

Marriage & Divorce

A Biblical-Pastoral Perspective

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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 in pastoral ministry as recorded, in the Gospels. References to Christian books are made to set this paper in the context of wider Christian literature on these matters.

This is a revised and updated edition of a discussion paper that was initially written for presentation to a pastors' fellowship in 2017.

(Each book of the Bible is abbreviated by its first two characters; except if a second character in the name differentiates it from another book, or if a third character is needed to do so. It is followed by the chapter number, a colon, then the verses.)

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Introduction

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

The Biblical Foundation of Marriage

The principal biblical basis of marriage is from Ge 1:27 & 2:18-25. The former verse specified that God made humankind in His image as male and female. The latter passage teaches that God said it was not good that man should be alone. Hence He made a helpmate fit for him. He created woman from a rib He took from man. He pronounced that a man shall leave father and mother and be cleaved to his wife and they shall be one flesh. Jesus validated these teaching in the Gospels. He quoted Ge 1:27 in His teachings in Mt 19:3 & Mk 10:6; and Ge 2:24 in Mt 19:4 & Mk 10:7-8. He added in Mt 19:6 & Mk 10:8 that what God has joined together, let no human being separate. Paul elaborated on 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). These teachings identify marriage as a god-given covenant for one man and one woman to be united together in a lifelong union as one spiritual, physical, and social unit before God.

The god-given nature of marriage makes it first and foremost a spiritual union between husband and wife before God. It is not only a union between husband and wife, it is a union made before God with Him at its centre and foundation. It is thus a tripartite, not a bilateral, bond. This makes marriage a covenant, not a contract. The root of marriage is that God makes the couple one. God is the first and most important party. For it is He who pronounces that a married couple is one flesh when they make the marriage vow before Him. He is the One who said that it is not good that man is alone and made a helpmate for him. He hence created and defined marriage for what it is. He confers spiritual legitimacy and definition to the marriage. This spiritual oneness manifests itself at the physical and social level. Therefore marriage creates a new entity - spiritual, physical, social - in the union of husband and wife before God.

It is important to note that humankind who do not believe that there is a God, or are against Him, or reject worshipping or following Him, cannot change the spiritual meaning and root of what marriage is. They can certainly ignore Him or go against His design and purpose. But they will face the consequences of so doing, either in losing out on His blessings, or in facing penalties He sovereignly executes. This does not mean that every marriage that does not acknowledge God is cursed. It does mean that God, in His great grace to humankind, in spite of our sin and rebellion, continue to uphold marriage as a union, even in the face of ignorance, rejection and outright rebellion. If he did not do so, humankind would have long ceased to exist because of all the penalties that would be rightfully visited upon us for disobedience. God Himself wanted marriage to be the means for humankind to fill the earth. In spite of our sins, He has enabled the propagation of humankind on earth. Ro 1:18-32 makes it clear that all who sin will face judgement, albeit God does not immediately penalise us for every sin. 2P 3:6-10 points out that God delays final judgement in order for more to be saved. Re 20:11-15 specifies that all humankind, every single person in all of human existence, will face final judgement before God's throne in the last day.

Marriage as physical union is expressed in the sexual union between husband and wife. Any sexual union outside of marriage, whether before marriage, or when married, with someone other than the marital partner, is sin. Sex before marriage or without marriage is sexual immorality or fornication (Ez 16:15; Mt 15:19; Mk 7:21; 1Co 6:9-10). Sex with someone other than one's marital partner is adultery (Ex 20:6; Le 20:10; Mt 5:27-28). Sexual union and sexual relationship is unique to marriage. It does not define marriage. It belongs only in marriage. Marriage is the only divinely given relationship within which sex union is legitimate. This physical union is an integral and essential feature of marriage in making husband and wife one flesh (Gen 2:24).

Marriage as a 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 interpersonal, relational, emotional, mental and psychological bond. It extends the meaning of being one flesh to the social-psychological-relational realm.

Marriage as Covenant¹

We have noted above that the god-given nature of marriage makes it first and foremost a spiritual union between husband and wife before God. It is a tripartite, not a bilateral, bond with God as the party of first importance. This makes marriage a covenant, not a contract. I like now to expand on this point by contrasting covenant with contract.

Marriage as Contract

A contract is a legally binding agreement made between two or more parties that sets terms and conditions between them. These terms and conditions define how each is held to account by the other for how the relationship is to be worked out between them. If either party does not meet any stipulated term or condition as set by 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, and 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 frequently used ground for divorce, is always possible 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? Is it for personal support and happiness over one's life time and for child-bearing? Does it mean that if either party is not happy enough, or if they do not bear any children, it is right that the marriage should end? Does this mean that someone who does not want to have children cannot marry? How about changes in physical appearance, dressing, socio-economic status, income level, educational level, health, personal expectations? More broadly, how does holding on to any of these factors as terms and conditions of the marriage affect its status or standing? 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? 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 and impossible. A contractual definition and understanding of marriage make it fragile, unrealistic, 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 physiology, psychology, economics, sociology or the way each is perceived by the other! To put it in another way, none of the factors we noted above 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"⁴. 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 over the other to so that, if one breaks any, the marriage can be dissolved, broken, or set aside.

In this light, the way a marriage works is how the couple work out their vows to each other before God in real life. It takes into account managing all the factors that have 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. Christ is the Lord of the marriage. Husband and wife are to call on Him to enable each to uphold the other in marriage throughout the whole of their lives together.

In human life, not only today, but throughout human history, a principal problem arise 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. This is put in reverse when we turn away from upholding our own commitment to the other to look instead at whether the other is keeping his or her commitment to us. 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 end it. We turn from ensuring that we each uphold our marital commitment to the other to seeing if there is anything wrong with how the other is satisfying us. We are turning from selfless service and love to the other to self-centred self-interested demand on how the other must satisfy us.

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.⁵

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 that the divorce rate, the total number of divorces as a percentage of the total number of marriages over a given time period, as a guide to marital health, is inadequate and may be misleading. We need 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, a wronged wife or husband may stay married even though the spouse is 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, based purely on one's own subjective assessment, is enough 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 applies. We have earlier noted Mt 19:3-12; Mk 10:2-12; Lk 16:18. 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 the unbelieving spouse in marriage. But he or she is still to uphold being single. This is, at least indirectly, supported by the context of 1 Cor 7:17ff, where 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.⁶ On the other hand, He specified that any marriage after divorce is adultery. Jesus' explicit call for the return to the pattern of marriage in Genesis as God's creation design was a definite call to set aside the Mosaic allowances and return to marriage as a lifelong commitment.

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 would no longer apply

since one man is only to have one wife. The Father's design is that marriage is between one man and one woman for life.⁷

Synergising the Biblical Truths

We reiterate that Jesus taught 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.

In the Sermon on the Mount, Jesus said in Mt 5:17-20, that He came not to abolish the Law but to fulfill it. He taught those who were listening that their righteousness had to exceed the external observances of the Pharisees. With respect to marriage, He added in Mt 5:31-32 that whoever marries a divorced woman commits adultery. Just prior this passage, in Mt 5:27-28, He specified that even to lust after a woman is already adultery! He progressively laid out that obedience to God needs to be rooted in our inner motives, intentions and values, not only in legal outward observance of the Law. Hence, in addition to what He taught on marriage, He raised the standard of the Law. Hatred is already murder (vv 21-22). We need to forgive before we can worship (vv 23-26). We do not uphold our words only when we take an oath. Our yes or no should stand (vv 33-37). We are not just to love our neighbour but also our enemies (vv 43-48). The thrust of this Sermon 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.⁸

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 ministerial 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 or by society is not the same thing. This is an action external to the offender. Whether justified or not, it rarely leads to true repentance and commitment to do right. It often does the reverse and stir up a spirit of resistance or rebellion. It often leads to widespread social rejection and retribution against the offender, which can certainly hurt, but does 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 brings 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.⁹

Unlimited Re-marriage?

A big question that many 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 it as sin. This is because in Mt 19:10-12 the Lord also recognises that not everyone is able to live in singlehood. What is particularly significant for us 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.¹⁰

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 need 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 These words are drawn from those used in many Christian marriage services.
- 5 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.
- 6 Kenneth L. Baker, gen. ed., **NIV Study Bible**, (Grand Rapids, Zondervan, 2008), 1405, Matthew 9:3 footnote
- 7 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.
- 8 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.
- 9 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.
- 10 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.