

What does the Bible say about Divorce?

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Hearts and Minds

Welcome to this talk and discussion on “*What does the Bible say about divorce*”. Before we launch into the analysis of scripture texts I have a caution. Our exploration and understanding of Scripture must never be isolated from the command to love God and to love our neighbour. Our love for God is expressed in obedience and our love for our fellow human beings is expressed by compassion. I grew up in a divorced home. My parents divorced when I was 15 years of age. I am a marriage counsellor who regularly journeys with couples along the torturous road of divorce. I have a deep sense of the pain associated with this subject and consequently I want to approach this study with sensitivity. Many are suffering, and I have no desire to add to their distress. The Bible gives some guidance on the issue of divorce. It does not address all the issues associated with divorce, and as you have no doubt already understood, the Bible does not give clear step by step teaching on marriage, divorce and/or remarriage. It does, however, teach us about the heart of God and our attitude to marriage, and those suffering the consequences of marriages that have broken.

What does the Bible say? Does God really hate divorce?

The first thing that needs to be said is that divorce was practiced in the Bible. The Bible regulates the practice of divorce. You don't regulate something that you forbid. Adultery, for instance, is forbidden and so there are no guidelines for extra-marital affairs found in the Bible. God Himself, is described as a divorcee' by the prophet Jeremiah.

Jer 3:8 *I gave faithless Israel her certificate of divorce (Hebrew: כְּרִיתוּת kerithuth) and sent (Hebrew: שָׁלַח shalach) her away because of all her adulteries. Yet I saw that her unfaithful sister Judah had no fear; she also went out and committed adultery.*

The same combination of two key Hebrew words is used in **Deut 24:1**.

"When a man takes a wife and marries her, and it happens that she finds no favour in his eyes because he has **found some indecency** in her, and he writes her a certificate of divorce [כְּרִיתוּת] and puts it in her hand and sends [שָׁלַח] her out from his house,

kerithuth

shalach

Divorce is a reality which the Bible acknowledges and regulates however, we need to ask what God's attitude to divorce is. Now, many people will answer this question with the **Malachi 2:6** proof text. This is usually done by people who have never experienced the pain of divorce and so, sadly, a proof text is enough for them. Let's spend a moment looking at this so-called proof text.

Mal 2:10 *"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 2:11 *"**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.**"*

Mal 2:12 *"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."*

Mal 2:13 *"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 favour from your hand."*

Mal 2:14 *"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.*

Mal 2:15 *"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.***

Mal 2:16 *"**For I hate [divorce],**" (Hebrew: שָׁלַח *shalach*) (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 2:17 *You have wearied the LORD with your words. Yet you say, "How have we wearied Him?" In that you say, "Everyone who does evil is good in the sight of the LORD, and He delights in them," or, **"Where is the God of justice?"***

Let me ask you this. Is this passage about dealing treacherously or about divorce? It is an oversimplification to say that God hates divorce on the basis of this passage. The focus of the passage is on treachery (Hebrew: בָּגַד *bagad*, to act or deal treacherously, deceitfully, betray, deal unfairly) The NIV renders this, "you have broken faith." The "sending away" which is alluded to in this passage is a particular type of divorce - one which is conducted treacherously. Wives and children left destitute, or divorce settlements not issued and/or honoured.

Hebrew: שָׁלַח *Shalach*; a prim. root; *to send*:—again

- * The common word *shalach* translated as: "to send away" or "put away" is (the same as the Greek equivalent of the word (*apoluo*) which means" to send, separate, send away or leave," NOT divorce.
- * Used 878 times in the Old Testament.
- * 13 times related to a separation in marriage or intimate relationship. (not necessarily divorce).
- * 865 times used in other ways.
- * *Shalach* refers to a "separation." Rather than the divorce itself.

Hebrew: כְּרִיתוּת *Kerithuth*;

- * The word is used four times and always translated "divorce".

It is true that **God hates שָׁלַח *Shalach*** but this is not divorce per se. **He neither hates all divorces the same way nor every aspect of divorce.** No doubt God hates the sinfulness that causes divorce - even the divorce that He gave to sinful Israel. He hates the destructive consequences of divorce to individuals and families. But God willed divorce in Ezra 10:11 as part of the repentance of His People for breaking covenant with God.

Ezra 10:11 "Now therefore, make confession to the LORD God of your fathers and do His will; and separate yourselves from the peoples of the land and from the foreign wives..."

Ezra 10:44 "...All these had married foreign wives, and some of them had wives by whom they had children."

This is a difficult passage which deals with an exceptional event in the history of the Jewish People. **The only principle** that I want us to draw from it on this occasion is that, although God hates the causes of divorce and aspects of the process of divorce itself, the fact that He wills it in these verses must mean that there are occasions when He will tolerate divorce. This is why there is a prescribed process for divorce in the Bible.

An important aspect of the divorce process is **justice**. There are divorces in which both spouses deal justly with each other. If divorce is unavoidable then this is a God-given requirement of the process. This applies to both parties. I have often heard individuals who are going through a divorce say that they have approached a particular attorney because he/she has a reputation for fighting dirty or for stopping at nothing in order to win the highest possible settlement.

If you get an unjust settlement through treachery then God's hatred for what you have done is well described in the Malachi passage. To fulfil the injunctions of the Bible Christians must deal justly and fulfil their obligations to ex-spouses and children.

The texts on Divorce in the Bible

First, I want to identify the texts that mention divorce in the Bible. Not all these texts are relevant to us in this study because many of them are based on foundational texts.

Divorce Texts.

1. The basis of the Biblical concept of marriage. **Gen 2:24; Matt 19:6; Eph 5 :31**
2. Divorce Permitted
 - a. By the Mosaic law. **Deut 24:1.**
 - b. On account of hardness of heart. **Mat 19:8.**
3. Fairly common practice in Jewish society. **Micah 2:9; Mal 2:14**
4. Sought on insignificant grounds. **Matt 5:31-32; Matt 19:3**
5. Not allowed to those who had falsely accused their wives. **Deut 22:18-19.**
6. Women
 - a. Could obtain a divorce. **Mark 10:12.**
 - b. Could marry after divorce. **Deut 24:2.**
 - c. Responsible for vows after divorce (to allow litigation). **Num 30:9**
 - d. Married after divorce, could not return to first husband. **Deut 24:3-4; Jer 3:1.**
7. Priests not to marry a divorced woman. **Lev 21:14.**
8. Divorce of married servants, regulated by law. **Ex 21:7-11.**
9. Divorce of captives, regulated by law. **Deut 21:13-14.**
10. Divorce was forced on those who had idolatrous wives. **Ezra 10:2-17; Neh 13:23-30.**
11. People condemned for treacherous divorce. **Mal 2:14-16.**
12. Jesus response to divorce for any reason. **Mat 5:32; 19:9.**
13. The disciples shocked by the standard of Jesus ruling. **Matt 19:10** .
14. Illustrative of God's broken relationship with His People. **Isaiah 50:1; Jer 3:8.**

The foundation texts for our purposes are:

1. The basis of the Biblical concept of marriage. **Gen 2:24; Matt 19:6; Eph 5 :31**
2. The Mosaic Law. **Deut 24:1-4.**
3. Grounds for divorce. **Ex 21:7-11.**
4. Jesus' responses **Matt 5:31-32; Matt 19:3-12; Mark 10:1-9; Luke 16:18** .
5. Paul's Halakhic ruling **1 Cor 7:10-16, 27;**

The Hebraic background to the divorce debate.

If we are to understand what the Bible says about Divorce we need to take the context of the various passages into account. The Biblical texts were not written in isolation. Jesus' ministry was exercised within the context of a first century, largely Torah aware, Jewish community. Every statement Jesus made was spoken into that context. An appreciation of this context with its idiomatic and cultural norms is a great help to understanding the intentions behind the statements.

According to the Jewish Encyclopaedia the origin of the Jewish law of divorce is found in the constitution of the patriarchal family. The fundamental principle was the absolute authority of the husband, as the head of the family, who divorced the wife at his pleasure. The manner in which Hagar was dismissed by Abraham illustrates the exercise of this authority (**Gen. 21:9-14**). It was not set aside by the Rabbis, though its severity was tempered by numerous restrictive measures. It was not until the eleventh century that the absolute right of the husband to divorce his wife at will was formally abolished.

The earliest restrictions of this right are found in the Deuteronomic code. In two cases the law provided that the husband " he must not divorce her as long as he lives.":

(1) if he falsely accused her of antenuptial incontinence (**Deut. 22:13-19**);

(2) if he had forced himself on her and they are discovered, before marriage (**Deut.22:28-29**).

In the Mishnaic period the theory of the law that the husband could divorce his wife at will was challenged by the school of Rabbi Shammai. In Jesus' day two Rabbinic schools of thought predominated. The School of Rabbi Shammai and the School of Rabbi Hillel.

Jesus sided with the Shammai with regard to the interpretation of **Deut.24** with regard to divorce. Although Jesus supported the Shammaite position, this is not because he was a Shammaite. In fact his teaching more often coincided with that of Hillel. At other times he agreed with the Dead Sea Scroll community, and at other times he followed no-one. In this sense, Jesus was his own man.

Jesus and Hillel

Jesus' teaching coincided with Hillel when he taught that every day, and not just the Sabbath, should be lived for God (**Talmud Betzah 16a**), and that all the Commandments could be summarised into the Commandments of Love (**Talmud Shabbat 31a**).

Some of Jesus' teachings are based on the sayings of Hillel, although he tended to take them to a higher realm, for example:

Hillel: Whatever is hateful to you, do not do it to your neighbour (**Talmud Shabbat 31a**).

Jesus: Do for others whatever you would have them do for you" (**Matt.7.12**).

Hillel: My humbling will be my exaltation and my exaltation will be my humbling

(**Leviticus Rabbah 1.5**).

Jesus: Everyone who exalts himself will be humbled and he who humbles himself will be exalted (**Luke 18.14**).

Hillel: To the place my heart loves [ie the Temple] there will my feet lead me (**Tosephta Sukkah 4.3**).

Jesus: Where your treasure is [ie heaven], there your heart will be also (**Luke.12.34**).

Jesus was not a Hillelite, a Shammaite, though he may have been a Pharisee.

Most Jewish teachers of Jesus' day consistently followed a particular party line and based their authority on the great sages of the past. Jesus stood out as a teacher who gave halakhic rulings without slavishly following a particular party or school. So that people "were amazed at his teaching because his words were spoken with authority" (**Lk.4:32**).

The School of Rabbi Shammai and the School of Rabbi Hillel on Deut 24.

The rabbis based their divorce laws on two texts: **Deut.24.1-4** and **Ex.21.10-11**.

The first passage (**Dt 24**) showed that adultery was a ground for divorce, which was not disputed. The only dispute about this passage was whether it also said that "*any matter*" was a ground for divorce.

The second passage (**Ex 21**) which showed three other grounds for divorce which were not disputed. There was general agreement among the rabbinic schools that this passage defined the three obligations for a marriage partner, and that failure to fulfil these were grounds for divorce. Each partner was obligated to:

- do their part in providing food,
- do their part in providing clothing
- do their part in providing and love for the other.

Failure to do so meant that the other partner could take action leading to a divorce.

These obligations were discussed in much detail. In the Talmud (Mishnah Ketuvah.5) the rabbis discuss exactly how many times a week a woman may demand conjugal rights, and exactly how much must be spent on food or clothing. These rulings cannot be dated accurately, though they are commented on by Rabbi Eliezer in c 100 AD, so they date from at least New Testament times.

The grounds for divorce in Ex.21 were implemented as far back as can be measured. They are referred to in the earliest Jewish and Samaritan divorce certificates and these obligations are named in the divorce proceedings between the people of Israel and God in **Ezek.16**. The New Testament also refers to these obligations in **Eph.5.28f** with regard to Jesus' care for his bride, the church.

In practice, only women used these grounds for divorce, because men could divorce women on the Hillelite ground of "*any matter*" very easily. Women were able to get a divorce if they persuaded a rabbinic court that their husband had failed to look after them or love them. The court could then attempt to force the husband to write them a divorce certificate.

Jesus is not asked anywhere about these undisputed grounds for divorce, and he says nothing about them. Although we cannot infer anything from this silence, it is not insignificant.

Deuteronomy 24:1

Shammai interpreted the reference to "some indecency" (עֲרֻהָ "ervah" דָּבָר "dabar") *ervat davar* in **Deut. 24:1** as referring only to adultery, which would be the only reason a man could divorce his wife.

The School of Hillel, on the other hand, interpreted "some indecency" as anything that might disrupt domestic harmony. If a wife was a bad cook, the husband might divorce her.

- 1 *"When a man takes a wife and marries her, and it happens that she finds no favour in his eyes because he has **found some indecency** in her, and he writes her a certificate of divorce [בְּרִיתוּתָהּ] and puts it in her hand and sends [שָׁלַח] her out from his house,*
- 2 *and she leaves his house and goes and becomes another man's wife,*
- 3 *and if the latter husband turns against her and writes her a *shalach* 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,*
- 4 *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.*

Deuteronomy

24:1-4

The Torah permits divorce but this passage from Deuteronomy is not a law instituting divorce. This is a law providing some protection for women which was lacking in other Oriental societies of that day, and is still lacking today! In Islamic societies, a man can divorce his wife by merely saying,

"I divorce you" three times. The woman can then be cast out immediately with only the clothes on her back and her jewellery.

In Biblical times, it would have been difficult for a woman to survive without a husband to support her. Even today, divorced women, particularly those with children, constitute many of those in the most abject poverty today. Divorce has had tremendous effect on the breakdown of both families and society today. The difficulties of remarriage, re constituted families or single parenthood may cause trauma to those who are divorced and to the innocent children brought up under such circumstances.

Problems for Christian Scholars

Christian scholars have struggled with the divorce texts. The problems they have tried to solve might be summarised as these three:

- 1) Jesus appears to have both forbidden all divorces and yet also allowed one exception the ground of "*PORNEIA*", 'indecency'
- 2) Paul appears to have accepted Jesus' teaching, and yet he introduced another exception - desertion by a non-believer.
- 3) There are other grounds, such as cruelty or desertion by a Christian, for which many Christians would like to allow divorce, but which Jesus and Paul do not appear to mention.

A possible solution to the divorce texts

These three problems with the New Testament divorce texts appear less vexing if we consider that Jesus and Paul were both affirming the Hebrew Scriptures divorce laws without trying to introduce any new laws, and that neither of them were trying to outline a complete set of laws about divorce. They were therefore both affirming different aspects of the divorce laws already outlined in the Hebrew Scriptures. Jesus affirmed the divorce laws in **Dt.24:1-4** while Paul affirmed those in **Ex.21:10-11**.

Jesus affirmed the traditional and straightforward interpretation of *ERVAT DAVAR* in **Dt.24:1** as meaning "a matter indecency", against the Hillelite interpretation "[any] matter [and] indecency". Jesus said that divorces based on "any matter" were invalid. There are other texts about divorce in the OT but Jesus makes no comment about them. He was taking part in a debate about **Dt.24:1** and makes no comment about other grounds for divorce in other texts, neither confirming nor denying them.

Paul, however, does refer to the other three OT grounds in 1 Cor.7. Neither Jesus nor Paul were trying to summarise all the rules about divorce. They were both referring to some of the Old Testament divorce laws which were relevant to the situation into which they were speaking.

Jesus was addressing a debate about **Dt.24** so he spoke about this passage only. Paul was addressing the problems of desertion and Christians who wanted to avoid sex in marriage, so he referred to the OT passage which deals with these matters. Both Jesus and Paul affirm that God does not wish divorce to happen, but both recognise that imperfect human marriages will sometimes break down, and need a divorce to clear them up. They both mention a ground which might lead to a divorce, but neither of them claim that this is the only circumstance or ground for divorce. If they had wanted to do this, they would have said that the other OT grounds (which were well known) were invalid. The first two problems outlined above are therefore not problems at all.

First, Jesus did not claim that divorce was impossible nor that 'indecency' was the only permissible ground for divorce. He said that divorce for "any matter" was invalid because "any matter" was a misinterpretation of the term "matter of indecency".

Secondly Paul did not introduce a new exception, because he was merely summarising the other three Old Testament grounds for divorce. He could correctly assume that Jesus supported these grounds because otherwise Jesus would have denied them while he was speaking about divorce. The third problem about the limited scope of grounds for divorce in the New Testament is also solved. Paul's affirmation of **Ex.21.10-11** supplies us with New Testament confirmation that neglect of any kind, of affection, food or even clothing allowance, can be grounds for a divorce.

Why was this solution to the difficulties of the New Testament divorce texts not found before?

Two factors have clouded the issue: the neglect of Jewish traditions and the growth of church tradition. Ignorance of the debate behind the gospel record of Jesus' teaching started with the fall of

Jerusalem. The subsequent ascendancy of the Hillelites meant that the debate was forgotten when there was no longer anyone to disagree with the Hillelite interpretation "any matter". This resulted in the misinterpretation that Jesus forbade divorce for "any matter...except indecency". By the time the scholars had rediscovered the background to Jesus' debate with the Pharisees, this interpretation had become the traditional teaching of the church and coloured everyone's understanding of the text.

The Vulgate and the Roman Catholic Position

Some Christians (particularly in the Catholic tradition) speak of marriage as a 'sacrament'. Augustine, a 5th century bishop and theologian from North Africa, has informed the Roman Catholic teaching to the present day. Augustine understood marriage has an 'ontological permanence'. This means that it continues to exist whatever man tries to do to end it, unless a partner dies. Even if they go through a divorce ceremony, a couple are still married in the sight of God and in reality. Even the exceptions which Jesus and Paul named (adultery or desertion by a non-Christian) cannot bring a marriage completely to an end. It still existed in some sense until one partner died. Therefore, although a Christian could get divorced for these two reasons, they could not remarry till the partner had died. Augustine did not invent this solution. Some of the Church Fathers had already come to the same conclusion but had failed to find a clinching scriptural argument to prove it. Some had pointed to **Rom.7.2f**: "a married woman is bound to her husband as long as he lives", but this text does not actually say that a marriage cannot also be ended by divorce as well as by death. Augustine was the first to find a New Testament proof that marriage has 'ontological permanence' ie that it survives till one partner dies, even if they are divorced. Augustine's proof lay in the Latin Vulgate translation of **Eph.5:32**, where Paul calls marriage a MUSTERION a 'mystery'. The Vulgate translates this as "sacramentum" a 'sacrament'. When the Vulgate was

written, the word "sacramentum" did convey the idea of 'symbol' or 'mystery' but the meaning gradually narrowed till it referred only to special rites of the church. The Vulgate was the most influential translation of the Bible ever made, because it was the official translation of the Western Church and because it was in Latin, the universal language of theological debate for almost two thousand years. This translation of **Eph.5:32** was therefore able to result in a completely new doctrine - that marriage is a sacrament. Augustine argued that if marriage was a sacrament, like the Eucharist, baptism and ordination, then it had a permanence far greater than anything of man's doing. Man could administer a sacrament, but God was actually at work.