



Week #10: Marriage, Divorce and Remarriage

Prayer Before Studying Ethics:

Almighty God, you alone can order the unruly wills and passions of sinful men: grant to your people that they may love what you command and desire what you promise, that so, among the many and varied changes of the world, our hearts may surely there be fixed where true joys are to be found; through Jesus Christ our Lord. Amen.

--Book of Common Prayer, Easter 4

Questions:

Marriage

- (1) How is marriage commonly understood today within popular culture (popular music and music videos, the most-watched movies and TV shows, etc.)?
- (2) Do the secularized or nominally religious people you know best agree with these visions of marriage? If so, in what ways and why? If not, in what ways and why?
- (3) How about the teenagers and college-age people in the church you attend? What specifically do they assume about marriage? How is this expressed in their relationships and conversations with their friends? What popular conceptions of marriage are appealing to them?

Singleness

- (4) How would they view singleness? In what ways? Why?
- (5) How closely would their views of singleness correspond to the views generally held in society today or assumed within popular culture?
- (6) How do younger members of evangelical churches today view the idea of lifelong celibacy? In what ways do their views on this subject correspond to or deviate from the assumptions held in the broader society about the significance of sexual relationships to intimate relationships and personal identity and fulfillment?

Singleness

Mt. 19:10b-12 (a surprising statement, given that it is said in Genesis, "It is not good that the man should be alone")

- Here singleness is not laid down by way of a commandment, but for those to whom it is given (v. 11: it involves a divine calling and gift, cf. 1 Cor. 7:7 and contrast 7:9) it is a voluntary response for the sake of the kingdom of heaven (cf. v. 12).
 - On the voluntary renunciation of marriage for the sake of the kingdom of heaven, see Lk. 14:26; 18:28-29; note that in 18:28 Peter has left his wife at home, though he later travels with her [1 Cor. 9:5]).
 - Early Christian tradition also regarded the Apostle John as having remained unmarried/celibate for the sake of the kingdom of heaven; see Tertullian *Monog.* 17 (*spado Christi*) and Jerome (on Is. 66:3f.: *eunuchus*).

- The idea that obedience *may* take this particular form for a particular individual is paralleled by the command to the rich young ruler to sell his goods and give to the poor (v. 21) and set forth as a more general principle in v. 29.

1 Cor. 7:1,8 (Is v. 1 an assertion in the letter received from the Corinthians, which Paul can agree with to a certain extent in v. 8, while nuancing it in the intervening verses

- Does the contemporary church similarly value and publicly affirm that it is possible to be complete and experience the fullness of the Christian life apart from marriage? (Van Tassel)

(Paul here appears to set himself against the rabbinic idea that if one has not married by a certain age, one has assailed/tarnished the image of God)

Singleness as a vocation also raises important related questions that are directly relevant to evaluating a proposed marriage or the impact of marriage on a person's readiness for ministry (Van Tassel and Meilaender):

- How will marriage (considered generally and also in relation to this particular person whom one proposes to marry) affect one's life and ministry?
 - E.g., how did the relationship that is now a marriage originate? What expectations was it initially based upon? (For example, was it a romantic attraction to which questions about ordained service of the Church were added only years later, creating a certain tension?)
- How might the need to support and care for a family redirect one's energies and affect or limit one's ministry?
- How might one's spouse's work, income and professional career affect, limit or redirect one's pastoral work or pastoral vocation? (Meilaender, p. 63)
- How, according to Meilaender, should conflicts between the spouses' professional work be understood and resolved? Why? Do you agree or not? Why?
- Is this issue of work and competing careers really nothing more than a purely private matter requiring negotiation/conflict resolution between two individuals with different commitments? Or is more at stake here?
- Is there a need for clergy couples to have additional counseling and mentoring resources available to them that can help them to work through such issues in their marriage?
- What is the role of the pastor's family within the pastor's care for his or her congregation? (See Meilaender's remarks on p. 62 about the "evangelical pastoral family" and contrast p. 63.)

Marriage

In marriage a man and a woman are joined together by God to be one (Mt. 19:6=Mk. 10:8-9; cf. Gen. 2:24), sharing and suffering together all things in this life, in spite of the created differences that remain (gender differences [Gen. 1:27], distinct personal histories, etc.).

This union of two complementary persons, which includes a sexual union, points beyond itself

(a) preeminently to the higher, analogous union which exists between Christ and the Church (in which the gracious, self-sacrificing extension of **help** by one person is matched with response of **honor** and **gratitude** extended by the other person.)

(Note that in the relationship between the uncreated Lord and the created reality of the Church, these roles are fixed; in the marriage relationship between two creatures, these two roles are reciprocal and shared by each party [cf. Eph. 5:21, which introduces the discussion in 5:22ff.]; cf. 1 Pet. 5:5)

(b) secondarily to new life which issues from this union as the gift from God (**procreation** of children) (cf. Gen. 9:1; 35:11; Ps. 127:3), together with the nurturing of this young life in Christ, consecrating it to him with prayer.

Purity: Because marriage is meant to image and partake of that higher union which exists between God and his people, sexual relations outside of marriage are often associated with idolatry and are regarded as an equally serious sin and source of impurity in the OT and Jewish literature.

In other words, sexual relations outside of marriage are opposed to God's plan for human life and relationships. Because sexual relations outside of marriage depend upon loves, attachments and goals that are alien to God, they alienate one from God.

Marriage is represented in Christian moral theology as a **covenant**, i.e. a pledge and a unreserved commitment to enter into an exclusive relationship and remain faithful to it, in God's sight, even in the face of hardship and unfaithfulness.

- Exclusivity is often thought of today as a narrowness that limits and kills love, but in Christian marriage the exact opposite is the case—exclusivity shows the unsurpassable greatness of the love: “The wife must love her husband as if there were no other man in the world, in much the same way as the husband should love her as if no other women existed” (Robert Bellarmine in a letter to his niece [1614]).
- The idea of hardships to be faced and unfaithfulness to be overcome by mutual help is already assumed in this idea of marriage.
 - “Husbands and wives are to be admonished, that those things wherein they sometimes displease one another they bear with mutual patience, and by mutual exhortations remedy. For it is written, ‘Bear ye one another’s burdens, and so you shall fulfill the laws of Christ’ (Gal. 6:2)” (Gregory the Great *The Pastoral Rule*)
 - “With patience and compassion let the man support the frailties of the woman and the woman support the frailties of the man. Do not disdain each other; instead, vie in showing the greater honor to each other. Bitter and contentious words should never arise between you; rather, reprove each other’s excesses in the spirit of gentleness and good severity” (Elisabeth of Schönau *The Book of the Ways of God*)
 - “A wife should respect her husband even when he shows her no love, and a husband should love his wife even when he shows her no respect. Then they will both be found to lack nothing, since each has fulfilled the commandment given to him” (John Chrysostom *Homily*)

As such, a covenant involves

- a commitment which transcends the separate interests of the persons and

- a care for the other person's well-being which is not as narrowly defined or carefully limited in scope or in time as one finds in relationships based on a contract (see below).

This concept of covenant is distinct from the notion of a **contract**, whereby two parties negotiate and agree by mutual consent to enter into a relationship (which is generally subject to certain reservations or conditions) because each finds it beneficial for himself or herself to do so (e.g. to secure intimacy or affection).

- This is the concept of marriage that is dominant in most Western societies today and is often presupposed by many, if not most, professing Christians in those societies.

One may terminate the contract at will when it ceases to be beneficial (personally fulfilling) by simply withdrawing consent to the contract.

Divorce

Prior to 1970, petitions for divorce in civil courts had to demonstrate that

- one of three accepted grounds for divorce within ecclesiastical law was present in the marriage (adultery, willful desertion [malicious abandonment], and cruelty),
- had caused the marriage to be irretrievably broken down, and
- that the party from whom divorce was sought was at fault.

The Trap: Autonomy and Entitlement

As the society secularized, the Church was often asked to give religious sanction and legitimacy to the individual's prior choices, but not to engage in an independent process of discernment or to intrude into the individual's private affairs. This leads to a nominally religious casuistry around the issue of divorce so as to enable and justify the latter, so that the individual can get what he or she wants.

Within the last thirty years (and advanced secularization), many Western countries (including the USA) have adopted provisions for divorce that allow divorce on demand simply by withdrawal of consent to the civil marriage contract, without reference to the three grounds for divorce previously recognized in the canon law or ecclesiastical law of the Church.

While this may have some benefits--for example, it does make it easier for abused persons to secure some distance from abusive spouses--the persons seeking a no-fault divorce may not fully have taken account of the consequences of divorce, e.g.

- its adverse effects upon the children involved;
- the difficulties associated with being a wage-earning single parent
- the adverse effects upon one's future intimate relationships due to things carried over from the previous marriage, e.g.
 - financial liabilities
 - emotional baggage
 - ♣ hurt
 - ♣ insecurities
 - ♣ dysfunctional approaches to anger and conflict

- ♣ a jaded view of the permanence of intimate relationships and consequently a willingness to abandon the relationship when conflict arises or the relationship is no longer personally satisfying.

The ideal of the marriage covenant as an exclusive and lifelong commitment: If God's desire is for us to forsake everyone and everything that competes with him for our love, so that we commit ourselves to him alone, then surely a Christian marriage must analogously require us to commit ourselves and our love to one person, "forsaking all others" and refusing and rejecting all other created loves that would undermine or compete with that love.

In a fallen world, departures from this ideal are acknowledged and divorce is nonetheless tolerated in some circumstances and for certain specific reasons.

Mosaic Regulation of Divorce (Dt. 24:1-4)

An existing practice which (like polygamy) is simply regulated by Deuteronomic legislation, possibly because a husband who had no other way to put away his wife might be tempted to end the marriage by arranging her death.

This legislation aims to protect the woman by giving her a clear legal status (the writ of divorce) and to prevent her from becoming a tradable commodity (given away to another by the husband at his discretion and later returned back to him; see Dt. 24:4).

The phrase *erwat dabar* (lit. "nakedness of a thing"; NIV "something indecent") in v.1 has been variously interpreted;

- either generally as the husband's subjective aversion (he finds something displeasing in her; see e.g. Lightfoot, v. 2, pp. 121 [bottom]-122 [top] for later rabbinic examples) or
- as a veiled reference to the wife's extra-marital sexual conduct (=fornication).

The latter is probably the better interpretation.

Prophetic Protest Against Divorce (Mal. 2: 13-16)

Although divorce was technically legal (tolerated, though carefully regulated), Malachi attacks the practice of divorce as an instance of betrayal of trust or breach of faith, paralleling marrying "the daughter of a foreign god" (unconverted pagan wives) in v. 11 with divorcing "the wife of your youth" in v. 14. The Hebrew text of this passage raises some special problems which are not dealt with satisfactorily in most Bible translations, but Jones (pp. 190-191) is probably correct to argue for the rendering of v. 16 as "he who out of hatred breaks wedlock (i.e. divorces his wife because he dislikes her or has an aversion to her)...covers his garment with violence," i.e. has betrayed the betrothal pledge he made to her by extending the corner of his garment over her to show that he would protect her (cf. Ruth 3:9; Ezek. 16:8). This would also explain why Malachi in the previous verse (v. 15) warns against dealing deceitfully with the wife of one's youth, i.e. the woman one has recently married (the marriage being in its early stage). (The regulation in Dt. 22:29 possibly is aware of a similar danger in the special situation discussed there.)

Teaching of Jesus On Divorce (Mt. 5:32; 19:9; Mk. 10:11-12; Lk. 16:18)

Jesus' discussion of divorce in Mt. 19:3-12; Mk. 10:2-12 is a response to the Pharisees' question about a matter on which there were two different schools of thought (Hillel vs. Shammai in the Mishnah). Mt. highlights Jesus' concern to protect his followers from divorce as something contrary to God's original ideal for the union of man and wife ("What God has joined together, let man not separate," i.e. the husband could not simply dissolve the marriage by repudiating and dismissing his wife, even if Jewish and Roman allowed this). The regulations regarding divorce in Dt. 24:1 were not intended to condone divorce but to regulate a practice which arose from men's hardheartedness and wickedness and existed, so that the wife could be protected from greater harm (e.g. murder).

Of particular interest are the exception clauses given in Mt. 19:9 ("Anyone who divorces his wife, except for [=on the ground of] *porneia*, and marries another woman, commits adultery") and Mt. 5:32 ("Anyone who divorces his wife, except for a matter of *porneia*, causes her to become an adulteress, and anyone who marries the divorced woman commits adultery," apparently because divorce would leave the woman indigent and unprotected, requiring her to remarry to survive even though her first marriage had not been ended by any lawful means). The difficulty here is in knowing precisely what *porneia* (extra-marital sexual sin) means in this context. It is probably a reference back to the phrase *erwat dabar* in Dt. 24:1, with the latter being understood to refer to adultery (= *moicheia*) (possibly but not certainly the view of Shammai), rather than any matter the husband finds displeasing (Hillel and Akiba). Where the wife commits adultery and the man elects to divorce her, he is apparently free to remarry after the divorce (a belief shared with contemporary Judaism).

- Note that here divorce is a permissible choice but not required or even necessarily the best choice; contrast Maimonides in *Gerushin*, cap. 2, where the husband who fails to divorce is whipped until he consents to divorce.

But beyond this one concession (adultery), the man is not at liberty to divorce his wife for any reason, a view that shocks the disciples ("perhaps it is better not to marry!") who were used to a more liberal view of the man's right to divorce.

Note that

- the case of women being able to initiate divorce proceedings is not canvassed in Mt. but does appear in Mk. 10:12, possibly because Jesus had just return to Antipas' territory and had in view Herodias, who had left Philip for Antipas (according to Josephus *Ant.* 15.7.10, her great-aunt Salome had similarly divorced Costobarus).
- the legitimacy of the husband's divorce proceedings is not assumed here (contrast the traditional *gēt*, which includes the phrase, "I have put you away...and you are free...to marry" any man).

Teaching of Paul (1 Cor. 7:10-16)

Here Jesus' teaching on marriage and divorce is recalled and related to the situation of the Corinthians (Greco-Roman divorce by separation from the home belonging to the dismissing spouse, typically the husband, with nothing further being needed to register or finalize the divorce). Since under Roman law, both partners potentially could initiate a divorce, Paul cautions both husband and wife against this (vv. 10-11 and 12-13).

In verses 10-11, Paul considers the situation of a female believer who has initiated a divorce contrary to Jesus' teaching. Where this has occurred, she should remain unmarried or be reconciled (remarried) to the husband she divorced. This is consistent with the emphasis on reconciliation found in Jesus' teaching, to which Paul elsewhere appeals.

Jesus' teaching is then extended by Paul to situations in which only one of the marriage partners belongs to God's people (i.e. is a Gentile convert). Just as the believing husband and wife were previously cautioned against divorce, here the one believing partner in the marriage is cautioned against initiating the divorce.

Verse 15 admits that if the non-Christian spouse initiates the divorce, there is little one can do. When reconciliation is not possible and the non-Christian spouse has initiated the divorce, there is no point in engaging in further conflict with the latter ("God has called us to live in peace"). In such situations, the believer is no longer bound to the marriage and there is no apparent obstacle to remarriage (though this would presumably be to another believer [v. 39b] and might be inopportune in view of one's particular circumstances [cf. 1 Cor. 7:26,28, possibly referring to food shortages and unrest in Corinth and compare vv. 39-40 on widows, who are allowed to remarry though Paul advises against it]).

The Analogy of Faith Considered

If divorce may be accepted when the divorce is initiated by a non-Christian spouse, then it is clear that the exceptive clause in Jesus' teaching in the Synoptic Gospels (=except in the case of adultery) is not to be regarded as exclusive, i.e. as specifying the only possible condition for divorce under any circumstances.

Are there then other cases in other circumstances where divorce may also be permissible? One might begin by asking what infidelity (adultery), willful desertion (malicious abandonment) and cruelty (threatening the life of one's spouse) have in common: each is a willful lack of faithfulness to the one-flesh nature of the marriage covenant and a direct assault upon the bond of marriage, thereby putting asunder what God has joined together (Mt. 19:6; Mk. 10:9).

- John Chrysostom makes a somewhat similar point in one of his homilies: "But one's partner for life, the mother of one's children, the source of one's every joy, should never be fettered with fear and threats, but with love and patience. What kind of marriage can there be when the wife is afraid of her husband? What sort of satisfaction could a husband himself have, if he lives with his wife as if she were a slave, and not with a woman by her own free will?"

The Pastor's Task

In our preaching, teaching and counseling, our charge is, as Jones (p. 179) has commented, is

- (1) "to declare the revealed will of God concerning marriage";
- (2) "to restore sinners through the gospel of repentance and forgiveness of sins" and
- (3) "to nurture persons so that by God's grace they are disposed toward marital fidelity."

We thank you, O Lord God almighty, who are before the ages, master of the universe,

 who adorned the heavens by your word, and
 laid the foundations of the earth and all that is in it;
who gathered together those things that were separate into union,
and made the two one.

Now again, our Master, we ask you, may your servants be worthy of the mark of the sign of your Word through the bond of betrothal, their love for one another inviolable through the firm sureness of their union.

Build them, O Lord, upon the foundation of your holy Church, that they may walk in accordance with the bond of their word which they have vowed to one another; for you are the bond of their love, and the ordainer of the law of their union.

You who have brought about the oneness, by the union of the two by your words, complete, O Lord the ordinance of your only-begotten Son Jesus Christ our Lord, through whom and together with the all-Holy Spirit be praise to you now and always.

--Coptic Orthodox marriage service