesus teaches that one cannot divorce for any reason. Divorce is not justified on any grounds. Though the Mosaic Law allowed for divorce for a variety of reasons, Christ presents a new (or the original) teaching in keeping with the coming of the kingdom of God and the age of the Spirit. He reaffirms the original creational design. Thus, in

[Matthew 19:4-9](#), we read:

And He [Jesus] answered and said, "Have you not read, that He who created them from the beginning MADE THEM MALE AND FEMALE, and said, 'FOR THIS CAUSE A MAN SHALL LEAVE HIS FATHER AND MOTHER, AND SHALL CLEAVE TO HIS WIFE; AND THE TWO SHALL BECOME ONE FLESH'? Consequently they are no longer two, but one flesh. What therefore God has joined together, let no man separate." They said to Him, "Why then did Moses command to GIVE HER A CERTIFICATE AND DIVORCE HER?" He said to them, "Because of your hardness of heart, Moses permitted you to divorce your wives; but from the beginning it has not been this way. And I say to you, whoever divorces his wife, except for immorality, and marries another woman commits adultery.

Jesus teaches that the only justifiable grounds for divorce is unchastity--marital unfaithfulness or sexual immorality. Jesus teaches that divorce is no longer a matter of personal preference. Divorce is permissible, but not for a variety of reasons. Jesus thus reaffirms the sanctity and general permanency of marriage.

The Old Testament Law was in the process of passing away--with the death and resurrection of Jesus Christ--with the New Covenant supplanting it. Anticipating the full coming of the kingdom of God, with the outpouring of the Spirit, Jesus teaches in the Sermon of the Mount (Mt. 5-7), and in Matthew 19, a 'New Law' for citizens of the New Covenant. Jesus pronounces the proper conduct which should characterize kingdom living. Accordingly, He teaches that marriage remains intact at all times, regardless of the offense, or regardless of the husband's preference, except when one of the contractual parties has committed sexual immorality (e.g. adultery, homosexuality, etc.).

To divorce a wife (or a husband) for any reason other than sexual immorality thus causes the divorced partner to sin (if he or she enters into a new marital relationship); the partner is put in a situation of committing adultery by remarrying (because the marriage covenant is officially and technically still intact); and, similarly, the one who marries the divorced woman commits adultery ([Mt. 5:32](#)). Further, the one who divorces his partner, apart from justifiable grounds, and remarries, commits adultery ([Mt. 19:9](#)). Both the divorced woman and man, as well as the new partners of the divorcees, would be guilty of adultery because only sexual immorality severs (covenantally and practically) the contractual bond between the husband and wife. Again, marriage is a Covenant of Union. It remains intact until that union is

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dissolved or destroyed. The act of sexual immorality strikes at the very heart of the conjugal or marital covenant, namely, the union, by preempting the original union with a new one. The act of sexual immorality clearly dissolves or destroys the covenant of union because one of the contracting parties has established another physical union with someone else, thereby nullifying the status and significance of the original union that had been made. Therefore, the original covenant (of union) has become insolvent, and, morally and religiously, is no longer in effect.

Accordingly, because unchastity strikes at the very heart of the covenant of union, thereby desecrating the sacred union of a man and woman, and thus effectively nullifies that union, morally and religiously, Jesus teaches that the only grounds for a justifiable divorce is unchastity. Unchastity (or marital unfaithfulness) renders the marriage legally and morally dissoluble (open to the offended party's preference and decision). Accordingly, if the covenant has been sexually desecrated, one is no longer morally and religiously obligated to honour the covenant, and thus he or she is, morally and religiously speaking, exempt from marital responsibility to his or her spouse. The point is that in the desecration of the marriage covenant, the victim is personally, morally, spiritually, and even legally, free from any conjugal contractual commitments. In other words, since marriage is a covenant of union; if the covenant has been broken (thus rescinding the existing covenantal obligations and stipulations)--rendering the covenant no longer viable and integral because of nullification through desecration--the violated party of the original covenant is then free to remarry, being free from all covenantal obligations. The innocent party is free from the 'old covenant' to enter into a 'new covenant'.

Dissolution of the covenant results in freedom

The dissolution of the covenant of union permits the enactment of a new covenant (i.e., remarriage). For example, in another context, we read in Romans 7, "Or do you not know, brethren (for I am speaking to those who know the law), that the law has jurisdiction over a person as long as he lives? For the married woman is bound by law to her husband while he is living; but if her husband dies [dissolving the covenant], she is released from the law [or the covenant's obligations] concerning her husband. So then while her husband is living, she is joined to another man [the original covenant still being intact, and thus in force], she shall be called an adulteress; but if her husband dies, she is free from the law [that is, free from covenant obligations], so that she is not an adulteress, though she is joined to another man [that is, remarried]" (vv. 1-3). Again, the point is simply that when the covenant has been dissolved, when the covenant of union has been broken or has come to an end, the bereaved or offended party is thereby free to enter into a new covenant.

Hence, when Jesus teaches--"that everyone who divorces his wife, except for the cause of unchastity, makes her commit adultery; and whoever marries a divorced woman commits adultery" ([Mt. 5:32](#))--He clearly states that a woman and man remain religiously and morally bound to each other; and only fornication or adultery can sever that bond. In other words, Jesus teaches that someone cannot divorce his or her partner for every, and any reason; and if anyone does, he or she occasions the possibility of adultery. To legally release one's partner on any other grounds than that of fornication or adultery is to fall into sin. Only sexual immorality constitutes the justifiable grounds for divorce (all things being equal). Clearly, Jesus,

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in effect, denounces an open policy on divorce.

The (Amendment) Grounds for Divorce: Willful desertion

1 Corinthians 7 reads, "But I say to the unmarried and widows that it is good for them if they remain even as I [that is, unmarried, living a life of celibacy]. But if they do not have self-control [over their passions], let them marry [so that they have a legitimate context in which to express those passions]; for it is better to marry than to burn [with passion]. But to the married I give instructions, not I, but the Lord, that the wife should not leave [i.e., separate from] her husband (but if she does leave [i.e., separate from], let her remain unmarried, or else be reconciled to her husband), and that the husband should not send his wife away [i.e., divorce her]" (vv. 8-11a). Why must the wife remain unmarried or be reconciled, or why must the husband not divorce his her? The covenant bond stands. They must remain faithful to the covenant. Yet, the wife [or the husband] has the option of leaving her husband (for abuse, neglect, etc.), though she is not free to remarry.

We further read, "But to the rest I say, not the Lord [because Paul makes a concession here, as one who had the guidance and help of the Holy Spirit - [1 Cor. 7:40](#)]], that if any brother has a wife who is an unbeliever, and she consents to live with him, let him not send her away [i.e., divorce her]. And a woman who has an unbelieving husband, and he consents to live with her, let her not send her husband away [i.e., divorce him]. For the unbelieving husband is sanctified through his wife, and the unbelieving wife is sanctified through her believing husband; for otherwise your children are unclean, but now they are holy [that is, as long as that believer is present, there is a sanctifying influence upon the unbeliever and the children]. Yet if the unbelieving one leaves [i.e., separates], let him leave [i.e., separate]. The brother or sister is not under bondage [that is, moral and religious obligation to pursue the relationship] in such cases [which implies that he or she is free to pursue a new relationship, following a legal divorce]. But God has called us to peace. For how do you know, O wife, whether you will save your husband? Or how do you know, O husband, whether you will save your wife?" (vv. 12-16).

With the new state of affairs, given the birth and establishment of the Church and the possibility of a converted believer being married to an unbeliever, the apostle Paul presents a concession to the permanency of marriage in order to meet the pressing exigency. He teaches that if an unbelieving spouse does not wish to remain with a believing spouse, then the believing spouse has justification for following through with a divorce on the grounds of willful separation (or desertion) by the unbelieving spouse. The believer (generally speaking) should not take the initiative. If the unbeliever wishes to remain with the believer, then the believer should not seek a divorce. So, the believer should stay with the unbelieving spouse, but given the extenuating circumstances, if the unbeliever, who is not subject to the principles and laws of the kingdom, chooses to leave, so that the believer has no choice in the matter, nor control over the situation, then the believer is morally and religiously free from any covenantal obligations.

Again, given the uniqueness of the case (i.e., a converted spouse now married to an unbeliever), the apostle allows for the legitimacy of divorce (which would also entail remarriage) for willful desertion by the unbeliever. With willful desertion, the believer is denied the right and

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opportunity to honour the covenantal relationship; and thus God grants a dispensation of grace and mercy (given the fact that these married believers would still have natural sexual urges and drives). The unbeliever, practically speaking, renders void, or ineffective, the covenant by his or her absence or desertion. In his or her absence, the covenant cannot be properly upheld or attended to.

Now, Paul is not contradicting the teachings of Christ. Again, he states, "But to the married I give instructions, not I, but the Lord, that the wife should not leave her husband...and that the husband should not send his wife away" ([1 Cor. 7:10](#) , [11b](#)). However, we should acknowledge and recognize the Biblical-theological principle (i.e., God's truth is progressively revealed as history advances). Jesus spoke within, and in keeping with, His own redemptive, historical context; but He was in a period of transition. He spoke in relationship to, and within, the boundaries of the Mosaic dispensation (even the ordinance of marriage predates the Mosaic dispensation), which was to pass away. The new age of the Spirit was dawning, but had not yet manifested itself; the Church had not yet been birthed through the Spirit; the new covenant had not yet been fully enacted. Paul speaks out of his particular redemptive-historical context, not necessarily something different from Christ, but in keeping with Him (and His message of 'grace and truth'); and in the light of further understanding and revelation, given the actual birth of the Church.

With Paul's further teaching, given the new state of affairs, we do not have contradictory teaching, but rather supplementary teaching, given the progressive nature of the unfolding wisdom of God in, and with, the Church. The new community consists of believers, but these believers may have unbelieving spouses, resulting in some very perplexing and extenuating circumstances; and how can a believer fulfil his or her marital obligation, when there is not the natural cooperation on the part of the unbeliever who is not subject to the principles and laws of the spiritual kingdom?

Summary

We said that marriage is a Covenant of Union. The parties pledge and vow to remain one; and they are one mystically, physically, and socially; and in this covenant of union they are to enjoy companionship, completion, and cooperation. The sexual act is symbolic, and even consummative, of this union. The act of intercourse is a ratification and seal of the covenant; and the continual performance of this act of physical union perpetually reaffirms it. Thus, any disruption or supplanting of this union, through sexually immorality (which directly strikes at the heart of the union) violates and breaks the covenant. Unchastity (adultery, fornication, homosexuality, etc.) nullifies the covenant and releases the innocent party from any further covenantal responsibilities and obligations; and calls down judgement upon the guilty party. Accordingly, on the basis of unchastity, which nullifies the covenant, the innocent party has the option to justifiably pursue a divorce. Further, the innocent party is allowed to marry another, that is, to establish a new covenant. Of course, the Christian should only marry another Christian ([1 Cor. 7:39](#)).

Willful desertion by the unbeliever also nullifies the covenant, since his/her actions makes it practically impossible for the believing partner to honour it and to fulfil his or her covenantal

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responsibilities and obligations. Accordingly, on the basis of willful desertion, which nullifies the covenant before God, the innocent party has the option to justifiably pursue a divorce. He or she is no longer under moral restraint to pursue (or restore) the relationship. Further, the innocent party is allowed to marry another, that is, to establish a new covenant. This justifiable ground for divorce is a practical exception to the rule (sexual immorality), given the new state of affairs arising from the reality of the Church (in a pagan world).

We must remember that God is pleased to take vengeance on the guilty party. [Hebrews 13:4](#) reads, "Let marriage be held in honour among all, and let the marriage bed be undefiled; for fornicators and adulterers God will judge." We understand the significance of this language, when we recognize that a man and a woman in a marital relationship is in a covenant, and God has borne witness to that covenant, and is the Avenger of covenantal violation. The Westminster Confession of Faith, Chapter 24, sections 5 and 6 read, "Adultery or fornication committed after a contract, being detected before marriage, giveth just occasion to the innocent party to dissolve that contract. In the case of adultery after marriage, it is lawful for the innocent party to sue out a divorce: and after the divorce, to marry another, as if the offending party were dead. Although the corruption of man be such as is to apt to study arguments unduly to put asunder those whom God hath joined together in marriage: yet nothing but adultery, or such wilful desertion as can no way be remedied by the Church, or civil magistrate, is cause sufficient of dissolving the bond of marriage: wherein, a public and orderly course of proceeding is to be observed; and the persons concerned in it not left to their own wills, and discretion, in their own case."

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