

The Issue of Divorce

By Phillip D. Mosher

Introduction

To begin, I want to firmly declare that I believe in the sanctity of marriage. The Bible is very clear that God's will in creation was one man and one woman united for life. The scriptural record and human experience testify that man has not always obeyed the Lord's desire in marriage.

Man and woman were programmed by their Creator to need each other. After creating man and then woman, God instituted marriage (Genesis 2:18-25). This sacred institution is foundational to all others in human cultures. Destroying it will eventually bring a society down to the very pits of hell and destruction. Rome is a prime example; and the biblical account of Sodom and Gomorrah records God's distaste for those who disobey His plan in creation and choose a free-love and amoral lifestyle. Though textual evidence is sparse, it appears that among the sins that moved God to destroy the earth with a flood was man's disregard for the institution of marriage, proper sexual behavior, and the sacredness of human life.

Data from the U.S. Census Bureau¹ tells us that in the United States, between the ages of 15 and 44, approximately 50 percent of first-time marriages terminate in divorce. The bureau believes that cohabitation without being legally married is high and increasing, though the questionnaire was not designed to specifically address and measure that issue. Besides this there is doubt that respondents would give honest answers if the questionnaire did cover cohabitation. Because the bureau only measures up to age 45, because there are couples who have experienced multiple divorces, and because the elderly are finding it legally and financially advantageous to cohabit, situations the Bureau does not measure, we are fairly safe in assuming that the current total divorce rate in the States is around 70 percent and that cohabitation may soon move into the majority. In the United States, and perhaps in most of the West, marriage and traditional values are falling into oblivion. When I was a youth (1950s), divorce was frowned upon and homosexuals were considered perverts to be shunned.

The Bible declares that the Lord Jesus paid for all of the sins of humanity, and that He is in the business of picking up those who have fallen into the pit of slime and darkness and then making their lives into successes.² Some fine people who loved their marriages, and did everything possible to save them, have gone through the trauma of a divorce they did not seek and tried to avoid. Others were in horrible marriages with abusive behavior. Many, who did not know the Lord, have gone through a divorce; and after finding forgiveness, salvation, and fellowship in Jesus Christ, they realize that divorce was not

¹ www.census.gov and "How Is Marriage Doing?" www.foxnews.com May 14, 2004

² Psalm 40:1-3

God's plan. When it comes to those who have experienced divorce, I believe the church must be sympathetic, forgiving, and understanding. The Cross shows us that God is.

Though one should make every effort to avoid divorce, there are cases where divorce is the choice between the lesser of two evils. I just learned of a married man who chose to become a woman by having a sex change. Before the change, the couple had even procreated children. The wife of this man (now a woman) sought to stick with her mate and tried to hold the marriage together after the sex change. However, she and her children could not tolerate the situation; and she eventually divorced her husband who had become a woman.

There was a man (we'll call him John) who was in sales and traveled a lot. John had a family and attended a conservative, Bible teaching Baptist church. One day John came home and announced to his wife (we'll call her Mary) that he had reserved a room at a resort hotel near Denver and that some of his friends had done the same. He was taking her on a "special" weekend vacation. At the hotel, after the Friday evening dinner, the men proposed switching wives. It was then that Mary learned that her husband was in the habit of unfaithfulness when away from home and that these wife-switching parties were a very common practice. Unbeknown to her, because of her faith, John had been taking women escorts to those weekend parties, telling her he was away on business. This was a practice that she had just been introduced to and was expected to cooperate in. Immediately Mary left the hotel and a very angry husband. After various attempts to bring her husband to Christ, and due to an unwillingness by John to be faithful to her, Mary filed for divorce.

I could list more illustrations. In both of these cases the divorcing spouse chose the lesser of the two evils.

Because God's design was for a man to cleave to his wife for life, He did not give us commandments that instituted and regulate divorce.³ Divorce is a human invention, something that is probably as old as man. Divorce was not God's plan for man. Neither was sin, though through His foreknowledge God knew it was coming; and He made provisions and plans to use it in the carrying out of His overall purposes. The Bible recognizes divorce, and at times God even used it.⁴

Paul's message in Athens blesses me on many points. Verse 30 speaks reams: "In the past God overlooked such ignorance."⁵ It helps us in understanding that God "overlooked" numerous sins in the lives of many of the people in Old Testament times, including the heroes. God knows we are made of clay. He is understanding, forgiving, merciful, loving, and patient. The fact that He forgets the past, picks us up, and works at

³ In this study, it will be shown that Deuteronomy 24:1 is a law that established the requirement of the certificate of divorce. Moses did not authorize divorce nor regulate it. He only required those men who were divorcing their wives to put it in writing. The second law (v4) places restrictions on that man.

⁴ Examples: Exodus 21:1-11; Deuteronomy 21:10-14; Isaiah 50:1-2; Jeremiah 3:1-8; Ezra 9 & 10; 1 Corinthians 7:15

⁵ NIV, a reference to idolatry

forming us into the image of His Son is amazing and humbling. There is no sin that God is unable or unwilling to forgive, and there is no sinner that He cannot transform into the image of His Son.

I have entered this study with an open mind, if that is possible. When interpreting the Scriptures, it is hard to shed the lifestyle customs and religious traditions that we learned from our culture, family, and multiple experiences. My first term as a missionary included over three years among naked Nambiquara Indians in the interior of Brazil. That experience caused me to put aside several biases, as I examined their culture and compared it with the Word of God. For 32 years I was a student of the Brazilian culture; and for approximately 20 of them I was a church planter in Cuiabá, the capital of Mato Grosso State. Those experiences forced me to examine the Scriptures and eventually caused me to change my interpretation and application of verses, such as 1 Timothy 3:2, “husband of one wife.” The most difficult aspect of being a minister of the gospel is applying one’s theology *where the rubber hits the road*, and for me some changes can take a long time.

One flesh

In His response to the religious leaders, in Mark 10:6-9 Jesus said,

But from the beginning of creation, God made them male and female.

“For this reason a man shall leave his father and mother, and the two shall become one flesh; so they are no longer two, but one flesh.” What therefore God has joined together, let no man separate.

Jesus cited Genesis 2:24, where God united Adam and Eve in the garden. This expression, “one flesh,” is used by some as a proof for their belief that once married a couple becomes one and that oneness can never be broken this side of heaven. Biblically, what does “one flesh” mean?

When God created man and then woman and placed them together, He said they were “one flesh.” However, in the whole of Scripture this word picture of marriage is never explained. A search for the “one flesh” expression in theological journals, books, and commentaries reveals that very little is written on this subject. It appears that sex and procreation have something to do with it, because Paul in 1 Corinthians 6:15-16 uses it in the condemning of immorality. Sex is not marriage.⁶ It is clear that “one flesh” does not mean that a man and a woman through marriage become one person, a blending of two

⁶ Once their engagement was finalized, the Jewish girls were called wives though no sexual relations had transpired, Genesis 29:21; cf. Deuteronomy 22:23–24; 2 Samuel 3:14; & Matthew 1:18-19. Does the act of sex formally make the one flesh? There are no solid answers, but it appears not. Surely sex with a prostitute does not bring into existence a one flesh relationship and marriage. Dr. Charles C. Ryrie writes that “. . . intercourse alone did not constitute a marriage is evident from the distinction throughout the Old Testament between a person’s wife or wives and his concubines (Genesis 22:24; Judges 8:30–31; 2 Samuel 3:7; 5:13 ; 1 Kings 11:3) and the sequence of events involved in Deuteronomy 22:28–29 (cf. Exodus 22:16–17)”, from “Biblical Teaching on Divorce and Remarriage,” in the *Grace Theological Journal*, 1998 (electronic edition.). Garland, TX, Galaxie Software.

souls into one. Both husband and wife are individuals with wills, each accountable to God. The teaching of the Bible causes us to conclude that “one flesh” means that together the man and woman form a unit. That unit has the power of procreation and is a family—the basic building block of society. Separately, man and woman are incomplete. Adam was lacking, so God gave him Eve as a helper and together they were complete. Men and women need each other to be a whole, functioning unit—one flesh.

Nowhere does the Bible say that marriages are made in heaven. I see nothing magical in the expression “one flesh” that would cause the unit to be inseparable, like the welding of souls or like Siamese twins. Jesus made it clear that there will be no marriages in heaven,⁷ so we will not have the same tie with our spouses after death that we have in this life. Our individuality is preserved both on earth and in heaven. Though the Bible uses the term “one flesh,” it does not explain it as a oneness that is two persons glued into one that can never again be two separate individuals. From the Bible, one would be hard pressed to prove a belief that this one flesh union is fixed in concrete for life and cannot be broken, though it is agreed that God desires for marriages to last. God desires a lot of things, like all coming to the knowledge of the truth,⁸ but the unbelief and disobedience of man often thwart the will of God.⁹

Some have quoted Jesus’ words, “What God has joined together let no man separate,” thinking it proves that “one flesh” indicates a joining of a man and a woman by God that cannot be broken. One must interpret in context (Hermeneutical Rule 4). I see no Scriptural teaching that would indicate that the “one flesh” designation in Genesis 2:24 and Jesus’ words about God joining together mean that God is directly involved in all marriage unions the world over, for all of history, and into the future. That would make Him the author of sin.¹⁰ Man’s acts of disobedience cannot force God to sanction something that He does not approve. Disobedient people do a lot of things that are directly contradictory to God’s will, and we cannot blame a holy God for their actions.¹¹ Ezra chapters 9 and 10 gives a very good, biblical example of marriages that displeased God. Malachi 2:10-16 is another.¹² Men often do the joining together of a man and woman without any consideration of God, and we cannot say “God is in it” (except for fatalists and

⁷ Matthew 22:29-30

⁸ 1 Timothy 2:4; 2 Peter 3:9

⁹ This is not a dissertation on Calvinism. Please see the chapter on Calvinism.

¹⁰ Even the Westminster Confession, a Calvinistic document, chapter V, paragraph IV, declares “God, who, being most holy and righteous, neither is nor can be the author or approver of sin.”

¹¹ Solomon’s downfall was caused by his marriages to gentile women in direct disobedience to God’s commands (Deuteronomy 7:3; 13:6-11; 20:18; Nehemiah 13:23-27; & 1 Kings 11:1-3). Those marriages were not made by God, and they destroyed Solomon, his family, and his kingdom.

¹² Jewish men were abandoning Jewish girls, in disobedience to God’s clearly revealed will, and were marrying pagan girls. The passage indicates that at least some of these men were divorcing their Jewish wives to free themselves to marry pagan women, a situation God said He “hates.” This passage clearly describes marriages that were outside of God’s will and blessing in that they were being contracted in defiance of God’s will. It is obvious that these marriages were not made “in heaven;” and God had not joined them together, using Jesus’ words.

strongly committed Calvinists—followers of Augustine¹³). “How have we wearied him [God]?’ you ask. By saying ‘All who do evil are good in the eyes of the Lord and he is pleased with them . . .’” (Malachi 2:17 NIV) Those who marry out of God’s will are doing evil, and to say that the Lord joined them together is equivalent to saying “it is good.”

Jesus did not say, “What God has joined together man cannot separate.” Since the Fall, the human race has invented many ways to destroy God’s creative purposes and to break His rules. For millennia man has been separating husbands and wives, in defiance of God’s will. Are we to conclude that Ezra was wrong because he forced the breaking of “one flesh” unions that “God had made”? Ezra was obeying God, and God had not made those marriages. Those men had disobeyed God, and Ezra sought repentance from them for their sin.

Because the Bible does not give us a clear understanding of the “one flesh” description of marriage, it would be unwise to build a doctrine about marriage solely upon that expression. From the whole of Scripture, we have concluded that God is not the author of all marriages, because since the Fall man has been disobeying the commands of His Creator. In fact, there is adequate experiential and scriptural evidence to show that a lot of marriages are made without any consideration of God, in deliberate defiance of His will.¹⁴

Cultural Prospective

To properly understand the Bible and interpret it, one needs to keep in view the historical, Old Testament culture of the Jews. The Bible is primarily male centered, because it was written within the context of a macho-man culture.¹⁵ As Gary Thomas has observed, when commenting about the disciples in John 4, “the disciples’ wonderment arose from their exposure to their blatantly anti-woman culture.”¹⁶ I do not believe that God sanctioned that approach to women but was working within the culture (Hermeneutical Rule 1). Neither did all Hebrew men treated their wives as property that was created by God and given to man to serve his needs; but this form of behavior was prevalent in the cultures of the Middle East, and in most of those cultures still is. Now I am not one of those who wants to change the pronouns in the Bible to “person” rather than “he” and “she,” etc. I firmly believe that God’s plan in creation was that men be the leaders in the home and in

¹³ Refer to the author’s chapter on Calvinism. Those who are fatalists or followers of Augustine believe that God ordained everything. He is like a play writer and director, who programmed all events and is directing them according to that program. In this case, some believe that even divorces and all sins are part of His plan—that is dishonoring God!

¹⁴ Customarily, Jewish marriages were arranged. There was a binding contract. The Lord’s blessing was sought. In this case, we could say that they were joined by God, because they were both Jews, worshiped the God of the OT, tried to keep His commandments, and sought His blessing.

¹⁵ This position toward women is very common in the cultures of the world, our Greco-Roman culture being the major exception. This attitude is part of the curse in Genesis 3:16, when the woman is told that man would “rule” over her, meaning a complete exercise of authority.

¹⁶ Thomas, Gary, *Sacred Marriage*, © 2000 Pub. Zondervan, page 59

society.¹⁷ However, why are there all of these passages, like Deuteronomy 24:1-4 discussed below, that focus on women as inferior and the one who carries the guilty verdict (“defiled” in this case)? Why is there not a law about a woman divorcing her husband, etc.? Numbers 5 is a prime example of the macho-man culture and this unfair balance. It is common knowledge that men are more unfaithful than women, and yet there is no test that stipulates a process through which a wife can discover if her husband has been untrue to her. In John 8, why was the woman brought to Jesus without the man? In Deuteronomy 24, it is the man who divorces his wife, but it is the woman who becomes defiled. Nothing negative is said about the man marrying another wife. He is not declared “defiled” by this act. He is not prohibited from returning to his first wife because he had married another and divorced her. Knowing men, this is a plausible scenario. Could the man divorce his wife, marry another, divorce the second wife, then return and re-marry the first? Would he be “defiled” in doing so? The passage does not answer these questions. The macho-man culture stands out quite strongly. In the Old Testament, men could have multiple wives and concubines; and though this violated God’s design in creation, there are no prohibitions and condemnations. Abraham, Jacob, David, Solomon, et al., all followed cultural norms. In the Old Testament polygamy is never addressed as a sin. Instead, in the Bible many of these men are heroes in the faith. If they were to seek membership in most evangelical churches today, their salvation would be held in question and affiliation with a local church would be denied.

In the culture of the Old Testament, normal marriages were arranged, and a price was paid for the girl by the boy’s father, or by his family, or by himself. Genesis 24 illustrates this, specifically showing that for the Hebrews the best bridal choice was from among the boy’s cousins through his mother. Anthropologists define the marriage system in the culture of the Middle East during Bible times as “patriarchal,” meaning the bride went to live with her husband near his parents and with his clan. Though in Genesis 24 we learn that Isaac was 40, we are not given the age of Rebekah. Usually girls were married in their early to mid-teens. If her husband were to die, the girl was returned to her family and clan or was given to her husband’s brother to raise-up children for her dead husband.¹⁸

God told the Jews to marry from within the Hebrew race and not to marry women from the tribes around them nor to give their daughters in marriage to those peoples.¹⁹ God is not a racist; but He is very concerned about the religious contamination that a pagan wife could bring into the marriage—destroying it, the children, and future generations by diverting them from the true God. This divine standard of religious purity is the foundation for the Christian teaching that a believer should only marry another believer; and from my experience, I believe it is best to marry a Christian who has a belief system very close to one’s own. In other words, they should seek a partner who aspires to the teachings of his/her family and church background. We can see that disobedience to this law restricting marriage to a person from one’s own race and belief system destroyed Solomon, his

¹⁷ 1 Timothy 2:13

¹⁸ Genesis 38:11; this is cultural and was done to preserve the land for the family line, since men held title. The text says nothing about the marital state of the brother.

¹⁹ Deuteronomy 7:3-4

family and kingdom.²⁰ When Ezra the priest discovered that the Jews had taken foreign wives, he became very disturbed. Oh, if we would only be as distraught and concerned about sin among God's people as Ezra was. After prayer and counsel from others, he called for repentance and ordered the men to put away (divorce) their non-Jewish wives.²¹

In the case of divorce, the girl was given a scroll that declared that she was hated by her husband, cut off ²² from him, and evicted from his residence. When this document was placed into her hand, she was legitimately dismissed, sent away from her husband's house and clan, and returned to her family. In the Hebrew culture, the man was the dominant figure in the home and clan. Women were subject to the lordship of their fathers and after marriage to the lordship of their husbands. With the document of divorce in hand, the girl's father had every legal right to give his daughter to another man in marriage. There was no law that gave a woman the right to divorce her husband.²³ Men could have multiple wives.²⁴

Deuteronomy 24:1-4 on Divorce

When a man hath taken a wife, and married her, and it come to pass, that if she find no favor in his eyes, because he hath found some scandalous thing in her, he may write her a bill of divorcement, and give it in her hand, and send her away out of his house; And she shall depart out of his house; and if she go and become another man's wife; And the latter husband hate her, and write her a bill of divorcement, and give it in her hand, and send her away out of his house; or if the latter husband, who took her as his wife, should die: Then shall her former husband, who had sent her away, not be at liberty to take her again to be his wife, after she hath been defiled; for it is abomination

²⁰ Nehemiah 13:23-27

²¹ Ezra 9 and 10

²² Lange, John P., *Commentary on the Holy Scriptures*, Vol. for Numbers & Deuteronomy, no copyright, pub date 1879, Pub. Zondervan, page 173, footnote 4

²³ Joseph A. Alexander, in his commentary on Mark, wrote: "He says to them, his disciples, what he had said before to his opponents, but in terms still stronger because more explicit and direct. They are indeed so clear as neither to require nor admit of explanation. They are also carefully repeated in relation to both sexes, though the Jewish law and usage recognized no right of divorce except upon the husband's side. *Put away*, therefore, in v. 12 must either be explained to mean desertion by the wife . . . or understood as a prospective regulation, not confined, in form or substance, to the Jewish practice." *A Commentary on the Gospel of Mark*, Pub. Banner of Truth Trust, Great Britain, (old book republished, no copyright, pub 1960), pages 275 & 276

²⁴ The overall teaching of Scripture leads us to conclude that polygamy and slavery are wrong, though we find no direct command from God that prohibits these practices. From Paul's words in Athens that were addressed to idolaters, "therefore having overlooked the times of ignorance, God is now declaring to men that all people everywhere should repent" (Acts 17:30), it appears that throughout the ages God has overlooked many of the actions of sinful men. He understands that we are made of clay.

before the Lord; and thou shalt not bring sin upon the land, which the Lord thy God giveth thee for an inheritance.²⁵

Commenting on Deuteronomy 24:1-4, Josephus wrote:

He that desires to be divorced from his wife for any cause whatsoever (and many such causes happen among men), let him in writing give assurance that he will never use her as his wife any more; for by this means she may be at liberty to marry another husband, although before this bill of divorce be given, she is not to be permitted so to do; but if she be misused by him also, or if, when he is dead, her first husband would marry her again, it shall not be lawful for her to return to him.²⁶

Josephus' commentary is the prevailing, historical understanding of this passage.

Deuteronomy 24:1-4 is the fundamental biblical text on divorce.²⁷ The religious leaders used this passage while testing Jesus. This passage has not been understood and has had varying interpretations and applications going back to before Christ and continuing on until today. Joe Sprinkle is right when he declares: "Unfortunately it is a text riddled with exegetical difficulties."²⁸ All tend to agree that verse 4 states that if a husband divorces his wife, he cannot remarry her after she has married another man; but there is very little agreement on much else in those four verses.

The Hebrew word כִּי ,²⁹ which introduces four adverbial phrases in this passage, has been translated with various English words: if, then, though, because, when, for, and sometimes not translated. Verse 1 begins with this adverb, and in the above translation is rendered "when." The second appearance in verse one is translated "because". In verse 3 it is translated "if" in the phrase "if the latter should die." In verse 4 it is translated "for" in the phrase "for it is abomination." The "then" starting verse 4 is not found in the Hebrew text.

²⁵ Quoted from the English translation of the Hebrew text in *The Twenty-Four Books of the Bible, Holy Bible, Hebrew English*, carefully translated after the best Jewish authorities, by Isaac Leiser, Hebrew Publishing Co., NY. This is a parallel version in English and Hebrew. No date is given, but it appears the work is over 100 years old.

²⁶ Josephus. (2002; 2002). *Complete Works of Josephus* (Ant IV, viii 23), electronic edition from Galaxie Software. Josephus was a Jewish historian living in the first century A.D.

²⁷ Though there is a debate as to whether Deuteronomy 24:1 contains 2 laws, this is the only divorce law given in the Pentateuch. Divorce is mentioned in Leviticus 21:7; 21:14; 22:13; Numbers 30:9, and Deuteronomy 22:19 & 29, but this is the only law.

²⁸ Sprinkle, Joe M., "Old Testament Perspectives on Divorce and Remarriage," in the *Journal of the Evangelical Society*, Vol 40, electronic edition

²⁹ Other verses in the immediate context that use this word: Deuteronomy 23:15 and 21; 24:5 & 7, etc. This Hebrew word cannot be understood alone. See: F. C. Putnam, (c1996, c2002). *A Student's Guide to the Syntax of Biblical Hebrew* (Page 48 ff). Quakertown, PA: Stylus Publishing

What it was that displeased ³⁰ the husband is a mystery. In verse 4, the defilement ³¹ of the woman is not understood.

Carl Laney,³² in an article on Deuteronomy 24:1-4, builds his whole case on what he believes is a single protasis ³³ followed by an apodosis ³⁴ and what he feels is an implied or suggested meaning in the text, as he wrote: “The use of טָמֵא in Deuteronomy 24:4 suggests that remarriage following divorce is placed on a par with adultery.”³⁵ But, the referenced Hebrew word means to be unclean ceremonially, religiously, or sexually. It never means adultery. Even Laney admits this in his article. He has no ground for even suggesting that the word implies “adultery.” Let us not put words in Moses’ mouth. Moses knew the word for adultery, and the Mosaic Law pronounced the death sentence for that sin.³⁶ Even if the husband were to disobey the law in Deuteronomy 24:4, by remarrying his wife, Moses did not call this an act of adultery, though he strongly condemned it. Yet, in these four verses there is no condemnation pronounced upon the man for divorcing his wife and no condemnation for her marrying another; but there are some modern day preachers who do a lot of unbiblical condemning of those who have experienced divorce. I am not writing here to critique Laney’s article, but as I read his commentary, I found several hermeneutical and exegetical violations. Proper hermeneutics does not build a doctrine on a verse that everyone, even Laney, admits is unclear and on an *assumption* that טָמֵא (unclean) implies adultery. Not only this, Laney is very dogmatic in his conclusions. When using sound hermeneutics, one understands that obscure passages must yield to clear ones; and one certainly does not build a doctrine on an assumed meaning of a word. It appears that Laney is carrying his preconceived beliefs about marriage and divorce to the Scriptures and forcing the text to support his theology. (See hermeneutical Rule 8)

³⁰ The Hebrew word (עֶרְוָה) is used for indecent exposure (Genesis 9:22; Exodus 20:26; Leviticus 20:11; Isaiah 20:4). In Genesis 42:9, it is employed to describe unprotected land. In Deut 24:1, the usage is not clear. Did the woman improperly reveal her nudity? Did the husband discover something he did not like when he saw her undressed? Some even suggest that she was unable to bear children, a disgraceful situation, especially in Bible times.

³¹ The word (טָמֵא) means “to be or become unclean, sexually, religiously, ceremonially,” *Strong’s Concordance*

³² In this chapter, Carl Laney is used as an example of those who hold a similar position. Laney and those in his camp are being unfair to the Scriptures and to their readers by imposing their beliefs onto the Scriptures rather than drawing doctrine from them.

³³ Protasis is a conditional sentence or clause that introduces a condition, often beginning with “if” or “when” in English.

³⁴ Apodosis responds to and completes a protasis, expressing a consequence. It usually begins with “then” in English. In Deuteronomy 24:1-4 the apodosis is the clause or sentence that gives a law.

³⁵ Laney, Carl, “Deuteronomy 24:1-4 and the Issue of Divorce,” in *Bibliotheca Sacra*, Volume 149, electronic edition, Dallas Theological Seminary

³⁶ Exodus 20:14; Lev 20:10; Deuteronomy 5:18

Laney believes that Deuteronomy 24:1- 4 is one law that is introduced by a conditional clause ³⁷ that is completed with a complementary or concluding clause that states a regulation or law (verse 4). He wrote:

Deuteronomy 24:1- 4 merely treats divorce as a practice already existing and known. Grammatically the passage is an example of biblical case law in which certain conditions are stated for which a particular command applies. The protasis in verses 1- 3 specifies the conditions that must apply before the command in the apodosis in verse 4 is followed. In other words 24:1- 4 describes a simple “if...then” situation.³⁸

Over the last century, this view and translation approach to these four verses in Deuteronomy has become quite a common practice. Laney bases his argument on what he calls “biblical case law” where an “if” clause that states a condition or happening (e.g., if a man divorces his wife) is followed by a “then” clause that states a law (e.g., then the man cannot remarry the wife he divorced). Laney then concludes that verse 4 is the “then” clause where the law is declared, though in the Hebrew, verse 4 does not start with “then,” though some translations include it, as in the above, quoted Jewish translation. Laney’s commentary indicates that he does not believe that verse 1 presents a law. According to him, verses 1 through 3 is the “protasis” clause that states a condition (i.e., men were divorcing wives). Laney believes that Moses did not institute a commandment that established the requirement for the issuing of a certificate of divorcement ³⁹ when a man sent away his wife. Laney has dived into a longstanding debate, one for which he is convinced that he has discovered the solution.

Before Jesus was born there were two influential rabbis, Shammai and Hillel, with opposing views on this passage. Their conflicting renderings and interpretations were the background for the test of Jesus by the religious leaders recorded in Matthew 19 and Mark 10. Matthew 5:31-32,⁴⁰ Matthew 19:7, and Mark 10:4, cite the Deuteronomy passage. Both books quote Moses: “Anyone who divorces his wife must give her a certificate of divorce,” or similarly stated. If these New Testament quotes are accurate, they indicate that at the close of Deuteronomy 24:1 there is an apodosis. In none of these New Testament passages does Jesus make an effort to correct a misrepresentation of Moses’ words, if indeed their question had referenced an improper translation. But, when Jesus responded by saying, “Because of your hardness of heart *Moses permitted you to divorce your wives*”⁴¹ (emphasis added), the Lord actually upheld their quote from Moses and thus authenticated the translation that makes the end of verse 1 an apodosis—the completing clause that states a law. The New Testament quotes and Jesus’ authentication of the religious leader’s reference to Deuteronomy 24:1 confirm that the verse presents a law, meaning that verse 1 and verse

³⁷ Verse 1 begins with *כִּי*, an adverb, and would be better translated “when,” though “if” is often used in our modern versions and by Laney.

³⁸ Laney, *Ibid*.

³⁹ A scroll that stated that the husband hated his wife and was sending her away from his house.

⁴⁰ Matthew 5 through 7 is the “Sermon on the Mount.” In the scheme of Matthew’s gospel, in this section Matthew consolidates the teaching ministries of Jesus. It is highly probable that 5:31-32 is a condensed version of Jesus’ teachings as recorded in Matt 19 and Mk 10.

⁴¹ From Matt 19:8, NASV 1995

4 present two laws, not one law as Laney and others in his camp and most modern translations would have us believe.

In verse 1, Moses instituted a law that required a husband who no longer wanted his wife and evicted her from his house to place into her hand a scroll in which the husband declared that he hated her and had expelled her from his house. Verse 4 established a second law that restricted the husband in remarrying the wife he had divorced, if in the meantime she had married another man. He could not take her back after she had been with a second husband. In writing these laws, Moses did not sanction divorce. As Jesus declared, he wrote these laws because of the hardness of the hearts of the men who were divorcing their wives. The God-inspired law, written with the pen of Moses in verse 1, was given to bring order to an out-of-control situation. Before that law, the father of the divorced daughter had no legal proof of the eviction (divorce), and his hands were tied. What was he to do with his still legally married daughter? The second law found in verse 4, written by Moses under the guidance of the Holy Spirit, was designed to cause a man to think twice before divorcing his wife, because he would not be allowed to have her back once her father had given her to another man. By divorcing her, he not only lost the money he had paid to marry her, he would be losing the right to remarry her.

The King James Version renders Deuteronomy 24:1-2 as follows:

When [the protasis] a man hath taken a wife, and married her, and it come to pass that she find no favour in his eyes, because he hath found some uncleanness in her: then [the apodosis] let him write her a bill of divorcement, and give it in her hand, and send her out of his house, and when she is departed out of his house, she may go and be another man's wife.

The NetBible⁴² renders Deuteronomy 24:1-2 as follows:

If [the protasis] a man marries a woman and she does not please him because he has found something offensive in her, then [the apodosis] he may draw up a divorce document, give it to her, and evict her from his house. When she has left him she may go and become someone else's wife.

According to some translations and modern commentators like Laney, Congdon,⁴³ and others, the first word in verse 1 is translated "if," as illustrated above from the NetBible. However, these writers seem to overlook the fact that later in verse 1⁴⁴ there is the same

⁴² www.netbible.com, though they translate correctly, their commentary note is, "The issue here is not divorce and its grounds *per se* but prohibition of remarriage to a mate whom one has previously divorced," seeming to side with Laney. www.netbible.com is now an inactive site.

⁴³ Roger D. Congdon in *Did Jesus Sustain the Law in Matthew 5?*, *Bibliotheca Sacra*, 1998 (electronic edition) Dallas Theological Seminary

⁴⁴ "He may draw up a divorce document, give it to her, and evict her from his house." *NetBible*.

construction as in verse 4⁴⁵—a law. In verse 1 and 4, neither apodosis starts with a “then” or “if” in the Hebrew, but both are laws. In verse 1, a protasis followed by an apodosis can be found,

When a man hath taken a wife, and married her, and it come to pass, that if she find no favor in his eyes, because he hath found some scandalous thing in her, he may write her a bill of divorcement, and give it in her hand, and send her away out of his house.

Verse 2 starts another protasis that goes through verse 3,

. . . if she go and become another man’s wife; And the later husband hate her, and write her a bill of divorcement, and give it in her hand, and send her away out of his house; or if the latter husband, who took her as his wife, should die.

Verse 4 contains the complementing apodosis clause—a second law,

Then shall her former husband, who had sent her away, not be at liberty to take her again to be his wife, after she hath been defiled; for it is abomination before the Lord; and thou shalt not bring sin upon the land, which the Lord thy God giveth thee for an inheritance.

It is apparent that there are two laws in these four verses. Moses did command that if a man were to divorce his wife, then he was to give her a scroll of divorcement. Moses did not authorize divorce but established a law that would force a man to document his ungodly behavior.

We started this section with a quote from Sprinkle, who made it clear that these verses are not easy to translate and understand. One must keep in mind that this debate predates the birth of Jesus. Because of this, and the disagreements that have been in existence until today, one who would build a theology on these verses must recognize that the ground they are standing upon is not bedrock but sand.

As one can see above, the King James translation of Deuteronomy 24:1 agrees with the English rendering in the Hebrew Bible, a Jewish document, quoted at the opening of this section. These agree with the English rendering of the Greek text of the LXX⁴⁶ and with the ASV-1901. Besides this, all of these English translations agree with four Brazilian translations that are in common use in Brazil.⁴⁷ All of these translations are like the King James Version, in that they state a law in verse 1 (the necessity of the scroll of divorcement), and a second law in verse 4 (man cannot remarry a wife he divorced after

⁴⁵ “Her first husband who divorced her is not permitted to remarry her after she becomes ritually impure.” *NetBible*.

⁴⁶ *The Septuagint Version of the Old Testament with an English Translation*, Samuel Barster and Sons Limited, London, Harper and Brothers, NY, 1794

⁴⁷ The Corrigida, the Revisada, the Corrigida Revisada, and the NIV (translated differently from the English version); these are brief titles that represent Bible versions in Brazilian Portuguese. To my knowledge, the Atualizada is the only Brazilian translation that does not state a law in verse 1.

she has married another man). Interestingly, this translation approach is what is quoted in Matthew 5:31, Matthew 19:7, and Mark 10:4, where Deuteronomy 24:1 is cited by the religious leaders in their testing of Jesus. As pointed out above, Jesus agreed with their quote and with the position that the first verse presents a law.

These details show that there is a long history of translators and commentators who believe that Deuteronomy 24:1 is a Mosaic law that establishes the writing of a scroll of divorcement; and as we have pointed out, this approach in translating the Hebrew text is reflected in the New Testament. If the translation approach of the NASB, NKJV, ESV, NIV, etc., is correct and accurate, then there was no law that required the scroll of divorcement; and the four verses only establish one law regulating the actions of a husband who has chosen to divorce his wife. However, in the NASB, NKJV, ESV, NIV, and many other modern versions, the rendering of Deuteronomy 24:1-4 conflicts with the historical evidence, the quote of this law in the New Testament, and with Jesus' words when he agreed with the rendering of the passage by the religious leaders. On this passage, these modern renderings have done the world a disservice.

In Matthew 5:31-32, Matthew 19, and Mark 10, Jesus did not say to those religious leaders, "You are wrong. Moses never established a law that required a writing of divorce." I ask: If divorce does not break the one flesh union that is established by God, following my understanding of that teaching as presented by Laney, then why didn't Moses flatly condemn it, calling it adultery, as it appears that Jesus did? Was Jesus adding to the Mosaic Law, making a harsher law? The fact that in the total of Scripture this sentence of adultery is not found, except in Jesus' rebuke in response to a testing question from the religious leaders, causes me to raise a flag of caution when interpreting and applying the words of Jesus in Matthew 19 and Mark 10 to our twentieth century western culture (Rules 4 & 6).

In Deuteronomy 24:4 we find these words: ". . . 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 verse is not declaring that the woman is an adulterer. I believe that the passage says that the wife is unclean for marriage to previous husband because of what he had done to her, not for something she purposely did to herself. The older translations and Josephus all state that after she had received the scroll of divorcement the woman could marry another man—and no condemnation is pronounced for doing so. This unloved wife is not classed as an adulterer for marrying another man who wanted her and was willing to negotiate with her father to obtain her.⁴⁸ If this defilement meant there was something wrong with her personally, then would she not be unfit to marry any man? The law does not say so, though some modern teachers do. As Sprinkle points out, many of the laws dealing with divorce are designed to discourage it,⁴⁹ and verse 4 is one of them.

⁴⁸ Custom was for the divorced wife to return to her family (Lev. 22:13). The father, or family head, would then seek a new husband for this daughter. Some women did not have this privilege and poverty caused some to become prostitutes.

⁴⁹ Sprinkle, *Ibid.*

In these verses we see a macho-man culture. We are not told that if the man marries another woman, a probable scenario, and divorces her that he cannot remarry his first wife because he is ceremonially unclean. Men could have multiple wives and a concubine, and they and he were not defiled by this. How was the woman defiled? Can we clearly define what that defilement was? One thing for certain is that we cannot build a doctrine on this text.

Divorce was a fact of life. It voided the marriage contract, making it legal for the divorced wife to marry another man. The very fact that her first husband could not remarry her after she had been married to another man makes it clear that divorce broke the original “one flesh” relationship. If she had a one flesh relationship that could only be broken by death, then why could her first husband never take her back? Nowhere does the Old Testament call divorce and remarriage “adultery”—*an act punishable by death*.⁵⁰

In the Near East, most cultures had marriage contracts.⁵¹ There was a payment given to the father and to the bride. These contracts spelled out the payment amounts and the obligations of both parties in the marriage. Many of these contracts were written with divorce in mind, and conditions were established about who got what if divorce were to transpire. Though all evidence says that the Hebrew wife could not divorce her husband (Deuteronomy 24:1-4 speaks to the husband, not the wife),⁵² it appears that there were instances where she could, like when the husband was not completing his side of the contract. However, from the beginning, men have sent their wives away for any reason, and it appears that this was never the privilege of the Jewish women. The only time in the Bible that divorce and remarriage are called adultery is when Jesus did so in response to the questioning from the religious leaders who were testing Him.

To those who teach that the “one flesh” relationship is made by God and cannot be broken by man, I would ask, “Why did Jesus agree with the Samaritan woman when she said that she had no husband?” He declared: “You have correctly said, ‘I have no husband’; for you have had five husbands, and the one whom you now have is not your husband; this you have said truly.”⁵³ Was Jesus a hypocrite and a good politician out to please and win votes? If before God divorces had not canceled those five marriage contracts, then to be truthful He should have said, “No, you are married to five and are shacking up with another who is not your husband.” Please note that He didn’t call her an adulterer. We see a Savior who is understanding, compassionate, non-condemning, and ready to forgive and build a new future for her.

At this point it should be noted that the only times we see Jesus angry and harsh is as He deals with religious leaders who should have known and practiced the truth but were

⁵⁰ Leviticus 20:10

⁵¹ In the book by Rabbi Hayim H. Donin, *To Be a Jew*, © 1972, published by Basic Books, Inc., NY, we learn that even today Jews have marriage contracts. These contracts require the husband to properly care for his wife.

⁵² “A woman was not allowed to divorce her husband.” Page 1225 in *Manners and Customs of Bible Lands*, by Fred H. White, Moody Press, © 1953.

⁵³ John 4:16-18 (This passage also shows that sex is not marriage.)

stubbornly defiant, unbelieving, selfish, determined to write their own laws, without compassion, and out to kill the Son of God and the Messiah. Jesus always was understanding, forgiving, non-condemning, and helpful toward the humble, the ones who knew they were sinners. Most of the divorced persons who walk through the doors of the twenty-first century church are seeking God's love and forgiveness. They have gone through a very emotional experience, suffering a lot of pain. They feel guilt and carry it for years. Many Christians did not choose divorce. It was forced upon them by a stubborn, selfish mate. They still feel as though they were responsible⁵⁴ and have sinned; some may have, but there is forgiveness. They need to understand the love of God, His forgiveness and acceptance of them through Jesus, and to observe God's people living in the truth.

In this section I have sought to show that Deuteronomy 24:1-4 has been and continues to be a difficult passage to interpret. Because of this, one should not build a strong doctrine about divorce and remarriage based upon this passage. However, I believe that historically and textually there is strong evidence to support our conclusion that Moses did compose a law that required the certificate of divorcement if and when a stubborn man chose to divorce his wife. This document declared to the world and the woman's family that her husband did not want her and had sent her away. By that certificate, her father knew he was not violating a previous contract by giving his daughter to another man in marriage. That divorce document broke the marriage contract and gave the woman the legal right to become the wife of another man. The moment her husband handed her that scroll of divorcement, the "one flesh" relationship had officially and legally been broken. She was not an adulteress for marrying another man, a crime that carried the death sentence in the Old Testament.

Matthew 19:1-12

Some believe that Matthew 19 and Mark 10 are different questions, not the same story. Since it is not my objective to do a complete exegesis of these texts, I do not plan to get into the differences and will primarily refer to Matthew 19.⁵⁵

On this passage Dr. Walvoord writes:

On the other hand, the tendency to rule out divorce for any cause whatever seems unjustified on the basis of Christ's teaching and also on the basis of the Old

⁵⁴ Children of divorce also feel that they are to blame, though they had nothing to do with the breakup.

⁵⁵ Joseph A. Alexander, in his commentary on Mark, where it is believed that the same conversation is recorded (10:1-12), wrote: "*He says to them*, his disciples, what He had said before to his opponents, but in terms still stronger because more explicit and direct. They are indeed so clear as neither to require nor admit of explanation. They are also carefully repeated in relation to both sexes, though the Jewish law and usage recognized no right of divorce except upon the husband's side. *Put away*, therefore, in v. 12 must either be explained to mean desertion by the wife . . . or understood as a prospective regulation, not confined, in form or substance, to the Jewish practice." *A Commentary on the Gospel of Mark*, Pub. Banner of Truth Trust, Great Britain, (old book republished, no copyright, pub 1960) pages 275 & 276.

Testament prohibition of the remarriage of the divorced couple who have married another, which recognizes the fact of the divorce.⁵⁶

Mr. Sprinkle looks at the Old Testament passages dealing with divorce and draws some excellent conclusions. His study and commentary deserve consideration. On Matthew 19, he wrote:⁵⁷

An analysis of Mark 10:2–12; Matt 5:31–32; 19:3–12; 1 Cor 11:10–11⁵⁸ indicates that Jesus in his statement about divorce had no exception clause but said something like this: “Whoever divorces his wife and marries another commits adultery against her; and if she divorces her husband and marries another man, she commits adultery.” His words, if taken literally, would disallow any and all divorce and remarriage. But Matthew provided inspired commentary on Jesus’ words by adding the gloss “except for immorality (*porneia*).” Likewise Paul, in his application of Jesus’ words, provides another exception in the case of desertion: “If the unbelieving partner leaves, let him leave; the brother or sister is not under bondage in such cases” (1 Cor 7:15). These modifications of Jesus’ statement indicate that both Matthew and Paul understood Jesus’ statement to be an instance of hyperbole, akin to his assertion in Matt 5:29–30 (just before 5:31–32 about divorce) that one should gouge out his eye or cut off his hand if it causes him to sin—an obvious exaggeration. Hence Jesus’ statement is not to be read as a legal maxim to cover every situation but as a highly colorful condemnation of the extremely loose attitude to divorce among Jesus’ opponents. This easygoing practice of divorce for any and every reason was in heart attitude the moral equivalent of adultery. One cannot simply trade in and barter spouses the way one can trade in an old automobile for a new or preowned car. Even marrying an innocent divorced woman is like adultery (Luke 16:18b) in that it involves a man taking as wife a woman who ideally (had hardness of heart not produced violation of the original marriage covenant) should have remained with another man.

Matthew 19 and Mark 10 record another testing of Jesus by unbelieving, disobedient, cruel, know-it-all religious leaders who were macho-men living in a macho-man culture. They were bringing to Jesus the disagreement between the two schools—the Rabbinical School of Shammai and the Rabbinical School of Hillel—probably in an effort to trap Jesus by forcing Him to take sides. Evidently those following the Hillel school had used his teachings to carry the matter of divorce to an extreme, allowing “no-fault” divorces for “any reason” as though this were sanctioned by Moses. These leaders presented to Jesus their liberal position, “Is it lawful for a man to divorce his wife for any reason at all?” and “Why then did Moses command to give her a certificate of divorce and send her away?” In Jesus’ day the followers of the school of Hillel held that a man could divorce his wife for “any reason.”⁵⁹ Maybe she burnt the meat. Maybe she was pretty when they married; but after five kids, she had put on weight with a tummy and lost

⁵⁶ Walvoord, Dr. John F., *Matthew Thy Kingdom Come*, Pub Moody Press, page 143

⁵⁷ Sprinkle, *Ibid.* (page 10 in my copy)

⁵⁸ It appears that there is a misprint and that he is referring to 1 Corinthians 7.

⁵⁹ All agree that the text of Deut 24:1-4 is unclear. No one has a good, reliable description of what the husband found that caused him to divorce his wife. However, it appears that the follower of the Hillel school went to the extreme by allowing divorce for “any reason.”

her figure; and she was no longer sexually appealing. Whatever, he just wanted a new one. These are the same religious leaders who were plotting to kill Jesus. However, as with their other questions, they got more than they bargained for in the Lord's response. As we have seen, Jesus did not find fault with their translation of the Mosaic Law but agreed with it. However, he strongly disagreed with no-fault divorce. Jesus reminded them of Genesis 2:24 and God's purpose in marriage. To change wives for "any reason," like one would trade in a car today, was a totally unacceptable practice. Jesus called this behavior "adultery." After all, was not this practice similar to the wife-switching parties that go on today? Would not we who believe in biblical standards concur with Jesus that such actions are adulterous? Under the Mosaic Law, adultery was a capital crime worthy of death.

To apply those harsh words in every case of the divorce and remarriage scenario and to every human failure from Adam until the return of Christ would be unjust. Sprinkle is right when he says that our Lord was using a hyperbole. As he has pointed out, there are times when God approved of divorce.⁶⁰ Jesus was talking to men who had no regard for God and His laws, men in a macho-man culture, and men who were putting away their wives for "any reason" to marry another; and by such action making a mockery of marriage. Yes, that was bad, and we are doing a lot of the same in our culture today. Jesus was dealing with a similar situation, but it would be an injustice to say that He was pronouncing the sentence of adultery on every case of divorce and remarriage. The Bible does not do this.

There are questions I would like to have had Jesus answer. What would He have recommended had they asked Him about Jane.⁶¹ She and her husband have three children. She works as a nurse to support them all, has an unemployed husband who drinks, uses drugs, steals to support his bad habits, lies to the homeowners insurance company about damaged or missing property to collect, lies to the IRS, sneaks money out of his wife's purse and safety-deposit box, forges checks, and will not submit to counseling? The creditors are harassing Jane every day. The house is fully mortgaged, and they are over \$200,000 in debt—because of him. Thanks to our legal system, everyone is holding her liable for the financial consequences of her husband's behavior. This woman is afraid for her life and fears that her husband may even try burning down the house with her and the kids inside to collect the insurance money. Her pastor has recommended divorce. In our culture and legal system what else can she do? When it is a proven fact that 90 percent of domestic violence and abuse is directly caused by men,⁶² does a woman submit to such behavior when the law gives her a legal way out? Remember women in such situations could not divorce their husbands in the macho-man culture of the Bible, nor can they in the macho-man Muslim culture.

⁶⁰ For one example, see Gen 21:12 where God tells Abraham to send away his wife Hagar.

⁶¹ Not her real name. This is a true story.

⁶² O'Neil, Angela, "Domestic Violence," *Mayo Clinic News Letter*, April 2004, and she believes that in some cases where the woman is the perpetrator that her actions are indirectly caused by the man.

Soon after Loraine⁶³ finished her degree to be a registered nurse, she married a man whom she believed was a Christian. She worked while he went to the local university to become a lawyer. As soon as he completed his degree, he filed for a “no-fault” divorce. Loraine was devastated. She had thought that everything was fine and did all she could to save her marriage. Though she would not sign the papers, the judge did, and her determined husband got his way. Loraine felt used and abused. After five years of feeling inferior and guilty, Loraine met a fine Christian man at church who loves and respects her, and they were married.

Jesus did not address several scenarios that are common in our culture that could be used as illustrations for this point.⁶⁴ We must look at the culture of the Book and recognize that it is macho-man. Jesus is working and teaching within that culture. Our culture is different. We place a different view on women and permit them to have equal rights with men. How would Jesus have reacted in our culture toward Jane and Loraine? Putting our theology into practice is the most difficult task of any spiritual leader and teacher of God’s Word.

I find it interesting that in a macho-man culture Jesus was kind to women. He never spoke harshly to a woman. He gave back to a woman her dead son. He forgave the Samaritan woman and the woman caught in the very act of adultery. He healed Mary of demons. Women were with him at the cross. Women were the first to see him after the resurrection, etc.

Jesus gave an exception that authorizes divorce—“except for immorality.” In Matthew 19:9 the word “immorality” is **πορνεία** (porneia) in the Greek, from which we get our word “pornography.” When translating this word, the King James translators used “fornication.” Most dictionaries define fornication as “sexual intercourse between two consenting adults, who are not married to each other,” and it is commonly felt that fornication happens between two who are not married. However, this Greek word is much broader, covering all sexually immoral acts, such as adultery, premarital sex, homosexual activities, pedophilia, bestiality, etc. These are sins committed against one’s own body⁶⁵ that could bring serious physical sicknesses into a marriage.⁶⁶ The Old Testament and Jesus taught that divorce is wrong; and it is good if a couple can forgive and resolve the sins that are destroying their relationship. However, a sin hardened person who practices **porneiva** (porneia) can destroy more than a marriage. Let us not forget that these very sins are the reasons why God had to utterly destroy Sodom and Gomorrah.

⁶³ Not her real name. This is a true story.

⁶⁴ Though I have used women in these illustrations, there are male examples, though fewer. A young man went to Bible college because he believed God had called him to ministry. He met a girl there and they became engaged. However, his desire was to delay marriage until after he graduated. Upon his completion of his junior year, she begged him to marry, and he agreed. Before he finished his senior year she filed for a no-fault divorce. This man cried before the judge because he did not want the divorce. He would not sign the papers, so the judge did. The girl would not meet with dedicated Christian counselors.

⁶⁵ I Corinthians 6:16-18

⁶⁶ I know of a woman who divorced her husband of 20 years because he became gay. She was afraid he would give her HIV.

Matthew 19 and Mark 10 are not an exhaustive dissertation on divorce and remarriage. As with all other doctrines, the context of the passage and the whole of Scripture are so important. Hermeneutically one would be wrong to build a theology concerning divorce and remarriage solely from these verses. As pointed out above, only from Jesus do we hear the act of divorce and remarriage being called “adultery.” That should alert us and cause us to make a thorough examination of the subject of divorce and remarriage in the Bible before forming a doctrinal opinion that we can apply to our lives and culture today.

One truth is foundational: Our God is very loving and understanding. He has done everything possible to forgive our sins so that we can have fellowship with Him. God wants all peoples to come to the knowledge of the truth so they can be saved. God forgives and forgets sin. God is in the business of picking people up out of the mud pits of life, cleaning them up, and giving them purpose, hope, and a new future. God uses humble sinners, not the “righteous saints” (Luke 18:9-14).

Love is God’s greatest attribute. These truths form a foundation upon which to work with sinners and to build a practical theology.

1 Corinthians 7

In I Corinthians chapter 7, the Apostle Paul addressed the subject of marriage. The following is quoted from verses 10 through 17:

But to the married I give instructions, not I, but the Lord, that the wife should not leave her husband (but if she does leave, she must remain unmarried, or else be reconciled to her husband), and that the husband should not divorce his wife. But to the rest I say, not the Lord, that if any brother has a wife who is an unbeliever, and she consents to live with him, he must not divorce her. And a woman who has an unbelieving husband, and he consents to live with her, she must not send her husband away. 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. Yet if the unbelieving one leaves, let him leave; the brother or the sister is not under bondage in such cases, 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? Only, as the Lord has assigned to each one, as God has called each, in this manner let him walk. And so I direct in all the churches.

From this passage we are led to assume that in the Gentile, Greco-Roman culture a woman could divorce her husband. Verses 10 and 11 address married Christians. They

were not to separate; but if they did, they were to do everything possible to reconcile their marriage. They were not to marry someone else.⁶⁷

Though Paul refers to Christ's earthly teaching, he does not bring up the matter of adultery or use the word **porneiva** (porneia), the valid reason for divorce. Under the Hebrew legal code, those were sins⁶⁸ that were worthy of death, which inevitably would have ended the marriage anyway.

Apparently Paul is answering a question from the Corinthian church about the marital status of a couple in which one spouse is a believer in the Lord Jesus as Savior and the other is not. "Should they separate?" Paul does not recommend divorce but upholds the sanctity of marriage and encourages the saved person to remain with his/her unsaved spouse. The reason he gives for remaining together is the fact that the Holy Spirit indwells the believer and will, through that saved person, continually speak to the unbelieving partner and to their children about their need for salvation.⁶⁹ This chapter leads us to conclude that the lost person in a home where one partner is saved has much more working in favor of his/her becoming a part of the redeemed than a person in a home of infidels.

In verse 15 Paul goes on to say: "Yet if the unbelieving one leaves, let him leave; the brother or the sister is not under bondage in such cases, but God has called us to peace." The believing mate has the indwelling Holy Spirit in his/her life, the Word of God in his/her heart, the privilege of prayer, and the local church all working to strengthen him/her in difficult times. Paul, guided by the Holy Spirit, says that in no way should that person initiate a divorce because his/her mate is unsaved. The goal should be the salvation of that spouse. However, if the unbelieving mate chooses to leave the marriage, there is nothing the believer can do to force him/her to remain. To fight the situation would be a violation of the divine principle of peace.⁷⁰

Paul did not discuss the future of the believing mate who had experienced divorce from an unbelieving spouse. Therefore, all one can do is speculate. Because the law that created the certificate of divorce opened the door for the divorced woman to be given to another man, in this situation it would appear that remarriage is a possibility. Not all are able to

⁶⁷ F. Godet, in his commentary on 1 Corinthians, says that verses 8 and 9 cover "widowers or bachelors." Verses 10 and 11 address Christians, and starting with verse 12 Paul speaks to the problem of mixed marriages, where one partner is unsaved. *Commentary on the First Epistle of St. Paul to the Corinthians*, Classic Commentary Library, Vol. I, page 331 and 332, Zondervan Publishing House, pub 1957, no copyright, first published in 1886 by T. & T. Clark.

⁶⁸ **Porneiva** – porneia covers many sexual sins, all being forbidden under the Mosaic Law and punishable by death. (Ex 22:19; Lev 20: 13 & 15-16)

⁶⁹ Paul does not use the one flesh and the phrase, "what God has joined together" and reason as some pastors do to construe that marriages are made in heaven and cannot be broken.

⁷⁰ In the book by Rabbi Hayim H. Donin, *To Be a Jew*, © 1972, published by Basic Books, Inc., NY, Rabbi Hayim wrote: "The *peaceful home* (shalom bayit) where harmony and good will between husband and wife reign, must be the overriding value, concern, and aim of every couple." (page 133) ". . . 'the law of divorce is given for the sake of peace.'" (page 192) From this book we learn that peace is important in a Jewish marriage. This is a twentieth century book, but perhaps Paul, a Jew, had this in mind when he wrote, "God has called us to peace."

remain single, as verse 17 and verses 1 through 9 indicate. If a person is able to remain single, that would be far better; but not all have that gift.

Conclusion

The Bible teaches the sanctity of marriage. God created man and woman and brought together the first couple. The union of a man and woman creates a completed unit which, if properly functioning, is “one flesh.” The plan of the Creator was that couples remain married throughout their earthly life. In the teachings of Jesus and that of Paul, both held firm to these divine principles. Divorce is wrong, as are all other sins.

In the Mosaic Law ⁷¹ and in the words of Jesus in Matthew 19 and Mark 10, Jews were addressed, and in that culture only men were permitted to divorce their wives. Women were not allowed to divorce their husbands, even in an abusive situation. If a man disobeyed God and divorced his wife by giving her a writing of divorcement, the marriage contract, and the “one flesh” relationship were officially broken and her father was at liberty to give his daughter to another man. In so doing, she would be submissive to the will of her father. Nowhere, in any of the Old and New Testaments, are any of these actions called “adultery”—a sin that was punishable by death.

Ezra, a devout servant of God, after much prayer, encouraged the Jewish men to set aside their non-Jewish, pagan wives and to marry Jewish women. This was not considered an act of adultery. Even in Malachi, where men were divorcing their Jewish wives and marrying Gentile women—pagan idol worshipers— they were not called “adulterers.” The Old Testament and Paul ⁷² do not declare divorce and remarriage to another an act of adultery, nor is it called polygamy, a term indicating that the original marriage is still binding. In the Old Testament economy, divorce broke the marital contract and the “one flesh” relationship, and the divorced person had the legal right to marry another. The Mosaic Law does not prohibit these actions and never calls them “adultery.”

Jesus’ words, as recorded in Matthew and Mark, are not a complete dissertation on divorce and remarriage. It appears that Jesus used the term “adultery” as a hyperbole to condemn the religious leaders for degrading marriage to the level of trading wives like one would sheep, something similar to present day wife-switching and no-fault divorces. Jesus did authorize divorce in the case of immoral sexual behavior. He permitted divorce, though forgiveness is very important. Divorce because of immorality breaks the marriage contract and the “one flesh” relationship.⁷³ In the Old Testament, a divorced person had the legal right to marry another person.

⁷¹ There are 613 laws in the Mosaic Covenant, a contract between God and Israel.

⁷² Other than the Gospel records, Paul is the only Apostle to address the issue of divorce.

⁷³ Matthew 5:31-32 was covered in this study. However, I would like to quote Dr. John Walvoord, from his commentary on *Matthew*, Moody Press, © 1974, pages 49-50. Dr. Walvoord, believing as I that Matthew 5 through 7 are the rules of the millennial kingdom, wrote: “He [Jesus] contrasted divorce in the kingdom to divorce in the Mosaic law. In the Old Testament, it was comparatively easy to secure divorce. According to Deuteronomy 24:1, a woman no longer in favor with her husband could be given a bill of divorcement and sent away. If in the meantime,

Moses did not authorize divorce. Because men were divorcing their wives, he established a law requiring the scroll of divorcement. This document was legal proof of what had happened and opened the door for the father to give his daughter in marriage to another man. The fact that the husband, who divorced his wife, was prohibited from remarrying the woman, once her father had given her to another man, indicates that the divorce completely broke the original marriage contact and the “one-flesh” relationship. Deuteronomy 24:1-4 teaches that the divorced woman could be given to another man in marriage.

Jesus and the Apostles did not cover many of the issues in the divorce scenario. It would have been helpful for us today had Jesus been asked about spousal abuse and abandonment. Jesus did say that sexual immorality was legal grounds for divorce. Jesus did not address remarriage in this situation.

Paul did not cover the total divorce and remarriage scenario. He did write that in the situation where both spouses are believers, they should resolve their differences and were not to divorce and marry another. However, Paul did not say what the church should do with a brother or sister who disobeyed this requirement. Paul’s main focus was a marriage where one partner is a follower of the Savior and the other is not. Paul indicates that the believing spouse should not institute a divorce. However, if the unbelieving spouse divorces a believer, the divorced spouse, who is a disciple of Jesus, is to accept the divorce and not resist it. In this case, the marriage contact and the “one-flesh” relationship would be broken. In this situation Paul did not discuss the issue of marriage to another. He did stress that because of the need to spread the gospel it would be better to remain single.

The Scriptures do not give us enough details on divorce and remarriage to make it possible to formulate a dogmatic, detailed, one-fits-all position on the subject. Each case must be dealt with individually and with much prayer and Christ-like love.

The issue for a divorced person is not if Jesus declared their situations an act of “adultery” but if the Lord forgives. By nature God is understanding, compassionate, and forgiving. God is in the business of turning failures into successes. May His children be faithful ambassadors of these truths.

Recommendations

Sacred Marriage, What if God Designed Marriage to Make Us Holy More Than to Make Us Happy?, by Gary Thomas, © 2000, Pub. Zondervan

however, she married another, she was under no circumstances to return to her first husband, indicating that the divorce was real and final. In the kingdom, the only justifiable cause is that of fornication, or unfaithfulness. Although the matter of divorce in the teaching of Jesus is subject to various interpretations, the tenor of this passage is to recognize divorce as real and final when there is fornication after the marriage relationship has been established. This was more strict than the Mosaic Law but less strict than an absolute prohibition of divorce.”

Are There Sins That Disqualify The Ordained?

“If the foundations are destroyed, what can the righteous do?”

(Psalm 11:3 NASB)

Today we are seeing a deterioration of the church of Jesus Christ. The Apostles warned that this would happen. We are shedding long standing traditions, even removing traditional names (e.g. *Baptist* replaced by *Community*). We have replaced fact for a feeling based theology. We preach love void of obedience. We have replaced hymns for choruses without theological content and with a loud beat, etc. George Barna, a Christian statistician, has discovered that most who claim to be Christians no longer want Bible doctrine (*The Seven Faith Tribes, Who They Are and What They Believe*).

When it comes to church leadership, many contemporary churches have left the tradition of ordaining men to the gospel ministry as a prerequisite to being a pastor. Standards for men in the ministry are becoming none existent. We now have a national divorce rate that is around 55%. When one counts remarriages that end in second and third divorces, it is 70%. It is estimated that over 50% of couples living together are not married. It is becoming difficult for traditional, fundamental Baptist churches to find a pastor who has not been through a divorce, stolen from the church, committed adultery, watched porn, etc.

Our question is: *Can an ordained man who has divorced his wife be a pastor?* From various authors, one can find any position he favors on the issue of an ordained minister continuing in the ministry after a divorce. What is the biblical standard, and what has been the custom among fundamental Baptist churches over the centuries? Baptist roots go back to the early churches founded by the Apostles.

Most churches have pastors. Even in some areas the Catholic Church now has pastors. Biblically there is no office of “pastor.” Some will turn to Ephesians 4:11, “He gave some as apostles, and some as prophets, and some as evangelists, and some as pastors and teachers” (NASB), and say that the “New Testament does mention the office of pastor.” I will point out that this passage, in context, is saying that God has given the church gifted men. During the apostolic era God gave apostles and prophets, as seen in the book of Acts. Today the Lord is giving men to the church with the gifts for evangelizing and shepherding (watching over and teaching the people). This passage is not about officers of the church but about God giving to the church men with special abilities.

Traditional Baptist churches usually have Pastors and Deacons. Some will add a third, Trustees. The New Testament gives two, Elders and Deacons (1st Timothy 3 and Titus 1). I refer you to my book, *This We Believe*, and to the chapter “Doctrine of the Church” for a thorough treatment of this subject. Baptists will agree that the men they are placing in the office of *pastor* are fulfilling the role of the *elder* (overseer, bishop) in the New Testament.

Traditionally Baptists have always ordained men into the Gospel Ministry. This would be for missionaries (elders who do outreach) and pastors (elders who shepherd the flock). Some ordain deacons. Ordination comes from the time when Moses dedicated Aaron to the office of High Priest and his sons as priests (Leviticus 8). Ordination is a very old tradition—been practiced for some 3,500 years. When I was ordained by Palmcroft Baptist Church in Phoenix in 1965, I had to have shown through ministry that God’s hand was upon me for ministry, to write out my conversion, calling, and doctrinal beliefs including Baptist Distinctives, and to pass the examination of an ordination council of some 22 pastors plus a few deacons. After this, the church had a special service where Ruth and I were called to the front, where prayers were offered with many hands placed upon both of us.

These are Baptist traditions that I believe go back through the centuries of church history, and the roots are founded in the Old Testament laws regarding priests, primarily in Leviticus. A priest was one who ministered before God. He represented God to the people and the people to God. He was also responsible to teach God’s Law to the people and to encourage them to live morally sound lives in the fear of God. These are responsibilities a pastor has as well.

Though I believe there are other sins that disqualify one from being a pastor, herein I am focusing on one and the question: *Should a man who has been ordained hold the position of pastor of a church once he has been divorced?*

Regarding divorce, in my book there is a chapter that covers this subject, so it is not my purpose to go into detail on that subject here. Jesus said, “What God has joined together let no man separate” and “because of your hardness of heart Moses permitted you to divorce your wives; but from the beginning it has not been this way” (Matthew 19:6 and 8). Jesus reinforced the eternal truth that it has always been God’s plan for a married couple to remain together. Men, due to the “hardness of their hearts,” are disobeying the divine plan. Yes, divorces will happen. Yes, divorce is sin, and we all are sinners. Yes, the Lord forgives sin.

Regarding sin, when Jesus shed His blood and died on the cross, he paid the sin-debt of all humanity. He died for all sins, including the sin of divorce. When one appropriates the salvation offered by God through His Son (John 3:16), that payment is applied to his/her account; and “*there is now no condemnation for those who are in Christ Jesus*” (Romans 8:1 NASB). There is no sin so abominable that it is beyond the scope of God’s forgiveness. Jesus forgives any and all sins. He loves us and is in the business of picking up dirty sinners, forgiving and making them clean, placing them on a solid Rock, and giving them peace with God and joy in the soul (Psalm 40:1-3). Though God “hates divorce” (Malachi 2:16), His Son forgives sins, and divorce is a sin.

God forgives homicide too; but there are people on death row who have repented of their sins and asked the Lord to save them. Though they sought the Savior for forgiveness with many tears, in this life they will still suffer the consequences of that crime. Sins leave scars, and some scars go with us for life. There are actions that pastors can do, and

though the Lord will forgive them, such deeds can impact people's lives for the remainder of their years on earth. One of them is *divorce*. This sin has deep repercussions for the family and all who go through it, but especially so for the ordained man.

Some go to 1st Timothy 3:2 and Titus 1:6, "husband of one wife,"¹ to support their belief that a pastor (overseer in the text) is not to have been divorced. Though I believe this analysis has value, I must be honest and add that this phrase is not clear; and one can find various opinions on its interpretation. But, just as we go back to the Pentateuch for the historical foundation for the ordination of men to serve in church leadership roles, we will go there on this matter as well.

God expected His chosen people to be distinctively different from the world around them (Leviticus 20:7, in this verse that is what is meant by "holy"). He gave them Sabbath laws, dietary laws, ceremonial laws, etc. that made the Israelites distinctively different from the nations around them. He promised Israel great blessings for faithfulness to those laws. God's purpose was for Israel to be a "kingdom of priests" (Exodus 19:6). A priest represents God to the people and the people to God. In this matter, the nation of Israel was chosen by God to represent God to the lost world and the lost world to a forgiving and loving God. They were to be an example of godliness before the nations, and through this reach them for the Lord and teach them the truths of God and to fear Him. The Lord's purpose has always been to save the lost; and in this Church Age, He has chosen to use the saved to be His kingdom of priests to a lost world (1st Peter 2:9) and has given them gifted leaders.

The High Priest and the other Levites were to live by a higher standard than the other Israelites. For example in Leviticus 10:9 God declared a standard for the priests: They were not to drink wine when entering the Temple ministries, "so as to make a distinction between the holy and the profane, and between the unclean and the clean, and so as to teach the sons of Israel all the statutes which the LORD has spoken to them through Moses" (Leviticus 10:10-11 NASB). Note, they teach by example. Though God wants all to live holy lives, the expectation of those in His service has always been much higher. They *must* live by the rules—"above reproach" (Titus 1:6; 1st Timothy 3:2).

¹ "Husband of one wife" in the original is *one woman man*, commonly translated *husband of one wife* (1st Tim. 3:2 and 12; Tit. 1:6). Some interpret this phrase as meaning he is not a polygamist (not common in Rome). Some think it means that he is not a womanizer, is faithful to his wife. Because of our currently high divorce rate, this view is common; but this opens Pandora's Box. In other words, he only has one wife at a time and is faithful to her, no matter how many he has divorced, he's okay. Others believe that the phrase means that he is dedicated to one woman (wife) for life, will never divorce her; and some will take this meaning a step farther and believe it means that if she dies, he will not re-marry. Is Paul saying an elder/deacon cannot be a man who has been through a divorce? Though some think that it is not clear, I do believe that is the case, because *Paul is addressing character traits*. The elder/deacon is to be a *one-woman type of man*. No matter how one slices it, *that kind of man would not divorce his wife*. Today some would allow a man to be a pastor or deacon if the divorce happened before conversion or if his wife divorced him and he was opposed to it. In no way was a priest to divorce his wife and neither should an overseer (pastor) and deacon. Carrying this a step farther: Praise God Jesus will never abandon His bride. Since pastors have a high and holy calling, neither should they.

In Leviticus 21, God lays out special rules for the priests. Some having to do with marriage:

Verse 4, “*But he shall not defile himself, being a chief man among his people, to profane himself.*” (KJV)

Verse 7, “They shall not take a woman who is profaned by harlotry, nor shall they take a woman divorced from her husband; for he is holy to his God.” (NASB)

Verses 13-15, “He shall take a wife in her virginity. A widow, or a divorced woman, or one who is profaned by harlotry, these he may not take; but rather he is to marry a virgin of his own people, so that he will not profane his offspring among his people; for I am the Lord who sanctifies him.” (NASB) Note that his actions will impact the children.

It should be pointed out that in the Old Testament culture women did not divorce their husbands. These verses do not directly address the possibility of a priest divorcing his wife. When asked about divorce, Jesus made it very clear that God intended for a married couple to remain united. He said that from “the beginning” (Matthew 19:4) this has been the case. The passages about the responsibilities of a priest make it very clear that they are to live a holy, spiritually dedicated life to God and His ways, one above reproach. So, since priests are to live an exemplary life before God and the people, why would there be a law regarding a priest getting a divorce? They are to be examples of holiness. Divorce is not addressed because such a man should not even think of such a thing much less do it. Divorce was not God’s plan for any man, much less so for a priest.

Notice that the priests were to marry virgins from their people, which I interpret to be Levites; but it definitely teaches they are to be taken from the people of God and not from the unbelievers. Our belief that Christians should marry Christians comes from this Old Testament principle. If his wife were to die, he was permitted to marry only another virgin. He was forbidden from marrying anyone else. This standard is higher than the marriage laws for the common people. Though they were not to marry unbelieving gentiles, there is no requirement regarding virginity. Evidently someone in the tribe of Judah married Rahab the harlot because she is in the ancestral line of the Lord Jesus (Matthew 1:5). Though a believer, no priest could have taken her as his wife.

Following in our Baptist tradition, which I believe to be biblically founded, divorce would exclude a man from being a pastor. Many Baptist churches apply this rule to deacons as well (1st Timothy 3:12). This is not because we do not believe in divine forgiveness. My heart cries for those who have experienced divorce. I do have some understanding and sympathy in this matter; but because those in the ministry are held to a higher standard, I believe that once an ordained man has been through a divorce, and especially so when he instigated it, he has disqualified himself from the pastorate.

Charles Ryrie and Charles Stanley have both been divorced. Neither sought or wanted that. Their wives did that to them. Both have remained in ministry, though many have criticized that action. These men have not remarried. In this instance, I believe that makes the difference. Had they been the ones to file for the divorce, or had they married another, my feelings would then side with the critics.

From 1966 to 1998, Ruth and I were church planting missionaries in the interior of Brazil. Within that span, we got to know a lot of missions, denominational and nondenominational. I do not know of one evangelical mission society that would accept someone who has experienced divorce to be a church planting missionary. This tradition has been practiced over a broad spectrum of evangelical Christianity. Because I am a Baptist, my focus has been on that group's historical attitude toward ordained men who have been divorced. Baptists have not had the practice of accepting divorced men as pastors, and many even will not place a divorced man in the office of deacon. Among Baptists, a higher commitment to God and to His standards has been expected of their spiritual leadership. Pastors are to have a life-style behavior that surpasses that of the person in the pew (1st Peter 1:15-16). Sins leave scars, and some disqualify a man from being a pastor, divorce being one.

