

Marriage & Divorce

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Synopsis

This paper presents a biblically, theologically & pastorally considered position on Marriage and Divorce. It is developed primarily through reflecting on key biblical texts on these subjects, especially what our Lord Jesus taught and what He did pastoral ministry as recorded in the Gospels. References to Christian books are made to connect this position by setting it in the context of wider Christian literature on these matters.

Introduction

This paper presents a position on the biblical basis of Marriage and how Divorce is then to be treated in the light of what Marriage is.

The Biblical Foundation of Marriage

The principal biblical basis of marriage is from Genesis 2:18-25, which is firmly validated by Jesus' teachings in the Gospels (Mt 19:3-12; Mk 10:2-12; Lk 16:18). He quoted from it and referred to "male and female" in Genesis 1:27 as the design of the Father for humankind. Paul gives us an NT elaboration of this principle by using the spiritual union of Christ and the Church as the basis for the role of husband and wife in marriage (Eph 5:22-33). This teaching sets marriage as a god-given covenant for one man and one woman to be united together in a lifelong union as one physical, social and spiritual unit before God.

Physical union is expressed in that it is the only human relationship within which sexual union is to take place. Any sexual union outside of marriage, whether before marriage, or when married with someone else other than the marital partner, is sin. In this way, sex is unique to marriage. It does not define marriage. It belongs within marriage. Marriage sets the only valid divinely given parameter within which sex can take place. This physical union is an integral and essential feature of marriage in making husband and wife "one flesh" (Gen 2:24).

Social union is expressed in the legal, communal and societal nature of marriage in ascribing to the married couple a new social status and identity as husband and wife. This is a standing that holds good in living among fellow human beings; from family and friends, to the work place, and to the wider society. It is expressed between husband and wife in their inter-personal, relational, emotional, mental and psychological bond.

Spiritual union is expressed in the status that God Himself confers on the married couple when they make the marriage vow before Him. He is the One who defines them as one flesh. He has thereby assigned spiritual legitimacy and definition to the marriage. Hence the root of marriage is that God makes the couple one. This oneness manifests itself at both the physical and social level as noted above. Therefore marriage creates a new entity - spiritually, socially, physically - in the union of husband and wife.

Marriage as Covenant¹

The biblical definition of marriage, as noted above, identifies marriage as a covenant. This needs elaboration in order that we may better appreciate its great significance. It may be most helpful for us to understand covenant by comparing it with the concept of contract that is so familiar to us, and is often the assumed nature of marriage.

Marriage as Contract

A contract is a legally binding agreement made between two or more parties that sets terms and conditions between them that hold each to the other as so defined for the outworking of the relationship accordingly. If either party does not meet any stipulated term or condition to the other the offended party can redress the situation by requiring the penalisation of the offending party. Such penalty can be brought to court for legal execution if the wrongdoer refuses to comply.

By and large, contract works reasonably well in business and civil matters. But it carries major problems when applied to marriage. First of all, whatever terms and conditions that apply in a marriage are very hard to define. Do they include all that makes up the humanity of each party - the psychological, emotional, mental, physical, for example? Does it include their social status and economic standing at the time of the marriage? Does it stand on the basis of how each party perceives the other at the time of the marriage? However so defined **ALL** of these factors are by nature subject to change over time simply because each person is a living being operating in the dynamic flow of social, economic, psychological, social, relational, physiological changes. Therefore marriage as a contract allows the use of the change of any of these factors to be the basis for the breaking of the contract. To say that one divorces the other because the other is no longer the person that he or she had married, a common ground for divorce, can always be used because it is impossible that none of the above factors do not change at all over time.

We may also ask what is the purpose of marriage? If it is for personal support and happiness over one's life time and for child-bearing, how does holding on to the terms and conditions of any of the stated factors above contribute to the fulfilment of this purpose? Is it even reasonable to assume that if in fact none of the above factors change at all over time, the couple will be happy? Is it even possible for none of the factors to change? Would not the birth of a child require changes? What changes are acceptable and what are not? How can we identify or quantify them? The point, therefore, is that understanding and working out a marriage as a contract is quite inadequate, if not quite unsuitable. A contractual definition and understanding of marriage make it fragile and awkward.

The Covenantal Nature of Marriage²

The factor of first priority in the covenantal nature of marriage is that God is the designer of marriage. It is Most Significant that the marriage vows in a Christian service, which is fashioned after biblical teachings, make no reference whatsoever to the make up of either the would-be husband or wife - whether in terms of the physiology, psychology, economics, sociology or the way each is perceived by the other! To put it in another way, **NONE** of these factors are terms of the union. This does not mean that these factors do not play their part in how a man and a woman come together to want to marry. It does mean that none of these form the basis of the marital union!

The Covenant of Marriage stands on the basis of the vows that the husband and wife make to each other before God as their unifier and centre. The content of these vows are drawn from the Bible as to the nature of the mutual commitment that is expected by God of husband and of wife. In other words, God is the author of the terms of covenant for both husband and wife. Neither the husband nor the wife set terms for each other. Biblically, whether OT or NT, any vow made before God is not to be broken. Jesus' teaches that let your "yes" be "yes" and let your "no" be

“no” (Mt 5:33-37). Marriage is saying “yes” to a life-long union with the other before God. It should never become a “no”.³

The nature of the vows made before God by husband to wife and wife to husband is that they each commit to the other “to have and to hold from this day forward; for better, for worse, for richer, for poorer, in sickness and in health, to love, cherish, and honour, till death us do part, according to God's holy law”. They are all about committing oneself for life to always uphold the other in these ways. There is no term or condition that one hold the other to so that if one breaks any the marriage can be dissolved or broken or set aside.

In this light, the way a marriage works is HOW the couple work out their commitment to each other in real life. It takes into account managing all the factors we have noted that brought them together in union so that they stay together, uphold and uplift one another, and grow together as persons and as husband and wife, with Christ at the centre of it all.

In human life, not only today, but throughout human history, a principal problem is when the marital vow is set in reverse. The meaning of the marital vow is for each partner to focus on how he or she is to uphold his or her own vow to the other, God being one's Enabler. Keeping the vow means that, through good times or bad, one commits to finding ways and means to uphold and cherish the other. When we reverse this, we turn away from upholding our own commitment to look at whether the other keeps his or hers. We set standards and criteria that the other must fulfill in order to satisfy us. If we deem the other as falling short or failing, we become unhappy and easily find reasons to end the marriage. Should either one develop interest in someone outside the marriage, such an approach easily becomes a spur to break it. Every little bit of unhappiness with the other, or with the state of the marriage, becomes an excuse to do so.

What makes for a Good Marriage?

In the light of the divinely designed covenantal nature of marriage, when God is left out of the picture, marriage is already compromised. Admittedly, the impact of not recognising God as the author of marriage is difficult for us to quantify on the basis of social and human factors. But it is theologically definite and vital to true discipleship in that, as Christians, we recognise the crucial importance of His Lordship over our marriages. A good marriage, as biblically defined, is an integral part of good discipleship.⁴

One might object to the importance of God for marriage on the basis that many non-Christian marriages do work well. I would suggest that this may be so simply because God made marriage for humankind, not just for Christians. Hence, in His gracious kindness, in spite of our sin, He would sustain any marriage if the human parties are able to commit to each other in the way that they are meant to, even if they do not knowingly acknowledge Him.

We need to note, however, that if we use the divorce rate, the total number of divorces as a percentage of the total number of marriages over the same time period, as the guide to marital health, we NEED to note a number of significant qualifications. First of all, it cannot be assumed that no divorce equates to a good marriage. It may simply indicate that the couple are prepared to stay married, whatever ill they may face in marriage. For example, it cannot be an indication of marital fidelity because a wronged wife or husband may still stay married even though the other has been, or may even be repeatedly, unfaithful. Historically and in many societies, a wife has no legal or social support to be able to end the marriage. If she does, she may not only find social reprobation but loss of economic support. One may totally hate one's spouse, severely

mistreat the spouse, do as one like sexually, but not divorce. On the other hand, it is possible that the husband or wife expects and applies an unrealistically high standard of relational quality. Disappointment or anger with the other person's performance or with the quality of rapport expected is enough a reason to sue for divorce, even if there is no marital infidelity.

Looking at Divorce

Let us now look at the Scriptures that refer to divorce:

New Testament

What Jesus taught is, of course, the principal truth that apply. We have earlier noted Mt 19:3-12; Mk 10:2-12; Lk 16:18. We have identified that Jesus' main point is that God's original design and purpose of marriage is to be upheld - Gen 2:18-25; Gen 1:27. In Mt 5:31,32 Jesus specifically identified that the Law of Moses allowed divorce and then taught that this is no longer acceptable. Anyone who divorces his wife, or if a divorced person marries another, commits adultery. I believe that Mt 5:32 & 19:9, the Matthean Exception, is stated on the basis that sexual immorality, that is, sexual relationship with someone who is not the spouse, breaks the covenantal bond of marriage. This is because sexual union belongs only in marriage. In this sense, it is the only legitimate ground for ending a marriage. Yet, in the light of the Gospel teachings, including the context of Mt 5:32 & 19:9, this does not mean that marrying another is not committing adultery. Therefore, even if one holds the marriage as broken, the Matthean Exception, it does not follow that one should marry another. Consequently, I believe that "adultery" in these passages, simply means the breaking of the covenant of marriage. When one marries another, it breaks the covenant of the prior marriage. It is therefore adultery.

Paul in 1 Corinthians 7:15 may be read to mean that when an unbelieving spouse decides to leave a believing spouse, the believer is "free" to marry again. But in the light of the above understanding of Jesus' teaching, it is much more likely that all that it means is that the believer is not bound to insist to the unbelieving spouse that they remain married. This is supported by the context that, from 1 Cor 7:17 onwards, Paul advocates the advantage of being single.

Old Testament

The Law of Moses in Dt 24:1 explicitly allows divorce, if the wife does something indecent. In NT times, the School of Shammai interpret "indecent" as having done something sexually immoral. The School of Hillel takes a very broad view that it may be anything that may displeased her husband. Jesus' position in the Gospels makes it very clear, especially in relation to the Matthean Exception, that He stood with Shammai on this matter. The difference between these two rabbinic schools may also be the reason for the Matthean Exception; Jesus wanted to uphold the Shammai position. On the other hand, He specified that any remarriage is adultery. Jesus' explicit calls for return to the Genesis pattern of marriage was a definite call to set aside the Mosaic allowances and return to marriage as a lifelong commitment, which was the Father's design.

Ex 21:10 allows marrying more than one wife, though the provision for the first wife is to be honoured. This matter was not directly addressed by either the Pharisees when they challenged Jesus on the issue of marriage in the Gospels or by Jesus Himself. Yet Jesus' call for a return to the Genesis pattern can only mean that this provision in the Mosaic law was also to be set aside. The Father's design is that marriage is between one man and one woman for life.⁵

Synergising the Biblical Truths

The teaching of Jesus is that we are to uphold God's original design and purpose for marriage. Breaking marriage for any reason and marrying another is adultery. If one remains single after divorce, one does not commit adultery. But if one marries another, one commits adultery. Therefore marriage is a life-long union that one can only enter into once. The only thing that legitimately ends a marriage so that one is free to marry another is the death of a spouse.

This pattern of teaching is fully congruent with the truths that Jesus taught in the Sermon on the Mount. Of course, Mt 5:21,22, which we have referred to, is itself a part of the Sermon. What I want to highlight is that it is set in the context within the Sermon when Jesus set out how a number of OT laws are to be changed because a higher level of understanding and application is called for. Beginning from Mt 5:17-20, Jesus specified that He came not to set aside but to fulfill the law. However, His disciples need to follow the law at a level that exceeds that of the scribes and the Pharisees. It is clear that He meant that it is not the outward observance of the law but the understanding and application of its inner truths that is to be the way. Then from Mt 5:21-48, He successively laid out how our inner motives, intentions and values, not the legal outward observance of the law, are to be the way. This included how hatred is already murder (vv 21-22), the need for forgiveness before worship (vv 23-26), how lust is already adultery (vv 27-30), divorce (vv 31-32), saying yes or no instead of oath-taking (vv 33-37), from loving one's neighbour and hating one's enemies to loving one's enemies (vv 43-48). The thrust of this teaching makes it amply clear that Jesus wants marriage to be a life-long commitment for husband and wife. Breaking it in any way counts as adultery. Only death brings a marriage to a close. Therefore if a marriage is broken, the ex-spouses are called to a life of singlehood, unless one of them passes away.⁶

Pastoral Application

Jesus' Example

Having clarified the biblical teaching, especially Jesus' teaching, we now turn to how this is to be pastorally applied in ministry. Here, again, we Need the Example of Jesus as our guide. Two incidents in the Gospels stand out: Jesus' dialogue with the Samaritan woman at the well (Jn 4:7-42) and Jesus' treatment of the woman caught in adultery (Jn 8:1-11). It is of the Greatest Significance that in both cases Jesus forgave both these adulterous women and called them to sin no more. It is additionally notable that, at least in the case of the Samaritan woman, she had committed adultery very many times. We need to combine the very high standard of Jesus' teaching of what marriage is with the very great grace He exercised in pardoning these women who have committed adultery. It is in understanding the way Jesus apply His teaching pastorally that stands as our guide today.

What is immediately and vitally clear is that Jesus did not apply what He taught legalistically. He did not, so to speak, throw the law at them and condemn them to judgement. It was the scribes and the Pharisees who did that! Instead, Jesus showed unusual compassion. He empathised and understood their sinfulness. Put in a broader way, Jesus understands the fallenness of our human nature. He aimed to redeem not to condemn. He called for true repentance and a commitment thereafter to do what is right.

At the heart of how Jesus dealt with adultery is the underlying principle that He wants a true heart-felt decision both to repent and to commit to live rightly thereafter. Such an outcome is

only possible if the person who has sinned does so genuinely and voluntarily from his or her heart. Condemnation and punitive action by some authority is not the same thing. This is an action external to the offender. Whether justified or not, it does not necessarily lead to true repentance and commitment to do right. It often does the reverse and stir up a spirit of resistance or rebellion. It often lead to widespread social rejection and retribution against the offender, which can certainly hurt but may not redeem. It often harden the offender against change since there is no relief even if he or she does so. But it is the heart-felt action of the repentant sinner that brings God's forgiveness and restoration, not the legal, organised or communal action of external forces.

Jesus' action, in both these examples of how He dealt with women in adultery, was to stir their heart to put God first and turn to Him as Lord and Saviour for their salvation. He engaged their interest, stirred their conscience, pointed them to God's law, led them to confess that they have sinned, and called them to repentance and commitment to God's way. When they do so from their heart, they are forgiven, redeemed and accepted.

His Guidance for us

What our Lord did is how we, His Church, as His Body, through its leaders and members, are to minister to those who have sinned. Jesus Himself set very high standards for what is marriage and why divorce is wrong. Yet His ministerial action shows us that this very high standard does not call for legalistic or strict procedural or communal execution of punitive measures or condemnation. What He wants is genuine heart-felt voluntarily repentance and commitment to uphold God's way on the part of the party who has sinned because the person puts Him first. This cannot be achieved by simply applying eternal pressure against the person. It calls for sound teaching and counsel, deep empathy and compassionate understanding of human failings. By so ministering to such persons relationally, we call them to act from their heart to honour Him. True repentance bring His forgiveness that wipes out the past and gives a new beginning. The person is then given a genuine New Start to live life His way thereafter.⁷

Unlimited Re-marriage?

A big question that we would ask is, on the basis of such compassionate action, do we then allow unlimited number of divorce and re-marriage? Given the high standard of God's truth, the obvious answer is "No". So how many is acceptable?

The resolution to this question again lies in understanding Jesus' pastoral action against the background of His own teaching on marriage and divorce. The first point of action is to lead the sinner to put God first, admit his own sin, repent and asks for Christ's forgiveness, learn His way and commit to follow it. Whatever sins committed in the past, even if it is multiple times, are forgiven. If his repentance and commitment is genuine, he will act rightly thereafter.

Is he then to remain single since marrying again is adultery? I believe that the Lord allows a person to marry again if he has broken his previous marriage after he has repented of sin. This is because in Mt 19:10-12 the Lord also recognise that not everyone is able to live in singlehood. What is particularly significant for our note is that this very teaching is set in the very context of His teaching against divorce. This is the answer He gave when his disciples suggested that given the very high standard for marriage, it is better not to marry at all. So our Lord recognise that not everyone is able to live in singlehood. However, if one can do so, he should do so unto the Lord. It is noteworthy to highlight that true repentance brings a new beginning in Christ. True

repentance also means that the person genuinely commits to not repeating the mistakes of the past.

This does not mean that a person can remarry as many times as he or she likes. It means that God gives him or her the chance to live life right after repentance, including marrying in the way that God intends marriage to be - to enter a lifelong union with a spouse before God. True repentance and commitment to living right God's way also brings God's grace to heal the person from the past, to enable and transform the person to be who He wants him or her to be and to live life His way. Typically, then, this need only happen once. The next marriage that the person enters into after repentance is a lifelong one done in God's way.

What is involved for those who serve or lead in this ministry is that they need to exercise pastoral discernment to assess if the person is truly repentant and truly commits to live life Christ's way.⁸

What of the Unrepentant?

What if a person who has declared that he or she has repented of past marital sins, marries again but again breaks his or her new marriage? Pastoral judgement is needed to assess the veracity of such a claim. But the evidence clearly counts against such a party. In so far as it is genuine, the same principles of a new start applies. But the likelihood of this is gravely in doubt for such a case. For it would be a spiritual and pastoral norm that if a person has truly repented that the Holy Spirit would be at work in his or her life to prevent such a recurrence. It is highly likely, in such a situation, that the person was never truly repentant or has reneged on it. This leads us to consider how we are to act if a person is unrepentant.

When a person is unrepentant, we have Jesus' teaching in Mt 18:15-18 and Paul's counsel in I Cor 5:1-5 to guide us. We need first to counsel the person Scripturally with loving but clear and definite teaching and guidance. The aim is to bring the person to repentance according to God's Word. But if a person rejects counsel, the church leadership needs to decide, with prayer for the Spirit's leading, when the person needs to face the penalty of expulsion from the membership and fellowship of the church. Such a person can only be restored if there are clear and definite evidence of true repentance.

May the LORD, in His grace, enable us to live His way and minister His truth His way with love and righteousness. AMEN.

- 1 Gary Chapman, **Covenant Marriage - Building Communication & Intimacy**, (Nashville, Tennessee, Broadman & Holman, 2003), chapters 1, 2, 3, pp 6 to 32. He holds the same basic position as I present in this paper on differentiating between marriage as covenant and not contract. My position in this paper is a necessarily more abbreviated one that focuses on the fundamental biblical definition of covenant in contradistinction to contract. He elaborates his slightly differently and more fully over three chapters.
- 2 Jack O. Balswick and Judith K. Balswick, **A Model for Marriage - Covenant, Grace, Empowerment and Intimacy**, (Downers Grove, Illinois, IVP Academic, 2006), chapters 1, 2, 3, pp 15 - 62. They present the covenantal position from a problem-solving perspective of how in marriage two can be one and yet be different individuals. My position starts from the biblical texts as the definitive basis of why marriage is a covenant.
- 3 Adrian Thatcher, **Marriage after Modernity - Christian Marriage in Postmodern Times**, (NY, New York University Press, 1999), chapter 3, The Biblical Models of Marriage, pp 67-102, gives a wide range of how marriage is depicted in different books of the Bible, especially by the OT prophets. He also highlights that covenant is the biblically appropriate way to understand marriage.
- 4 Elizabeth Achtemeier, **The Committed Marriage - Biblical Perspectives on Current Issues**, (Philadelphia, The Westminster Press, 1976), chapter 6, Marriage as Discipleship, pp 100-108. She elaborates on how and why Christian marriage is linked with Christian discipleship in a way I fully agree.
- 5 P. T. Forsyth, **Marriage: Its Ethics and Religion**, (Eugene, Oregon, Wipf and Stock, 1996), chapters III, IV, V, pp 25-66, elaborates on social, cultural and historical grounds why the position of Jesus replaces that of Moses. I simply note the priority of Jesus' teachings over that of Moses, or any other persons or teachings in the Bible.
- 6 David P. Gushee, **Getting Marriage Right - Realistic Counsel for Saving & Strengthening Relationships**, (Grand Rapids, Michigan, Baker Books, 2004), Part 2.6 Covenant as the Structural Principle of Marriage, pp 127-145, upholds a similar position as this paper. Part 2.7 Suffering in Marriage (and Divorce), pp 147-171, deals pastorally in a similar way as this paper proposes. This book does a good job of dealing with issues that lead to the decline of the standing of marriage in today's society, identifying such factors as the sexual revolution, contraception and abortion, test-tube babies, gay rights and the trend towards divorce in Part 1.1 Fading Fast, pp 21-36.
- 7 Achtemeier, chapter 7, Is the Tie Blessed That Binds?, pp 109-131. She reflects a position similar to that presented in this paper but worked out more from a pastorally considered reflection. My position is more immediately linked to Jesus' own action as recorded in the Gospels, in relation to His strict teachings.
- 8 David Atkinson, **To Have and to Hold - The Marriage Covenant and the Discipline of Divorce**, (London, Collins, 1979) develops a position in this book that is very similar to the position taken in this paper. A point of exception is that he seems to suggest that remarriage is presupposed when marriage is broken - pp 126 point 10. The position in this paper is not that remarriage is presupposed but that is a reality of life that our Lord recognises and allows for by grace because not everyone is able to live a single life.