

## Divorce and Remarriage

### A Position Paper of the Elders of Quail Lakes Baptist Church

God Hates Divorce! He desires that marriages that honor Him and reflect his plan for husbands and wives.\_

Malachi 2:16 states,

16 "I hate divorce," says the LORD God of Israel, "and I hate a man's covering himself with violence as well as with his garment," says the LORD Almighty.

So guard yourself in your spirit, and do not break faith. (NIV)

That emphatic statement should always be kept in mind in any discussion of divorce and re-marriage. Divorce is always the result of sinful human behavior and attitudes. However, even though all divorces stem from our sinful condition, not all divorces are in and of themselves sinful.

This paper seeks to outline the Bible's perspective on the issue of divorce and re-marriage as it is understood by and relates to the family of Quail Lakes Baptist Church. We understand that good and godly people may disagree with some of the interpretive points herein. However, we feel bound to do our best to understand the scripture and then apply that understanding in the modern context.

Before we get in to the extended discussion of divorce and re-marriage let us summarize some basic biblical principles regarding marriage.

#### **1. Marriage is a solemn portrayal of the covenantal love between Christ and the church.**

Eph 5:31-33

31 For this reason a man will leave his father and mother and be united to his wife and the two will become one flesh. 32 This is a profound mystery-but I am talking about Christ and the church. 33 However, each one of you also must love his wife as he loves himself, and the wife must respect her husband. (NIV)

Human marriages are portrayals of the love that Christ has for the church. Thus, this unique relationship has meaning far beyond a merely human relationship.

**2. A believer and an unbeliever should not enter into a marriage covenant.**

1 Cor 7:39

39 A woman is bound to her husband as long as he lives. But if her husband dies, she is free to marry anyone she wishes, but he must belong to the Lord. (NIV)

2 Cor 6:14

14 Do not be yoked together with unbelievers. For what do righteousness and wickedness have in common? Or what fellowship can light have with darkness?" (NIV)

The unity shared in marriage extends to physical, emotional and spiritual levels. Thus, married persons must be able to have fellowship on all of these levels. When we are spiritually 'unequally yoked" spiritual unity is not possible.

**3. Death breaks the bonds of the one flesh relationship of marriage and the surviving partner is free to re-marry.**

1 Cor 7:39

39 A woman is bound to her husband as long as he lives. But if her husband dies, she is free to marry anyone she wishes, but he must belong to the Lord. (NIV)

**4. Marriage legitimately and biblically exists exclusively between one man and one woman as instituted by God at the beginning of human existence.**

Gen 2:22-24

22 Then the LORD God made a woman from the rib he had taken out of the man, and he brought her to the man. 23 The man said, "This is now bone of my bones and flesh of my flesh; she shall be called 'woman,' for she was taken out of man." 24 For this reason a man will leave his father and mother and be united to his wife, and they will become one flesh. (NIV)

**5. Divorce prior to becoming a follower of Jesus Christ does not preclude re-marriage to a fellow believer in Jesus Christ.**

2 Cor 5:17-18

17 Therefore, if anyone is in Christ, he is a new creation; the old has gone, the new has come! (NIV)

We believe when one comes to Christ one has a new beginning in Christ in all areas and is free to marry.

## **6. Where divorce is permitted in scripture the force of such permission implicitly allows for re-marriage.**

In such permitted situations the bonds of the marriage have been broken and re-marriage subsequent to divorce can occur in righteousness. The conditions that constitute such situations are the subject of the rest of this paper.

### **Divorce:**

The term divorce is derived from the Latin word that meant “to separate”. It is the legal decree that a marriage is dissolved. The Bible is clear that divorce is not in God’s original will. As John Stott has written divorce is, “God’s concession to our human weakness.” As we approach this topic therefore, we must guard against a mentality that seeks to find loopholes in that “concession” that are perceived to give wiggle room to act in a way that God hates. Paul warns us against such a mindset...

Rom 6:1-3

6:1 What shall we say, then? Shall we go on sinning so that grace may increase? 2 By no means! We died to sin; how can we live in it any longer? (NIV)

So, what does the Bible say about divorce?

### **Old Testament passages regarding divorce:**

Deut 24:1-4

24:1 If a man marries a woman who becomes displeasing to him because he finds something indecent about her, and he writes her a certificate of divorce, gives it to her and sends her from his house, 2 and if after she leaves his house she becomes the wife of another man, 3 and her second husband dislikes her and writes her a certificate of divorce, gives it to her and sends her from his house, or if he dies, 4 then her first husband, who divorced her, is not allowed to marry her again after she has been defiled. That would be detestable in the eyes of the LORD. Do not bring sin upon the land the LORD your God is giving you as an inheritance. (NIV)

This Mosaic provision is not a Divine endorsement of divorce but a concession to human sinfulness (Matt. 19:8). The intention here is to regulate and control what was already occurring rather than to establish an ideal.

The divorce certificate in question protected the rights and the reputation of the woman in question and allowed her to re-marry.

Points for understanding:

1. In this culture at this time, the divorce decree was one sided. Only males could initiate such a proceeding.
2. The phrase "something indecent" (ervath dabar) does not mean adultery. The penalty for adultery was death (Lev. 20:10). It seems to mean a sexual impurity that is short of adultery.

Malachi 2:11-16

11 Judah has broken faith. A detestable thing has been committed in Israel and in Jerusalem: Judah has desecrated the sanctuary the LORD loves, by marrying the daughter of a foreign god. 12 As for the man who does this, whoever he may be, may the LORD cut him off from the tents of Jacob—even though he brings offerings to the LORD Almighty.

13 Another thing you do: You flood the LORD's altar with tears. You weep and wail because he no longer pays attention to your offerings or accepts them with pleasure from your hands. 14 You ask, "Why?" It is because the LORD is acting as the witness between you and the wife of your youth, because you have broken faith with her, though she is your partner, the wife of your marriage covenant.

15 Has not [the LORD] made them one? In flesh and spirit they are his. And why one? Because he was seeking godly offspring. So guard yourself in your spirit, and do not break faith with the wife of your youth.

16 "I hate divorce," says the LORD God of Israel, "and I hate a man's covering himself with violence as well as with his garment," says the LORD Almighty. So guard yourself in your spirit, and do not break faith. (NIV)

Malachi teaches that husbands and wives are to be faithful to one another because their marriage is founded on a solemn covenant taken before God. Malachi shows the heart of God. He demonstrates that while God may tolerate divorce as seen in the Deuteronomy passage, he hates the fact that it exists and the sinful conditions that cause it to be.

### **New Testament passages regarding divorce:**

#### **Gospels:**

Matt 5:31-32

31 It has been said, "Anyone who divorces his wife must give her a certificate of divorce."  
 32 But I tell you that anyone who divorces his wife, except for marital unfaithfulness, causes her to become an adulteress, and anyone who marries the divorced woman commits adultery. (NIV)

Matt 19:3-9

3 Some Pharisees came to him to test him. They asked, "Is it lawful for a man to divorce his wife for any and every reason?" 4 "Haven't you read," he replied, "that at the beginning the Creator 'made them male and female,' 5 and said, 'For this reason a man will leave his father and mother and be united to his wife, and the two will become one flesh'? 6 So they are no longer two, but one. Therefore what God has joined together, let man not separate." 7 "Why then," they asked, "did Moses command that a man give his wife a certificate of divorce and send her away?" 8 Jesus replied, "Moses permitted you to divorce your wives because your hearts were hard. But it was not this way from the beginning. 9 I tell you that anyone who divorces his wife, except for marital unfaithfulness, and marries another woman commits adultery." (NIV)

Mark 10:10-12

10 When they were in the house again, the disciples asked Jesus about this. 11 He answered, "Anyone who divorces his wife and marries another woman commits adultery against her. 12 And if she divorces her husband and marries another man, she commits adultery." (NIV)

Luke 16:18

18 Anyone who divorces his wife and marries another woman commits adultery, and the man who marries a divorced woman commits adultery. (NIV)

Even the casual reader notes that Matthew alone records the exception clause, "except for marital unfaithfulness". This, however, does not present a problem of authenticity as we trust that the inspiration of scripture by the Holy Spirit rests on all passages of scripture. It is likely that Jesus, like most teachers, repeated the same teaching material in slightly different forms on various occasions. Matthew may simply be including what Mark and Luke take for granted in their remembrances of the statements of Jesus.

Matthew, we know, writes with an intimate knowledge of the Old Testament and he writes to those who are familiar with its teaching. It is noteworthy that in Jeremiah 3:8 Yahweh is said to divorce Israel due to the spiritual adultery (idolatry).

Jer 3:8

8 I gave faithless Israel her certificate of divorce and sent 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. (NIV)

If God can properly divorce his people because of adultery, it seems difficult to imagine that Jesus would not have a similar exception in mind. Matthew makes that explicit.

It is noteworthy that Matthew uses the word “porneia” (sexual immorality) rather than the more specific word “moicheia” (adultery). Both words were available to him. In view of the wider use of “porneia” in the scriptures, it seems that the term can include what we would typically think of as adultery but also would include any physical sexual act that breaks the one flesh principle. Thus, incest, homosexual activity, prostitution, sexual molestation and the like all fall within this category of behavior.

### **Epistles:**

1 Cor 7:10-16

10 “To the married I give this command (not I, but the Lord): A wife must not separate from her husband. 11 But if she does, she must remain unmarried or else be reconciled to her husband. And a husband must not divorce his wife.

12 To the rest I say this (I, not the Lord): If any brother has a wife who is not a believer and she is willing to live with him, he must not divorce her. 13 And if a woman has a husband who is not a believer and he is willing to live with her, she must not divorce him. 14 For the unbelieving husband has been sanctified through his wife, and the unbelieving wife has been sanctified through her believing husband. Otherwise your children would be unclean, but as it is, they are holy.

15 But if the unbeliever leaves, let him do so. A believing man or woman is not bound in such circumstances; God has called us to live in peace. 16 How do you know, wife, whether you will save your husband? Or, how do you know, husband, whether you will save your wife?” (NIV)

The term translated, “separate” in verse 10 is not a word that can be associated with the modern “separation” as a state other than and often prior to divorce as we understand the term today. It is a term for divorce and is translated as such when it repeats in verse 11 (by NIV).

One interpretive question from this passage is what does “is not bound” (v15) mean? The phrase has the force of, “has not been enslaved.” Paul uses similar wording (bound and released) when referring to the situation of the death of a spouse in Romans 7.

Rom 7:2-3

2 For example, by law a married woman is bound to her husband as long as he is alive, but if her husband dies, she is released from the law of marriage. 3 So then, if she marries another man while her husband is still alive, she is called an adulteress. But if her husband dies, she is released from that law and is not an adulteress, even though she marries another man. (NIV)

The implication of “not bound” therefore is that the individual is free to re-marry.

Another interpretive question immediately arises. When does the “not bound” condition apply? The short answer is in situations of desertion. Specifically mentioned is the example of a non-believing spouse deserting a believing spouse. The pastoral issue raised is the question of whether or not this is intended to be a limiting example and, thus, only desertions by a nonbeliever of a believer allow remarriage, or is this a typical example taken from within the Corinthian context used to demonstrate a wider principle.

It seems that the answer to that question rests on the use of the term “willing” (*suneudokei*) in 1 Corinthians 7:12 and 13. This word in its wider New Testament context means, “agree with, approve of” consent to, sympathize with.” Whether or not an individual has made a previous profession of faith, it is apparent that patterns of persistent abuse or outright abandonment of a spouse constitute clear indication that there is not true consent or willingness to living in harmony with the other spouse. Such behavior is in fact a desertion of the marriage covenant and frees the spouse for re-marriage no matter what statement of faith the abandoning spouse may have previously made.

This does not mean that the aggrieved spouse must divorce (so also in the case of *porneia*). But the spouse has the right to divorce if efforts to reconcile fail.

Note that inability to fulfill conjugal relations due to illness would not be considered “desertion.” The vows of marriage apply, “for better or worse... in sickness and in health.”

### **Summary:**

1. Divorce is never God’s primary will. It is allowed only in specific situations which are:
  - a. Physical sexual misconduct which breaks the one flesh relationship.
  - b. Desertion/abandonment/persistent abuse (as defined in this paper).
  
2. Divorce when explicitly allowed in scripture implicitly allows re-marriage.

3. The church in all these situations should never encourage divorce, but rather encourage reconciliation through counseling and repentance.
4. Individuals who are eligible for re-marriage after divorce ought not to rush to re-marriage for time must be given for the Holy spirit to work and change hearts.

### **Additional considerations:**

#### **1. Eligibility of divorced persons for church leadership**

1 Tim 3:2-3

2 “Now the overseer must be above reproach, the husband of but one wife, temperate, self-controlled, respectable, hospitable, able to teach...” (NIV)

The question hinges on the interpretation of “husband of but one wife.” This expression can be well rendered “a one woman man.” It prohibits a church leader from practicing polygamy. If Paul had divorce in mind, he could have easily said “not divorced.” The expression is emphasizing that we wish to see leaders who are faithful and stable in their marriages rather than focusing on any sins or failures of the past. Therefore, we conclude that it is possible for divorced persons to serve in church leadership provided they show the spiritual maturity and appropriate giftedness for such office.

#### **2. Eligibility of improperly divorced persons to remarry**

Christians who are divorced on unscriptural grounds are obligated to repent of the divorce and the sinful behavior that contributed to it and to seek reconciliation with the previous spouse (1 Cor. 7:11) assuming the spouse has remained unmarried. The repentant partner should seek the former spouse’s forgiveness and seek to make restitution for losses due to the improper divorce. If the former spouse refuses reconciliation he/she has in fact placed themselves in the position of abandoning the marriage and the repentant/conciliatory spouse is free to remarry. If re-marriage is pursued it should be done in conjunction with marriage counseling in order to aid the couple in avoiding the issues that contributed to the divorce.

If either former spouse remarries without seeking reconciliation through repentance they fall in violation of 1 Corinthians 7:11 and commit adultery against the former partner. The single partner is then free to remarry.

#### **3. The eligibility of “guilty” parties to re-marry**

True repentance means a fresh start in the eyes of God. If the guilty party truly repents of the sin that brought the divorce to be and of the divorce itself, he/she must seek to make restitution for any loss incurred by the divorce and seek to be reconciled to the former spouse. If the former spouse is willing to remarry then the marriage may be reestablished in righteousness. If the former spouse is not willing to be reconciled or if they have already remarried, the “guilty” party may remarry after evidence of repentance. If God has forgiven the individual, then the church should view him/her as forgiven.