



DIVORCE AND REMARRIAGE

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COMMENTATOR VIEW

Jewish society at the time of Jesus' ministry practiced divorce and remarriage in accordance with Jewish law, which explicitly permitted both practices. There was, however, a contemporary textual debate over the interpretation of Deuteronomy 24:1-4, specifically whether the Torah permitted a husband to divorce his wife only in cases of sexual immorality – perhaps strictly adultery – or for anything that he found objectionable about her – which may extend to her appearance or cooking ability. This necessarily left women in antiquity in a particularly vulnerable position, since without a husband to sustain her, most women would find themselves in a precarious economic situation. It was expected that male relatives would arrange new marriages in the case of the divorcee and the widow, with the bride-price being a lower amount considering that these women reflect damaged property under Jewish law. However, it is clear that at least some women within this society were unable to find husbands to sustain them, as the Old Testament frequently discusses the social precarity of widows with calls to avoid harming them (Ex. 23:22-23) or to leave a portion of the harvest in the field for them to collect as sustenance (Deut. 24:19-22). Jewish law does enumerate several scenarios in which a man is prohibited from divorcing his wife, specifically if he rapes her as an unwed virgin or if he falsely claims that she was not a virgin at the time of marriage (Deut. 22:13-19, Deut. 22:28-29). Though repulsive to the modern reader, the intent appears to be that the man is required to afford the offended woman with economic protection for the rest of her life.

There exists a tension in Jewish law between the right of a husband to have a pleasing wife – or wives – and the right of a wife to be sustained under the marriage covenant. This tension is given explicit validation in God's covenantal relationship with Israel, which is a direct parallel to the covenantal relationship between a husband and his wife. God has subjectively chosen the nation of Israel according to his own preference, as a man chooses a bride, and he agrees to sustain the nation unless they fail to please him in any way. The precarious situation of women in Jewish society is reflected in the precarious situation of Israel as a nation, both of whom seek protection under the covenantal agreement, protection and sustenance being the obligation of the husband in the former case and of God in the latter. However, God reserves a unilateral right under the covenant of Sinai both to divorce the nation of Israel or to favor another nation entirely if either is according to his subjective preference, a direct extrapolation of which results in the unilateral right of a husband to divorce his wife or to have multiple wives according to his preference, so long as he was capable of sustaining them under Jewish law.



The parallel right of God to divorce the nation of Israel is the basis for the Pharisaic debate between Bet Hillel and Bet Shammai with respect to the right of a husband to divorce his wife. Bet Hillel holds that God and husband reserve the unilateral right to divorce Israel and wife for any matter that is deemed objectionable, whereas Bet Shammai holds that God and husband preference to sustain and only seek to divorce Israel and wife for matters of serious unfaithfulness, as is the case of sexual immorality in marriage or idolatry under the covenant of Sinai. The position of Bet Hillel seeks to avoid limiting the rights of God in parallel to the marriage covenant, while the position of Bet Shammai emphasizes God's preference to sustain the nation of Israel in all but the most extreme covenantal breaches, specifically idolatry. This is the position echoed in Malachi when God says, "I hate divorce" (Malachi 2:16), the Hebrew word for "hate" being used to express a strong but subjective preference as in "Yet I have loved Jacob, but I have hated Esau" (Malachi 1:2-3). Moreover, it is a recognition of the willingness of God to sustain a vulnerable Israel and the corresponding call for a husband to sustain a vulnerable wife. The Bet Shammai position may be summarized in that a husband should preference to sustain his wife, as God preferences to sustain Israel, resorting to divorce in only the most extreme cases of unfaithfulness to the covenant. The husband retains the unilateral right to divorce, but willingly chooses not to exercise it in honor and understanding of the peculiar relationship between God and Israel.

In the Sermon on the Mount, Jesus exhorts his followers to maintain a righteousness in excess of the Jewish law, by first providing a law from the Torah and then offering a more stringent interpretation. He does this numerous times comparing anger to murder and lust to adultery, including a pronouncement that anyone who divorces his wife causes her to commit adultery (Mt. 5:17-31), the latter being expanded upon in a specific discourse between Jesus and the Pharisees (Mt. 19:3-9, Mk. 10:2-12, Lk. 16:18). It is in this discourse that the Pharisees presumably challenge Jesus to take up a position in the contemporary debate between Bet Hillel and Bet Shammai regarding the right of a husband to divorce a wife under Jewish law. In response, Jesus refers to the indissoluble union of God and humanity prior to the Fall – mirrored in the indissoluble marriage between husband and wife – when he quotes Genesis 2:24 in his response to the Pharisees. However, the Pharisees would not have understood this response as anything other than rhetorical, given that the purpose of the covenant at Sinai and the giving of the Torah was precisely to mitigate relations between God and humanity in light of the Fall. Upon further questioning, Jesus reiterates the strict indissolubility of the marital relationship and denigrates the law of Moses to the shock of his audience, a shock at once understood in consideration of his apocalyptic teaching that the fallen state of humanity would soon be restored, and the law would be fulfilled, under the imminent Kingdom of God. The gospel of Matthew also contains a provision for divorce in cases of *πορνεία* or "sexual immorality," which has confounded commentators and been the subject of much debate. This becomes known in later scholarship as the Matthean exception, since it does not appear in the other synoptic gospels.

It is possible – and we think it likely – that Jesus did not include a provision for divorce in his original teaching, as in the Matthean exception, but presented the intent of marriage in Genesis 2:24 prior to the Fall as a messianic challenge to a Jewish culture that had over-legalized every aspect of divorce, thereby denigrating its significance and preventing the fulfillment of the law. The coming Kingdom of God would fulfill the law in its entirety and restore the dissoluble covenants to their original indissoluble state, and under this scheme there is no reason to believe that marriage would require any exceptions for dissolution. Moreover, it is not clear why Jesus would issue an exception such as *πορνεία* in the Sermon on the Mount, given that *πορνεία* is generally interpreted as being less onerous than the singular exception of "adultery" endorsed by Bet Shammai; it rather muddies the rhetorical strength of the speech. Even assuming Jesus did endorse the Matthean exception, the clause nonetheless appears to be unilateral, applying only to wives, rather than husbands. It is not at all clear that a woman could make the reverse claim against her husband as an exception for divorce. This is not considered under Jewish law, and Jesus does not specifically address it. Nonetheless, if we consider the Matthean exception for *πορνεία* as legitimate grounds for divorce, the tension in Jesus' statement is still in favor of the weak and oppressed in society, with the ultimate representation of God's faithfulness to Israel mirrored in the husband's faithfulness to his wife, regardless of desirability of the subjugated party. The new marriage between God and his people is indissoluble, and this is echoed in the teachings of Jesus with an emphasis on indissoluble marriage, the spirit of which is protection, sustenance, and faithfulness in both cases. Whereas the cultural limitations in antiquity restrict the scope of what protection and sustenance of a spouse – especially a wife – may look like, modern society is no longer confined to the same limitations.



Unfortunately for the modern Christian, there now exists a painful discontinuity between the relationship of God to his people and the relationship of a husband to his wife that did not exist under Jewish covenantal law, with Judaism specifically addressing the fallen state of humanity through the unilateral and dissoluble covenants of both Sinai and marriage. Jesus preached an intrinsically apocalyptic message which called for complete adherence and fulfillment of the law under the new messianic era ushered in as the Kingdom of God. As Paul declares in Romans, Christians have been freed from this old covenantal relationship, such that the law has been fulfilled in every way without need for the endless pattern of dissolution and renewal that characterized the history of the Jewish people and their covenant with God. Though the relationship with God has been restored as indissoluble through the death of Christ, and thus should be reflected in indissoluble marriage – the realities of modern human marriage are little different than they were under Old Testament law which made necessary, practical concessions for divorce. Moreover, the imminent eschatological hopes of Paul’s ministry, leave the modern Christian with scant instruction on how to navigate the incredibly painful issues raised by the call to indissoluble earthly marriage some two millennia after the Ascension, especially with regard to physical, sexual, and psychological abuse. Indeed, the sixteenth century Jewish mystic Isaac Luria taught that though the more lenient teachings of Bet Hillel were the necessary framework for fallen humanity, in the coming Messianic era the teachings of Bet Shammai would prevail under a restored world which would endorse the stricter interpretation of the fullness of the law. This is an incredible insight when viewed in light of the Christian conundrum presented by the delay in the messianic Kingdom of God, with Jesus’ teachings setting a standard for total fulfillment of the law precisely under a messianic kingdom which has been delayed some two thousand years or more. The discontinuity between the teaching and the realization of the Messianic era demand practical concessions for fallen humanity as has always been understood throughout Jewish history.

After the Ascension, Paul is the most prominent interpreter of the teachings of Christ and their practical application in the church during the interim period prior to Christ’s return. Unfortunately, Paul’s instructions on the application of the teachings of Christ are (1) limited, (2) highly specific to the time and situation of his audience, and (3) heavily influenced by his eschatological hopes, making application to the present-day question of divorce challenging. However, Paul provides clear instruction on specific situations to his churches that goes beyond the scope of Jesus’ teaching, indicating his willingness to address practical considerations relevant to both time and place. In his first letter to the Corinthians, Paul provides an allowance for divorce and remarriage in the instance of an unbelieving spouse ending the marriage. He further implies that the decision to remain in a marriage with an unbelieving spouse is a matter of individual conscience, rather than divine command, though he encourages believers to remain as a witness to Christ. Whether or not believers would be permitted to remarry upon a decision to leave an unbelieving spouse is not specifically addressed here. Paul also addresses currently married spouses and urges them to remain married or to reconcile if they have separated. In this particular instance, presumably couples were separating not necessarily due to conflict or anger but through a mistaken conception that, as Christians, they had been called to a life of celibacy. Again, it is unclear under what modern day circumstances Paul would call for reconciliation of a marriage, because he does not give a general teaching on these matters. Paul does say that if a woman is separated, that she should remain unmarried or else reconcile to her husband, potentially calling for a life of celibacy if the marriage does fail. However, the overarching principle of this chapter is for the Corinthians to “remain in the condition in which [they] were called” (1 Cor 7:20) because the “appointed time has grown short” (v. 29) and the “present form of this world is passing away” (v. 31). As a principle, Paul is less concerned with the long-term practicalities of everyday life, and more concerned that the believers prepare themselves for the imminent Kingdom of God. Paul implies that if believers are able to remain unmarried and celibate that he thinks they will be able to serve God without distraction. Though this may pose a substantial economic problem for an unmarried woman, Paul seems little concerned with this given his belief in the imminency of the return of Christ.

Given that the guidance on marriage and divorce in the New Testament is sparse and far from clear, we believe it is important to understand the underlying spirit of the passages in the greater context of grace that Christians have been granted by the blood of Christ and a new spiritual covenant with God. Marriage represents an important covenantal relationship between husband and wife which should be treated with the seriousness endowed by its reflection as the ultimate relationship between God and mankind. We think it likely that, during his ministry, Jesus did not provide any exceptions for divorce but rather preached a messianic call to total fulfillment of the law under the Kingdom of God which was near at hand. Paul’s later teachings on Christ make clear that his death and resurrection have restored the indissoluble spiritual marriage between God



and humanity and that the coming Kingdom of God will restore earthly matters as well. Paul's eschatological hopes limit the nature and extent of his teaching on practical issues related to human marriage and divorce, a relationship which still suffers enormously under the unrestored state of the earthly world. However, Paul clearly provided very nuanced and specific recommendations to the Corinthians according to a variety of marital statuses and situations, indicating his willingness to modify the fullness of the law preached by Christ to be applicable to the fallen state of humanity. From Creation to Sinai to the Cross, the call of the marriage covenant has always been to protect and sustain, as God protects and sustains his people. The intention has never been to trap individuals in a painful and detrimental situation based on a legalistic adherence to arbitrary standards. In order to honor the true covenant of marriage, we have an obligation to recognize concessions for spouses who face serious harm under deeply flawed human marriages, and those concessions should be based upon the most fulsome understanding of harm that the modern era can provide us with. In a marriage that affords neither protection nor sustenance to either spouse, with little hope of such conditions being realized in the future, we are of the opinion that a divorce is justified under the spirit of biblical principles, that grace is sufficient, and that such decision may be guided by the individual heart devoted to God. Moreover, we believe that every individual should have a right to experience the benefits of a marriage where both parties strive to mirror the new relationship between God and his people that has been bought and paid for by Christ's blood. To call Christian spouses to remain in dangerous and psychologically damaging marriages is to misunderstand the grace of God and the true meaning of an indissoluble covenant meant to faithfully protect and sustain.



ESSAY: DIVORCE AND REMARRIAGE (LOWERY AND ROCHFORD)

Divorce is a painful and difficult subject for any community. In fact, it is usually accompanied by ongoing, excruciating, and often sinful relating by both parties. The concept of marriage as a lifelong commitment has almost disappeared in our culture. In the United States, not only do most marriages fail, but more people are starting families without even bothering to get married.

This has put great pressure on the church to abandon scripture when it comes to the issue. Our culture provides nearly *zero* tension on the question of divorce. If you are unhappy, if you want out, if your spouse makes you sad, or if you just find someone better, our culture says go for it. And any God or religion that tells you otherwise should be dumped faster than your old spouse!¹

Our culture is impacting the church more than scripture in the Western world. American “Christianity” has always had a poor showing when it comes to divorce. People claiming to be “born again”² statistically fare little better than everyone else when it comes to honoring their marriage vows. Dwell Community Church has historically done much better than the typical 55 to 60 percent of American marriages that end in divorce, but we are not immune to cultural pressure.³

Historically we have held a high bar for marriage and called those getting married in our church to take their vows seriously. In addition to the wonderful equipping found in home groups and personal discipleship, we have instituted pre-marital counseling, prepare and enrich marital counseling, marriage mentoring, and marriage classes. Also, we have been willing to go to great lengths to help couples save their marriages.⁴ We have even brought certain extreme cases of unrighteous divorce to formal church discipline.⁵ We hold these convictions based on what we read in scripture.⁶

¹ This is a common line of hyperbolic reasoning used within Dwell Community Church to emphasize an Us vs. Them mentality. To say that “our culture” puts “zero” tension on the question of divorce is a gross mischaracterization of hundreds of millions of adults involved in intimate partner relationships, many of whom strive to engage in reconciliation and understanding in long-term committed and monogamous relationships every day, regardless of religious faith, sexuality, or views of marriage. See [Marriage and Cohabitation in the U.S.](#) for a further discussion on changing attitudes towards marriage and relationships in the United States.

² Dwell Community Church commonly criticizes any practice of Christianity that differs from its own high-commitment, authoritarian model, implying that these groups are spiritually weak or do not take their faith practice seriously. This elitism is common in high-control groups. The rhetorical purpose here is to denigrate Christian groups that hold a more lenient view of biblical divorce as caring more about prevailing culture than scripture, whereas Dwell Community Church is dedicated to scripture and practices the correct interpretation of biblical marriage and divorce.

³ This is an interesting claim given that Dwell Community Church is likely to discipline members who seek a divorce that the church does not agree is biblically sanctioned, resulting in either formal excommunication or “voluntary” self-removal from the community, thereby skewing the divorce statistics within the group. Here we use “voluntary” since members often leave the group under extreme duress relating to the pressures or standards applied by the church which make it difficult or impossible to remain in the group. The case of abusive marriages is a clear example of this, as spouses may seek to leave the church when it becomes clear that they must either submit to the abuse or face the shame of church discipline if they choose to seek a divorce. We consider this climate within the church to be particularly egregious, since it not only puts vulnerable individuals at risk for a likely unrealizable ideal of marriage but also heaps insult upon injury by shaming the suffering individual for seeking respite from abuse. Studies have explored the lower divorce rate within religious groups in terms of an increase in emotional, physical, and sexual abuse exposure among spouses who believe divorce is not a moral option. We believe that modern churches should be specifically on guard to mitigate this trend rather than encourage it.

⁴ Saving otherwise unabusive marriages through conflict mediation and counseling is a goal of not just religious communities, but secular communities as well.

⁵ Clear examples of what the church considers “unrighteous divorce” and the exact meaning and outcome of “formal church discipline” would be helpful here. Without further clarification, what is assumed is that Dwell Community Church practices excommunication or removal from fellowship as a consequence of seeking a divorce that it deems to be an “extreme case” of unrighteous divorce.

⁶ We will explore that subsequent biblical passages and comment on the various interpretations and uncertainties in order to form a view of marriage and divorce, as well as comment on the view formed by the authors.



In this essay, we will explore the ethics of divorce and remarriage, as well as practical solutions to difficult situations. We will do this by (1) surveying the relevant biblical passages, (2) exploring the ethical difficulties, and (3) showing a practical way forward. First, let’s begin with the biblical data.

BIBLICAL PASSAGES ABOUT DIVORCE AND REMARRIAGE

(Malachi 2:14-16 NIV) 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.”⁷

The literary context here is the treachery of the nation of Israel (the bride) against the Lord (the bridegroom), but the literal concept is clear: These Jewish men were divorcing their wives.⁸ Divorce has never been a part of God’s plan for marriage.⁹ Malachi uses the term “one” (*’ehād*)¹⁰, which is the same word used in Genesis 2:24 to refer to the man and woman

⁷ The authors quote an outdated NIV translation of Malachi 2:14-16 with a misleading translation of v. 15 in particular. The 2011 NIV translation states, “You ask, ‘Why?’ It is because the Lord is the witness between you and the wife of your youth. You have been unfaithful to her, though she is your partner, the wife of your marriage covenant. Has not the one God made you? You belong to him in body and spirit. And what does the one God seek? Godly offspring. So be on your guard, and do not be unfaithful to the wife of your youth. ‘I hate divorce,’ says the Lord, the God of Israel, ‘because the man who divorces his wife covers his garment with violence,’ says the Lord Almighty. So be on your guard, and do not be unfaithful.”

⁸ As the authors of the paper have pointed out, the original context of this passage is a rebuff against the Southern Kingdom of Judah as unfaithful to the wife of its youth – both literally and metaphorically. The gender roles portrayed by the authors may perhaps be reversed in the metaphorical context, with Judah representing the bridegroom and God representing the bride. This interpretation then places the focus on the metaphorical faithlessness of the husband (Judah) to his wife by covenant (God) as mirrored by the literal faithlessness of the husbands (perhaps restricted to the priests in this case) who appear to be divorcing their wives possibly for foreign brides. Depending on how one reads 2:10-11, foreign brides could imply marriage to a non-Israelite woman or more likely to Judah worshipping other gods. Old Testament authors employ a huge range of metaphor, often reversing the gender roles of God and Israel in order to make a particular point, but it is not uncommon for certain aspects of God to take on the feminine form. In Jewish rabbinic literature, the Shekinah (indwelling of God or the aspect of God which is present in the Temple) takes on a feminine character, with some interpretations suggesting that Moses was spiritually united in marriage to the Shekinah, a relationship which is given precedence as true marriage and implies that he suspended, at minimum, sexual relations with his earthly wife. As a patriarchal society, men represent an important fulcrum in Judaism, with a man acting out both sides of the two major covenantal agreements of Sinai and marriage. In the former, man is the bride and in the latter man acts the part of God as husband. Consider also the prophet Hosea, whom God calls to marry an adulteress as a prophetic symbol of the faithfulness of God to protect and sustain his wayward people.

⁹ This is the case prior to the Fall, but the Torah specifically permits divorce in Exodus 24:1-4. Indeed, God himself divorces Israel in the destruction of the Temple in Jerusalem in 587 BCE and the corresponding period of Babylonian exile. In the Garden of Eden, the relationship between God and humanity was indissoluble and unbroken by sin, just as the marriage between Adam and Eve was indissoluble and unbroken by sin. God specifically introduces the covenant of Sinai as a marriage covenant between himself and Israel precisely to mitigate the fallen condition of humanity. However, both of the Sinai covenant and the marriage covenant are dissoluble and therefore necessarily include provisions for divorce. God subjectively preferences Israel by selecting them as his people, but he reserves the right to divorce them for virtually any reason if the people displease him, just as a husband reserves the right under Jewish law to divorce his wife. Despite retaining this unilateral right, God is faithful to Israel and only reverts to divorce in the most extreme cases of her infidelity. This is the precise argument being made in Malachi, and shortly we will see this argument made again by Bet Shammai in the first century. God has been faithful to you, Israel, so be faithful to your wives. The covenant of Sinai and the covenant of marriage are both unilateral agreements to protect and sustain and – though God and husband reserve the right to divorce Israel and wife under the covenants – faithfulness and forgiveness should be exercised in all but the most extreme cases.

¹⁰ The usage of “one” in v. 15 is not clear. The sentence construction likely refers to the oneness of God and his creative work in making humanity, rather than as the marriage being of “one flesh,” as suggested by the authors. There is considerable uncertainty in the Hebrew, with most translations placing the emphasis of “one” onto God. The authors have quoted an outdated NIV translation, prior to the most recent 2011 version which corrects this error. See note 7.



becoming “one flesh.” The men of this time were “divorcing their aging wives in favor of younger women.”^{a 11} This is what causes God to use the emphatic language, “I **hate divorce.**”¹²

But are there any exceptions for divorce in the Bible? Yes. Indeed, we hold to a moderate view in this area, believing that there are at least three explicit biblical exceptions: (1) adultery, (2) abandonment, and (3) death.¹³

Exception #1. Adultery (Matthew 19:3-9)

(Matthew 19:3) Some Pharisees came to Jesus, testing Him and asking, “Is it lawful for a man to divorce his wife for any reason at all?” This passage has an important historical context. In Jesus’ day, the rabbinic school of Hillel took a permissive view of divorce based on Deuteronomy 24:1-4, arguing that a man could divorce his wife for virtually “**any reason.**”^b The Hillelites taught that a husband could divorce his wife for burning his dinner or for becoming physically unattractive!

¹¹ Though it is not clear that the husbands of this passage were “divorcing their aging wives in favor of younger women,” the metaphorical parallel of wife and God does seem to imply innocence and purity on behalf of the wives who are being divorced. The continuity of the text itself is also debated, with some commentators placing a distinction between v. 10-14 (concerning idolatry and faithlessness to God) and v. 15-16 (concerning human divorce), suggesting that the latter may have been added at a later date. Either way, the emphasis appears to be placed on faithlessness to an ideal, which has its fulfillment in the relationship between God and his people. The verses are clearly concerned with the faithlessness of Judah to its covenant with God, a covenant which has a human parallel in the marriage covenant. To be faithless to God by turning to idol worship and to be faithless to the wife of one’s youth by seeking a trivial divorce were clearly considered offensive. Malachi 3:5 goes on to address the oppression of workers, widows, orphans, and foreigners, which may face a similar fate as the divorced wives.

¹² Malachi is steeped in metaphorical language making literal interpretation of its meaning challenging. The precise meaning of 2:16 “For I hate divorce . . . and covering one’s garment with violence” is difficult to determine, and the authors are correct in recognizing it as “emphatic language.” There is a metaphorical meaning of a faithless people divorced from their God, as well the literal meaning for the priests of Judah who were faithless to their wives. Consider also the usage of the term “hate” in the opening verses of Malachi, “Yet I have loved Jacob, but I have hated Esau” (1:2-3). Again, there is emphatic language being used to demonstrate the special status of Jacob over his brother Esau, which is the result of the free choice of God to select his people, but to presume that this means that God hates the nation of Esau in some literal sense is inappropriate. Similarly, caution should be used in the general application of “I hate divorce.” In this context, “hate” represents a strong, subjective preference. Despite divorce being permitted under Jewish law, v. 16 also indicates that God likens divorce to an act of violence. This is an important comparison to ponder when considering the biblical morality of divorce in modern abusive relationships. Moreover, the divorce being considered in this passage appears to be referencing a marriage where no substantial fault has been found in the wife, and the intent is likely to temper frivolous use of the concessions for divorce granted in Deuteronomy 24:1-4, since God promises to be faithful to Judah despite their sinfulness.

¹³ This reflects a fundamentalist interpretation common among conservative Christian groups. As will be considered in the following sections, the exceptions for sexual immorality and abandonment identified by the authors are a result of highly contested interpretations of various passages. The final “exception” of death is not technically an exception for divorce at all. Rather it is the natural endpoint of the marriage contract under both Jewish and Christian belief, as marriage does not extend to the afterlife. The authors conveniently arrive at a black-and-white and easily judicable interpretation of biblical divorce and, by providing several exceptions, may claim that their view is a moderate one. However, it is clear that their recommendations in the latter half of the paper fail to address the significant concerns raised in modern marriages, particularly related to physical and psychological abuse.



By contrast, the school of Shammai held a much stricter view¹⁴, limiting divorce to sexual immorality, as well as serious neglect of one's spouse¹⁵. The Hillelite view was the majority perspective in Israel¹⁶, and the Pharisees were trying to trap Jesus into a bipartisan position¹⁷, thus **"testing Him"** with this question.

(Matthew 19:4-6) [Jesus] answered and said, "Have you not read that He who created them from the beginning made them male and female, 5 and said, 'For this reason a man shall leave his father and mother and be joined to his wife, and the two shall become one flesh'? 6 So they are no longer two, but one flesh. What therefore God has joined together, let no man separate."

Here we see marriage as God envisions it. God's view is lifelong monogamy between one man and one woman, a bond that should never be broken. Jesus didn't base his ethic for divorce on the current cultural consensus, but instead on God's original design, citing Genesis 1:27 and 2:24. Jesus attributed these words to what God himself **"said."** Indeed, the whole idea of marriage came from the mind of God (Genesis 2:18).¹⁸

¹⁴ It is necessary for the modern reader to understand that Jewish society was patriarchal, and though women were afforded a number of basic protections within marriage, they had very little autonomy overall. Under Jewish law, marriage was treated as a property transaction, whereby the husband held sole rights to the conjugal duties of the wife, and only he was able to issue a certificate of divorce to void those rights. The Mishnah states, "The man who divorces his wife is not similar to the woman who is divorced, as the woman is divorced whether she is willing or unwilling . . . the man divorces his wife only willingly" ([Yevamot 14:1](#)). The wife was traditionally expected to undertake certain duties depending on her status, and the husband was required to sustain his wife – i.e. provide her with food, clothing, and sex when she desires (Deut. 21:10, [Ketubot 5:5](#)). However, Deuteronomy 24:1-4 introduces a much debated case law under which a husband may divorce his wife if he "finds something objectionable about her" (ervah davar), giving rise to the debate between the Bet Hillel and Bet Shammai Pharisees in this particular passage. The meaning of "objectionable," sometimes translated as "nakedness" (ervah), and "thing" (davar), is decidedly not clear as the debate itself suggests, with Bet Hillel holding that the disputed term means "the nakedness of a thing" (ervat davar) – anything objectionable – while Bet Shammai held that it should be understood as "a thing of nakedness" (devar ervah) – a matter of forbidden sexuality, specifically adultery. Bet Shammai had strict rules regarding the attestation of adultery which included producing multiple witnesses, and if the death penalty were to be invoked, the wife must be warned directly in advance of her crime. As a result, Bet Shammai considered a divorced woman to be deeply corrupt and considered it disgraceful for a man to marry her ([Tosefta Sotah 5:5](#)).

It is also important to consider the value that Jewish society placed on marriage with respect to procreation, which was considered a special obligation before God. This may explain – at least in part – the lenient view held by Bet Hillel which provided a release from marriage for a huge variety of matters. There exists a tension in the debate between the subjective preference of the husband and the protection and sustenance of the wife, as is the case between God and Israel. The debate between Bet Hillel and Bet Shammai is summarized in [Gittin 9:10](#), which also mentions the opinion of Rabbi Akiva who held that a husband may divorce his wife even if he finds someone more attractive that he desires. Rabbi Akiva's view is perhaps not as odd as it appears to the modern reader at first glance; presumably this is a concession to Rabbi Akiva's ideal of marriage as a special bond of love, making marriage impossible if a man loves another woman other than his wife. This is closer to a modern understanding that one may divorce a spouse because he has fallen out of love. In Rabbi Akiva's view, marriage is precisely a covenant defined and evidenced by divine love.

¹⁵ It is not clear what the authors mean here by "serious neglect of one's spouse." The husband is required under Jewish law to "sustain his wife" which means to provide her with food, clothing, and sex when she desires. If the husband refused to "sustain his wife" then a court could compel him to give her a certificate of divorce so that she might find another husband who would sustain her. Considered in the context of a modern marriage, one may interpret abusive marriages to violate the provision to sustain the wife. Indeed, Jewish rabbis explicitly state this by the medieval period.

¹⁶ It is not clear which position was the majority position at the time of Christ, and care should be taken not to impose an assumption to fit a modern interpretation. Bet Shammai is well represented in the Mishnah. Depending on the precise interpretation, Jesus' own teaching represents a strict interpretation of divorce and remarriage, mirroring that of Bet Shammai. Additionally, the Qumran sect practiced monogamous marriage without divorce, except in cases of adultery on behalf of the wife. Later *halakhah* ultimately supported the more lenient Bet Hillel interpretation.

¹⁷ Rather, the Pharisees were trying to trap Jesus into a partisan position, which – although disputed – Matthew appears to concede to the stricter position of Bet Shammai by the inclusion of the qualification "except for immorality" (πορνεία). However, Matthew's use of πορνεία here is far from clear, as he does not choose the explicit term for "adultery" (μοιχεία), leading later readers to speculate on the precise meaning and its application. See note 23.

¹⁸ Jesus quotes Genesis 2:24, "Therefore a man leaves his father and his mother and clings to his wife, and they become one flesh." This is the ideal of marriage existing in the original state of creation prior to the Fall. Sexual intercourse appears to initiate the bond, but Jesus



(Matthew 19:7-9) They said to Him, "Why then did Moses command to give her a certificate of divorce and send her away?" 8 He said to them, "Because of your hardness of heart Moses permitted you to divorce your wives; but from the beginning it has not been this way. 9 And I say to you, whoever [singular] divorces his wife, except for immorality [porneia], and marries another woman commits adultery." 19

In this passage Jesus is saying that Moses allowed for divorce **"because of your hardness of heart."**²⁰ While there is some debate among interpreters on Jesus' meaning here, it is clear that God's original intent for marriage did not allow a provision for divorce.²¹

When Jesus says, **"from the beginning it has not been this way,"** he is saying that Moses allowed a concession having to do with the hardness of their hearts (or sin), but that this is not God's design or intent. The one reason for divorce we see from Jesus' teaching is when the bond is willingly broken by sexual immorality.²² In other words, according to Jesus, sexual immorality is a valid reason for divorce.²³

implies that God plays a role here as well when he states, "what therefore God has joined together, let no man separate." Indeed, Jewish law held that sexual intercourse was one of the methods by which a woman could become betrothed to a man (Ex. 22:29, Kiddushin 2a:1). This was applicable even in the event that the woman was raped – as in Exodus 22:29 – with the explicit instruction that "because he violated her, he shall not be permitted to divorce her as long as he lives." Nowhere is it implied that sexual immorality or adultery can dissolve the marriage bond by forming a new union with a new partner, as God plays an integral role in the joining. The Pharisees would not have understood Jesus' response as anything other than rhetorical given that the purpose of the covenant at Sinai and the giving of the Torah was precisely to mitigate relations between God and humanity in light of the Fall. It is prejudicial to conclude that the Jews based their practices of marriage and divorce on mere cultural consensus. Rather they engaged in vigorous debate related to the interpretation of the Torah which was given by God. Christians interpret these passages as applying to the fulfillment of the law via Christ's death and resurrection, reinstating the indissoluble union between God and humanity that existed prior to the Fall. This has its parallel, as Jesus argues, in indissoluble human marriage. However, the Jews do not believe that such a restoration has occurred in the person of Christ.

¹⁹ This is not a bilateral consideration between spouses. The debate is centered around the conditions under which a husband may divorce a wife. Here one caveat is provided by Jesus: a husband may divorce his wife for "immorality" (πορνεία), not the other way around. Indeed, πορνεία is of the feminine form and suggests feminine sexual sin. Again, the Jews would have considered the statement regarding Moses to be shocking, if not blasphemous, but it is in keeping with Jesus' messianic preaching and strict interpretation that the law in all its fullness would be restored in the coming Kingdom of God.

²⁰ *Gittin 1:6* states, "The receipt of a bill of divorce is considered to be to a woman's detriment" and "marriage is in the interests of the woman," making clear the potential danger which divorce – especially trivial divorce – represented for women at the time. In Jewish patriarchal society, to divorce a wife could amount to poverty or death for the woman especially if she was old or sexually undesirable. It is possible to interpret this discourse between Jesus and the Pharisees as the importance of the covenant agreement in view of the protection afforded to women. As in Malachi 2:16, God hates "covering one's garment with violence" and has a subjective preference that the marriage covenant be honored faithfully to protect and sustain women.

²¹ This is God's original intent for marriage prior to the Fall. If it is clear that God's original intent for marriage did not allow a provision for divorce, why do the authors of this paper provide provisions for divorce? Jesus says that there are no provisions for divorce, but then he lists a provision. This is a common logical argument against the Matthean exception.

²² The bond of marriage is not broken by sexual immorality, it is dissolved via divorce as a legal covenantal agreement. If the marriage was dissolved by the act of sexual immorality or adultery, then adultery would cease to be adultery, and a woman would be married to a new husband upon the act. Matthew 19:6 states, "Therefore what God has joined together, let no one separate." The original bond of marriage may be consummated in a sexual union, but it is indissoluble except by a withdrawal of the covenant by the issuer, in this case the husband. This debate highlights the conditions under which the husband is within his rights to withdraw the covenant of marriage via divorce, in this case for sexual immorality. This can be deeply problematic in modern Jewish marriages if the husband refuses to issue a certificate of divorce. The woman may pursue a divorce under civil law but is considered still married under religious law and is referred to as a "chained" wife. No amount of πορνεία will serve to dissolve her marriage covenant. This may appear as a matter of semantics, but it is integral to the parallel between the Sinai covenant and the marriage covenant, with the covenant sustained or dissolved unilaterally by God and husband in accordance with their subjective preference.

²³ Though a similar passage appears in both Mark 10:2-12 and Luke 16:18, Matthew is the only gospel to insert "except for immorality" as a qualification for divorce, possibly as a concession to the stricter Shammai interpretation, which the likely Jewish author may have been sympathetic to, although πορνεία is probably less strict than the Shammai position on adultery. Of the three synoptic gospels, historians generally agree that Mark was the first gospel to be written and that the authors of Matthew and Luke both relied upon Mark as a source. The absence of the qualification "except for immorality" in Mark and Luke would suggest that this was an addition to Matthew as a



There are two things that are very clear in this passage: (1) Marriage is binding except for where the marriage covenant is broken by “immorality.” (2) To marry a divorcee who is divorced over some issue other than immorality is to commit adultery with them. This is heavy medicine!²⁴

What should we conclude from Matthew 19?²⁵

- 1) God hates divorce.²⁶
- 2) The Old Testament allowed for divorce in the civil law, but this was a concession, not God’s design for marriage.²⁷
- 3) God created marriage to be between one man and one woman for one lifetime.
- 4) Sexual immorality is a legitimate reason for divorce.²⁸

concession to Bet Shammai. In 1 Corinthians 7:10-11 Paul appears to refer to this specific teaching but also omits the qualification “except for immorality.” Furthermore, the omission of this qualification in the other gospels strengthens the message since Jesus rejects both sides of the Pharisaic debate by upholding the original ideal of marriage as a rhetorical challenge to the superfluity of the debate itself. Removing the exception in Matthew 5:32 also better fits the logical pattern used to emphasize the fulfillment of the law in the Sermon on the Mount. The question of whether or not this qualification is legitimate grounds for divorce is the subject of modern debate that rages as strongly as the debate between Bet Hillel and Bet Shammai once did. However, to apply this as an obviously valid – and perhaps singular – reason for divorce today neglects this critical uncertainty, and perhaps confuses a rhetorical message for a practical one.

²⁴ This is an extrapolation of what the passage actually says. Again, Jesus is responding to a specific debate in Jewish practice and custom at the time where the trend appears to be husbands who want to divorce their wives for trivial reasons. Note the parallels to the passage in Malachi. Jesus reminds his listeners that marriage is a covenant between husband and wife, reflected by the ultimate covenant between God and his people – that to be faithless to one’s wife, especially to her detriment and for trivial reasons, is to misunderstand the ultimate covenantal relationship before God. Moreover, this passage considers only the unilateral view of divorce, as provided in Jewish law, arguing that a man should either never divorce his wife or divorce her under only the most serious circumstances, considering the harm inflicted by the husband if he “refuses to sustain his wife” (*Gittin 1:6*). The dangers of extrapolating this verse as applicable to the various concerns within modern marriage – rather than the very specific situation considered in the text – are readily apparent. Much of the modern debate regarding the biblical view of divorce is in regard to areas of emotional, physical, and sexual abuse – all of which are to the severe detriment of the abused spouse, often but not always the woman. The qualifying reasons for divorce could be defined as that which results in severe detriment to either spouse, given that the meaning of the passage is to rebuff the Hillel school which permits divorce to the serious detriment of the wife for even trivial reasons.

²⁵ A more moderate interpretation may conclude that marriage represents an important covenantal relationship between man and wife which should be treated with the seriousness endowed by its reflection as the ultimate relationship between God and mankind. Jesus is exhorting the Pharisees to remember this importance in the interest of protecting vulnerable women who apparently were readily divorced by their faithless husbands within Bet Hillel, the same situation that occurs in Malachi. God values both marriage and the protection of the weak. The cultural limitations in antiquity limit the scope of what protection of a woman may look like, whereas modern society no longer is confined to such limitations.

²⁶ This is not the claim made in Matthew 19, rather it is a reference to Malachi 2. Here it is presented out of context by the authors. See note 12.

²⁷ God makes many concessions for fallen humanity. The New Testament preaches a message of grace and forgiveness rather than adherence to strict legislation. Moreover, the “hardness of heart” referenced here likely refers to the trivial manner in which husbands sought to divorce their wives, a continuation of which was seen in the Hillel school during the time of Jesus. To say that an individual seeking a divorce due to serious detriment sustained via abuse suffers from a “hardness of heart” comparable to the situation proposed in this passage appears to be lacking in both understanding and compassion.

²⁸ This is far from clear. See note 23, above. Divorce as a result of sexual immorality on the part of the wife was a consideration granted at the time under specific Jewish practice, but that does not make it an equivalent consideration in our modern culture. There is a deep inequity in Jewish law which places the wife in a subordinated, covenantal relationship to her husband just as Israel is in a subordinated, covenantal relationship with God. Sexual immorality, particularly adultery, was considered an equivalent violation of the marriage covenant as idol worship was a violation of the covenant of Sinai, but this is not a bilateral violation. It is specifically sexual immorality on behalf of the woman, not the husband, that is considered problematic under the marriage covenant. Under Jewish law, the marriage contract entitled the husband to exclusive rights to a woman’s conjugal services, and adultery on behalf of the woman was a grave offense. However, the reverse is not the case, as Jewish law permitted men to have multiple wives, and prohibits “adultery” only in the case of men violating the sexual property rights of another man by engaging with his wife or unmarried daughter. Consider the commandment, “Neither shall you covet your neighbor’s wife. Neither shall you desire your neighbor’s house, or field, or male or female slave, or ox, or donkey, or anything else that belongs to your neighbor” (Deut. 5:21). A wife was considered to be a part of the property of her husband, and all other



Exception #2: Abandonment (1 Corinthians 7:10-15, 27-28)²⁹

(1 Corinthians 7:10-11) "To the married I give instructions, not I, but the Lord, that the wife should not leave her husband. 11 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."³⁰

Paul may have had a copy of one of the gospels (cf. 1 Corinthians 11:23-25), because he quotes from **"the Lord"** Jesus, who was against divorce (Matthew 5:32; Matthew 19:3-9; Mark 10:2-12; Luke 16:18).

The term **"leave"** (*chōrizō*) is another word for divorce. Jesus used the term to describe divorce: "What therefore God has joined together, let no man **separate** (*chōrizō*)" (Matthew 19:6; cf. Mark 10:9). Moreover, the

men were prohibited from trespassing those rights. Under Roman law, as in many ancient near-eastern cultures, a woman could be put to death in instances of adultery. The Mishnah says that a woman whose hymen has been ruptured by wood is to receive a lower price in her marriage contract, because she is not a virgin (*Ketubot 1:3*). This is not a consideration of dissolution of the marriage bond, but rather an indication of damaged goods which are unacceptable in a property transaction. Remember, the debate is over what offense is bad enough to be able to divorce your wife, with the ultimate offense at the time, specifically for women, being adultery. Also, consider that this qualification is not reversible to be applicable to the husband. There is no provision in Jewish law for a woman to divorce her husband, unless the husband willingly agrees to initiate the divorce – a contingency causing much interpretive strife in instances of modern Jewish divorce. A man may be compelled to divorce his wife by a Jewish court only if he fails to meet the biblical marriage obligations to sustain his wife as well as the further obligations specified under the marriage contract.

²⁹ When interpreting the Pauline Epistles, it is important to note that Paul has an expectation of the imminent return of Christ to establish the physical Kingdom of God centered in Jerusalem. Jesus himself was a Jewish apocalyptic preacher who spoke of the nearness of the Kingdom of God under which Israel would be delivered from its subjugation under the Procurator of Rome. Consider 1 Corinthians 7:25-26, "Now concerning virgins, I have no command of the Lord, but I give my opinion as one who by the Lord's mercy is trustworthy. I think that, in view of the impending crisis, it is well for you to remain as you are." And again in 7:29-31, "I mean, brothers and sisters, the appointed time has grown short; from now on, let even those who have wives be as though they had none, and those who mourn as though they were not mourning, and those who rejoice as though they were not rejoicing, and those who buy as though they had no possessions, and those who deal with the world as though they had no dealings with it. For the present form of this world is passing away." Paul's instructions in this passage cannot be separated from his view that Christ's return is close at hand and thus the practicalities of ordinary life are of limited importance, including sex, slavery, divorce, marriage, mourning, rejoicing, possessions, worldly dealings, etc. This is an apocalyptic message, rather than a message of practical application for a faith community living day-to-day two millennia after the ascension of Christ. In fact, the biblical law in the Torah is the practical law of the Jewish community, rather than an apocalyptic message, and it allowed a variety of practical concessions for divorce, as discussed previously. Instruction based on an apocalyptic belief has little need for the practicalities of divorce and marriage in real life situations, since salvation is imminently at hand. Consider 1 Corinthians 4:5, "Therefore, do not pronounce judgment before the time, before the Lord comes, who will bring to light the things now hidden in darkness and will disclose the purposes of the heart. Then each one will receive commendation from God." The overarching theme of this chapter can be summarized in Paul's exhortation to "remain in the condition in which you were called" (v. 20) because "the appointed time has grown short" (v. 29).

³⁰ In 1 Corinthians 7, Paul instructs the Corinthian church on matters of marriage and divorce over which they appear to be greatly confused. The church seems to be under the impression that they have been called to celibacy even in marital relationships (v. 2). Paul corrects their understanding by instructing that married couples are not mandated to remain celibate and, in his own view – rather than as a command from God – should not deprive one another, lest it result in a "lack of self-control." (v. 5-6). The Corinthian church likely consisted of Gentile believers who were accustomed to marriage and separation as a Roman cultural practice. In ancient Rome, marriage was consensual, but had little of the legal formality seen in Jewish marriage. In fact, the Roman culture of marriage and divorce was much more similar to the modern practice of partnering or cohabitation, requiring informal consent to start a marriage as well as to end a marriage. Especially after the fall of the Republic, Roman marriage was often conducted sine manu (literally "without the hand," but meaning that the woman was not transferred as property to her husband's estate) which allowed the woman and her property to remain under the purview of her father and to eventually pass to her under certain conditions, whether or not she was married or divorced. All that was required for such a marriage was to cohabit as a married couple, similar to modern common law marriage. Either spouse could choose to end a marriage simply by terminating the cohabitation without need for any type of formalized divorce, as was the case under Jewish law. Though still deeply patriarchal, Roman women perhaps enjoyed more personal and economic freedom in this regard than their Jewish counterparts. This is the reason this passage is full of terms for "leaving" and "separating" rather than the more formal terms used elsewhere to refer to Jewish divorce, which was a formal legal process - only able to be initiated by the husband - including a certificate and subject to a variety of requirements. This has led commentators to speculate that the Corinthians may have misunderstood a message of celibacy and begun "separating" from their spouses. A problem which Paul is keen to correct.



terms “leave” and “divorce” are used interchangeably in verse 11. And later, in verse 15, Paul uses the same term (*chōrizō*) to refer to the unbelieving spouse “leaving” (or divorcing) his partner.³¹

What are we to make of this passage? Unmistakably, God’s will for alienated Christian spouses is reconciliation.³² Christian spouses should remain single if they choose to separate — unless, of course, there are adequate, ethical grounds for divorce. This is why Jesus said, “Whoever divorces his wife, except for immorality, and marries another woman commits adultery” (Matthew 19:9). These two concepts don’t contradict; in fact, they fit together quite well. The idea being that if you get divorced for unbiblical reasons, then you should “remain unmarried” (1 Corinthians 7:11); otherwise, God considers this committing “adultery” (Matthew 19:9).³³

God’s intent and design for Christian marriages is reconciliation. Period. At the same time, it takes two people to reconcile — not one. What if one spouse refuses to reconcile, sinfully abandoning the other?

Throughout 1 Corinthians 7, Paul uses an ethical approach called “**principled ethics.**” From this perspective, God’s moral principles don’t change, but the *application* of the principles will change according to the situation.³⁴ This is why Paul appears — at first glance — to repeatedly contradict himself throughout this chapter. Consider a few examples:

³¹ The terms χωρισθῆ (translated “leave” or “separate”) and ἀφίεναι (translated “divorce” or “send forth”) in v. 11 are not quite used interchangeably as the authors suggest. This entire passage is phrased carefully, with highly specific words used to refer to different marital statuses and actions related to divorce and separation. Under biblical law, only a husband is permitted to issue a certificate of divorce, this being the precise situation considered in Matthew 19:3-9, Mark 10:2-12, and Luke 16:18 (here ἀπολύσαι is used, translated “divorce” or “set free”). Paul carefully selects ἀφίεναι to refer to a believing husband seeking to divorce his believing wife versus χωρισθῆ for a believing wife seeking to separate from her believing husband, perhaps implying a continuation of the Jewish understanding that only a husband could dissolve the spiritual marriage covenant. Compare this to v. 12-13 where ἀφίεναι is used both to refer to either believing spouse leaving an unbelieving spouse, a state of divorce under Roman law for *usus* or *sine manu* marriages. Paul is sensitive to the situation of his readers — most of whom are not Jewish — and references Roman law and custom under which a wife could also initiate a “separation,” distinct from Jewish law where the husband is the only permitted initiator. This is perhaps a concession that a mixed-marriage is governed by civil law rather than the spiritual marriage covenant. It is possible that Paul does not even consider these couples to be spiritually married in the biblical covenantal sense.

³² This is certainly not unmistakable. Again, the context of the letter hints that the Corinthians appear to be confused over whether or not they should remain celibate both within and outside of marriage (v. 1). They may have this confusion due to Paul’s own celibacy, which he references several times throughout the passage as his preference for believers, while still recognizing that not everyone is capable of such a life. The specific call to reconcile in v. 10 is potentially a result of the Corinthians separating from their spouses entirely to remain celibate, in which case Paul says that they may be reconciled and even enjoy sex in accordance with God’s will. Nowhere does this passage suggest that the Corinthians are divorcing frivolously, as was the case with Bet Hillel, or due to any serious spousal issues. Rather, Paul needs to instruct the culturally Roman Corinthian church on biblical views of sexuality in marriage, specifically in light of his eschatological teachings. With this in mind, v. 11 may be read as the possibility that believing spouses might choose to separate in celibacy — in order to prioritize God — in which case neither party should view it as a divorce, as under Roman law, but should remain celibate or reconcile if unable to maintain celibacy to honor the spiritual marriage. Another possibility is that Paul needs to instruct the church more specifically regarding reconciliation given that Jewish law specifically prohibits a man from remarrying his former wife who went on to marry and divorce another man — the original context of the case law in Exodus 24:1-4. If some of the Corinthians did leave marriages under Roman law (by ceasing to cohabit) and married another (by cohabiting) then there may be uncertainty as to the spiritual state of these various Roman marriages and whether or not they should reconcile with their first wife. The key is to understand that there is considerable uncertainty both in the proper interpretation of these passages, especially since we lack the letter that the Corinthians sent to Paul, as well as in the appropriate general application of Paul’s teaching to modern marriage and divorce. Unfortunately, Paul made neither abundantly clear for the modern church to readily navigate difficult situations.

³³ Certainly the Bible holds a central place and importance for marriage in religious, earthly life, but this is a specific teaching geared towards a group that is immature and confused about the very fundamentals of religious life, rather than a restrictive model for twenty-first century marriage and divorce. Unfortunately, Paul’s instructions on the application of the teachings of Christ are (1) limited, (2) highly specific to the time and situation of his churches, and (3) heavily influenced by his eschatological hopes, making application to the present-day question of divorce challenging.

³⁴ It is not at all clear how Paul is applying principlism here, rather it is perhaps a misinterpretation of the successive examples and scriptural passages. Principlism as an ethics involves consideration of (1) autonomy, (2) beneficence, (3) non-maleficence, and (4) justice. Paul is actually counseling the opposite of this, specifically with the view that Christ is to return soon and will right all wrongs. Until then, the Corinthians should “remain in the condition in which [they] were called,” to make use of their present condition; if any principle is applied



Should we remain single or get married? Paul writes, “I say to the unmarried and to widows that it is good for them if they remain [single]. **But** if they do not have self-control, let them marry; for it is better to marry than to burn with passion.”³⁵

Should we remain as slaves or get our freedom? Paul writes, “Each man must remain in that condition in which he was called. Were you called while a slave? Do not worry about it; **but** if you are able also to become free, rather do that” (1 Corinthians 7:20-21).³⁶

These statements seem contradictory, until you realize that Paul is operating out of *principles* — not *prescriptions*. In effect, Paul is telling us that both options are legitimate, but we need to make a choice based on the foundation of an underlying biblical principle. The same is true with regard to remarriage after abandonment, where Paul uses the same language:

Should we remain single after being abandoned or get remarried? Paul writes, “Are you released from a wife? Do not seek a wife. **But** if you marry, you have not sinned.” (1 Corinthians 7:27b-28a).³⁷

here, it is precisely this. Moreover, Paul’s examples are in no way contradictory. Paul’s preference is that the Corinthians should “remain” as they were called in expectation of Christ’s imminent return, but if they are unable to “remain” in their present condition they are free to progress so long as they do not sin.

³⁵ This is a reference to v. 8, which is of particular interest and has not been considered in its full context by the authors of this essay. Note that Paul refers to “unmarried” and “widows” in the same sentence in the middle of a section addressing married people in a variety of life situations (v. 1-16). Presumably “unmarried” here refers to divorced women and men, possibly those who were divorced at the time of “being called.” Consider also v. 34 where Paul refers to the “unmarried woman” and the “virgin” as distinct groups. In this case, Paul includes an allowance for remarriage in v. 9 without any restrictions for the manner in which these men and women came to be “unmarried.” Indeed, Paul says in v. 8 that “it is well for them to remain unmarried as I am,” which is perhaps a reference to Paul’s own divorced status. Historians consider that it is likely that Paul was once married, particularly in light of his high status as a Pharisee and possible position with the Sanhedrin — a group which held marriage as a membership requirement. Jews at the time considered marriage to be an indispensable moral obligation to procreate, and it is highly unlikely that Paul would have never been married. It is also possible that “unmarried” here refers to widowers, and commensurately that Paul may have been a widower. Widowers were extremely common in antiquity, given that women were married at a young age and were subjected to the dangers of childbirth, leading some commentators to suggest that it was not a particularly notable status warranting a special term as is the case today. This may mean that the term “unmarried” here refers to widowers and divorced men/women. Either way, it is unlikely that “unmarried” is used here as a reference to “virgins,” who are addressed as a group later on (v. 25-38).

³⁶ Slavery in ancient Rome came in many varieties and does not have a direct corollary to slavery in the American South prior to Emancipation. The practices of manumission and peculium allowed at least some slaves to gain, or regain, their free status either through the generosity of their masters or by their own ability to save up the requisite money to purchase their freedom. The system was complex and varied greatly depending on status, but historians have speculated that the average period that it would take for slaves of a particular status to purchase freedom was approximately seven years. This may illuminate the time period within which Paul held an expectation that Christ would return to establish his kingdom, as he urges the Corinthians to “remain in the condition in which you were called.” In 1 Thessalonians 4:13-17, Paul implies that at least some of the church will be alive at the time of Christ’s return. The confusion that the members of the church at Thessalonica suffered when some of their members began to die before witnessing the return of Christ further indicates that a belief in an imminent return was widespread in Paul’s ministry. Also note that household slave children were raised alongside the master’s children with Roman wives being encouraged to breastfeed slave children assuming that it would lead to their obedience and loyalty once they were adults. These slaves often became close companions of the legitimate children and were later freed out of appreciation. It may be to this view that Paul urges slaves to remain as they are, to take advantage of these privileged relationships to convert their masters to the faith, given that “the appointed time has grown short” (v. 29), the question of freedom being relatively unimportant in light of Christ’s imminent return.

³⁷ Verses 27-28 do not appear to be a reference to spousal abandonment as proposed by the authors. The structure of 1 Corinthians 7 first addresses those who are either currently married or have been married at some point (v. 1-16) and then moves on to address virgins and presumably the men who are betrothed to them (v. 25-38). Following this structure, v. 27-28 appears to be addressed to the παρθένων (“virgins,” specifically female) of v. 25 and the “bond” mentioned in v. 27 likely refers to an agreement to be married in the future as represented by a betrothal. This passage follows an exhortation in v. 17-21 to “remain in the condition in which you were called,” a reference to Paul’s expectation of the imminent return of Christ. It is natural then that Paul should address those in the church who are currently betrothed, specifically whether they should “remain” as called or proceed with consummating the marriage. This betrothal carries the same “bondage” as marriage, but without the necessary, final step of consummation or cohabitation. Roman law permitted children as young as seven to enter into a betrothal, requiring the consent of both the children and the paterfamilias (male head of the household), although a woman and man were legally unable to marry until age 12 and 14, respectively. Many first marriages were arranged by the



This final statement gives significant insight into the biblical view toward abandonment and divorce. Again, the principle for Christian marriage is reconciliation. But what if the fleeing spouse won't return?³⁸ Of course, this wayward spouse *should* return and *should* reconcile. But if they refuse, then the abandoned spouse has biblical grounds for divorce and potential re-marriage. Paul elaborates more on this concept below.

(1 Corinthians 7:12-15) "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. 13 And a woman who has an unbelieving husband, and he consents to live with her, she must not send her husband away. 14 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. 15 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."

Here believers should not divorce non-believing spouses. Instead, they should try to win them to Christ. However, if the unbelieving spouse leaves the believer, then the believer appears to be free to do what they want. They are "not under bondage."³⁹

Does this imply that the deserted spouse can be remarried after abandonment? While this isn't as clear as we might like, we agree with the majority of commentators^c that remarriage is implied.

First, in Jewish thinking, a righteous divorce implied the right to remarry. R.T. France writes, "Divorce and the right to remarry are thus inseparable, and the Jewish world knew nothing of a legal separation which did not allow remarriage."^d For instance, in a writ of divorce, the Mishnah states, "You are free to marry any man" (*m. Gittin* 9:3).

Second, "**bondage**" (*douloō*) is the word used for slavery in the New Testament, and Jewish divorce certificates were considered analogous to "an emancipation certificate for a slave."^e In context, the bondage Paul has in mind refers to being married to an unbelieving spouse.

Third, Paul uses similar language to refer to being "bound" (*deo*) to our spouse in marriage — even in this same chapter (1 Corinthians 7:39; cf. Romans 7:2).

paterfamilias in this manner, with the children "bound" as indicated by Paul's language. It was considered, at minimum, light adultery both under Roman law and under Jewish law (Deuteronomy 22:23-24) to have sex with another man's betrothed, with betrothed being interchangeable with the term "wife." Commensurately, v. 27-28 may be read as a recommendation for the betrothed and un-betrothed (presumably a man who has been released from his betrothal agreement) to remain either engaged ("bound") or single ("free") in expectation of Christ's return. However, if the betrothed man or female virgin do marry, it is not a sin as stated in v. 28. These verses also place special emphasis on the female virgin, but the men contemplated here are likely a mix of statuses — virgin, widower, divorcee — but as a group represent those who are betrothed, waiting for their wives to meet the minimum age requirement for consummation of the marriage. While Jewish law requires 12 months for a virgin to prepare for marriage after a betrothal (*Ketubot* 5:2), this waiting period was typically much longer in Roman culture given the practice of betrothal agreements for young children by the paterfamilias. This difference makes it a particularly applicable topic for Paul to address with the Corinthians.

³⁸ Paul is certainly not addressing "fleeing spouses" here. As we have seen, v. 27-28 is not an issue of spousal abandonment, but rather a pertinent instruction to the young Corinthian church as to whether they should: (1) maintain their betrothal agreements indefinitely, (2) seek to be released from their betrothal agreements, perhaps to honor a misunderstood call to celibacy, or (3) proceed to consummate their betrothal agreements in the full status of marriage via cohabitation. Paul reiterates his main point in 1 Corinthians 7 to "remain in the condition in which you were called" (v. 20) given that "the appointed time has grown short" (v. 29) and "the present form of this world is passing away" (v. 31). "But if you marry, you do not sin" (v. 28). This is hardly a message directly applicable to modern divorce.

³⁹ As stated in v. 12, "To the rest I say — I and not the Lord," Paul is giving personal advice to married individuals who have an unbelieving spouse, rather than stating a command from God. This implies that this is a matter of individual conscience in terms of how the Corinthians choose to handle marriage and separation between believers and unbelievers. Again, Paul emphasizes that for those believers with non-believing spouses, they should "remain in the condition" in which they were called, and not seek to separate. However, if the unbelieving spouse separates from the believer, Paul says "let it be so; in such a case the brother or sister is not bound. It is to peace (or us) that God has called you" (v. 15). In this case, Paul appears to consider the believer "not bound" and thus eligible for remarriage.



Fourth, freedom from “bondage” most likely doesn’t refer to being free to divorce, because the person was *already* divorced (“...if the unbelieving one leaves, let him leave...”). Instead, freedom from bondage likely refers to the freedom to remarry; otherwise, Paul’s statement would be redundant.⁴⁰

(1 Corinthians 7:27-28) *“Are you bound to a wife? Do not seek to be released. Are you released from a wife? Do not seek a wife. 28 But if you marry, you have not sinned; and if a virgin marries, she has not sinned. Yet such will have trouble in this life, and I am trying to spare you.”* Paul’s ethical assessment about marriage or remarriage is exactly the same as that given to the virgins. In both cases, he writes, **“You have not sinned.”** This further supports the idea that a righteous divorce implies the permission to be remarried.⁴¹ We agree with ethicists Feinberg and Feinberg who write, “Whenever divorce is morally acceptable, remarriage is permissible.”^f

Paul later uses the same word “bound” (*deo*) to describe being released from marriage and being free to remarry: *“A wife is bound (deo) as long as her husband lives; but if her husband is dead, she is free to be married to whom she wishes, only in the Lord”* (v. 39). In our estimation, Paul is not only permitting divorce, but also remarriage.⁴²

What should we conclude from 1 Corinthians 7?

- 1) God wants us to stay married.⁴³
- 2) God wants us to reconcile.
- 3) God doesn’t want us to be in bondage (i.e. we have the freedom to remarry if our spouse abandons us).⁴⁴

⁴⁰ Under Roman law, “separation” is equivalent to divorce and required no formal certificate or legal process as was the case under Jewish law. The very act of separation – when a spouse elects to no longer cohabit – constitutes divorce in this case. This is why the language of v. 12-13 is specifically that of cohabitation (“consents to live with”), which is the conception of marriage at this point in Roman history. The Gentile church had no formal, legal mechanism in place to practice spiritual marriage, and Paul did not instruct them to adopt Jewish law. Instead Paul instructs the church to adopt a new biblical perspective, calling on believing spouses to be reconciled if they have previously separated – which it seems many of them had over the confusion regarding celibacy. However, in the case of an unbelieving spouse, a reconciliation cannot be forced, and Roman civil structure considers the parties to no longer be married. In this case the believer might wonder what should be done. The spouses are clearly divorced under Roman law but are they spiritually divorced? Paul gives his personal advice that the believer is not “bound” in the new biblical conception that he has asked the Corinthians to adopt indicating that they are not spiritually married. It is not fully clear if Paul ever considered the mixed-belief couple to be spiritually married, but it is clear that he considers them unbound once the unbelieving spouse decides to no longer cohabit. This is consistent with his use of “bound” throughout the rest of the chapter, where he states that the betrothed man is “bound” to his future wife (v. 27), but the widow is no longer “bound” upon the death of her husband (v. 39). Therefore, it seems likely that he approves of remarriage in this case, as the authors have acknowledged here.

⁴¹ Again, these verses do not appear to be directed at consummated marriages but are likely in reference to female “virgins” and their partners betrothed to be married in the future. Therefore, this is not explicitly a permission to remarry, but rather a permission to progress from “the condition in which you were called” to the condition of consummated marriage. This progression being a major theme in v. 17-24. See note 37

⁴² This is specifically in reference to widows. Death is not so much an exception under which divorce is permitted as the practical boundary of marriage under the biblical framework. Marriage does not prevail beyond death, and thus the widow is not bound to her husband any longer via a marriage covenant. It is helpful to remember that the Jewish marriage covenant treated the wife as the property of her husband; if the husband is deceased, the wife is no longer his property, but subject to a variety of other complex property laws which determine her status; regardless, she is free to remarry.

⁴³ This does appear to be the case. But again, it is important to consider the timeframe over which Paul expects these various relationships to endure, which seems to be quite short.

⁴⁴ This is an odd statement given that marriage is the “bondage” being described here. Paul has merely recognized that a believer whose unbelieving spouse no longer consents to cohabitation – amounting to divorce under Roman law – is a condition under which the believer is not “bound” in spiritual marriage to the unbeliever. Additionally a woman whose husband has died is no longer “bound” in marriage, because the marriage covenant is dissolved upon death. Indeed, Paul is urging the Corinthians to “remain in the condition in which [they] were called,” in view of Christ’s imminent return, regardless of whether they are currently “bound” or not in any particular marital status. It is not clear if v. 12-16 practically applies to a situation in which a former believer reverts to unbelief and separates from a spouse. Indeed, Paul is clearly not concerned with the long-term implications of his instruction to the church in Corinth given his eschatological views.



- 4) God has called us to peace.

Exception #3: Death (Romans 7:2-3)

(Romans 7:2-3) "The married woman is bound by law to her husband while he is living; but if her husband dies, she is released from the law concerning the husband. 3 So then, if while her husband is living she is joined to another man, she shall be called an adulteress; but if her husband dies, she is free from the law, so that she is not an adulteress though she is joined to another man." Commentators universally agree that Paul's intent is not to teach on the ethics of divorce and remarriage in this passage. Instead, his purpose is to explain our relationship to the law. At the same time, this passage does give valuable insights into Paul's thinking on remarriage.⁴⁵

To make his point about our relationship to the law, Paul moves from a minor premise to a major one. He *assumes* that his audience agrees with his minor premise (i.e. a woman can remarry if her husband dies). If they didn't agree, then Paul's argument about the major premise (i.e. the law) would carry no force.⁴⁶ Indeed, Paul explicitly teaches, "I want younger widows to get married" (1 Timothy 5:14)⁴⁷, and also writes, "A wife is bound as long as her husband lives; but if her husband is dead, she is free to be married to whom she wishes" (1 Corinthians 7:39).⁴⁸

Clearly, death is another exception for remarriage.

⁴⁵ Again we have the concept of "bondage" envisioned as marriage itself, specifically under Jewish law, which Paul references in Romans 7:1 "Do you not know, brothers and sisters – for I am now speaking to those who know the law – that the law is binding on a person only during that person's lifetime?" Paul must appeal to "those who know the law" since his audience is largely Gentile. He emphasizes a similar point, though less expansively, as was made in 1 Corinthians 7 for the benefit of the church in Rome which would be more familiar with the ease of marriage and divorce that was prevalent at the time. This passage also gives valuable insight into the gender disparity in patriarchal Jewish society, a disparity which has been handed down over thousands of years. Paul speaks here only of the female adulteress. Men could and often did engage in extramarital relations. Adultery for men is not defined as any extramarital affair but is specific to trespassing the sexual property rights of another man by having sex with his slave, wife, or daughter (e.g. David and Bathsheba). The reverse was not true since the woman's body was the explicit property of the man under Jewish law, regardless of if she was wife, daughter, or slave.

⁴⁶ Paul is not assuming that his audience agrees with him, he is instructing that this is in fact the case for Jewish law – that it does not extend beyond death. He supplies the marriage covenant under Jewish law as a clear example of this. Interestingly, v. 3 is carefully worded to emphasize the woman's adulterous condition by stating that she has "joined to another man" while her "husband" is still alive, implying that the woman was not granted a certificate of divorce under Jewish law. In this case she is an adulteress under the law, but this is not evidence of a prohibition against divorce which was permitted under the law. Paul is appealing to Jewish law to make a much more important theological argument than any discussion of divorce, so it is unlikely that he would misstate the law in his example. Christians have died to the law through Christ and are no longer constrained by it. To this end, Paul states, "The commandments, 'You shall not commit adultery; You shall not murder; You shall not steal; You shall not covet;' and any other commandment, are summed up in this word, 'Love your neighbor as yourself.' Love does no wrong to a neighbor; therefore, love is the fulfilling of the law" (Romans 13:9-10). This is an exhortation that may serve the authors of this essay as they consider whether their idea of biblical divorce is in fact moderate.

⁴⁷ Most scholars today regard the Pastoral Epistles as pseudepigraphal, rather than written by Paul. However, both Jewish and Roman culture did hold a view that it was generally unhealthy for both women and men to be deprived of sex, and marriage was the societal structure under which women were economically sustained. This encouragement by the author of 1 Timothy represents a later development than Paul's teaching in 1 Corinthians. As time passed, guidance for churches took on a longer term outlook given that Paul's imminent eschatological hopes did not come to fruition as expected. This is the primary reason that the Pastoral Epistles must address practical church issues, given that Paul largely neglected this due to his expectation of the immediacy of Christ's return. In both Jewish and Roman culture widows were expected to remarry if they could in order that they might be legally and economically protected. Consider the contrast between 1 Corinthians 7:40, "But in my judgment she [the widow] is more blessed if she remains as she is" and 1 Timothy 5:14, "So I would have younger widows marry, bear children, and manage their households." This latter instruction is a striking departure from Paul's urgent message to the Corinthians, where he is little concerned with the happenings of day-to-day household management.

⁴⁸ This is the same wording as Romans 7:2-3 which is further evidence that it is not a prohibition against divorce, but a factual statement about death in relation to Jewish law.



PRACTICAL ETHICAL DUTIES.....

What about ethically confusing cases?

While understanding the biblical viewpoint on divorce can be challenging, we have seen that there are three explicit reasons from the New Testament where divorce is morally permissible (e.g. adultery, abandonment, and death), but it is not clear that those are the *only* reasons. It is also not always clear how broadly or narrowly “sexual immorality” or “abandonment” should be interpreted. In the course of real life, very complicated and difficult situations arise.

- **What constitutes sexual immorality?** Is it limited specifically to the act of sexual intercourse? Or do other forms of intimate and sexual contact qualify? The Greek word translated as “immorality” (*porneia*) refers to “the larger category of sexual immorality”^g or to “any kind of sexual immorality.”^h In fact, it is the word from which we get our modern word “pornography.” Is pornography viewing a biblically acceptable reason for divorce? Are emotional affairs? Or is only sexual contact with someone other than your spouse in view?
- **What constitutes abandonment?** Abandonment is a black-and-white issue if someone disappears without a trace.⁴⁹ But what if we know where the person is and he or she refuses to communicate? What if the spouse refuses to reconcile, seek help, or get counseling? What if for years a spouse refuses to communicate with another while living under the same roof? Does that qualify?

Is your head spinning yet? We give all of these examples to show how confusing these cases can be. Many times we can clearly see biblical grounds for divorce; sometimes we can’t.

Some cases involve behavior so despicable, dangerous, and even life-threatening that divorce has seemed to be the lesser of two evils. These cases include clear physical danger to spouses or children, not only in acts of aggression, but also wanton acts of irresponsibility, such as drinking and driving with children in the car or taking illegal drugs while being responsible for the care of children. In these cases, we have usually not been willing to say divorce is moral, but we have also not objected either. In these circumstances, we do all that we can to help families through brutal and painful separations, believing it is the best thing we can do. We need to do our best to help protect spouses and children from dangerous people, even when those dangerous people are abusive spouses and parents. Whether that danger is physical, emotional, or sexual, no one should have to live in fear of a family member. If the church can’t get behind that, what good is it?

At the same time, our culture has continued to broaden the definitions of both abuse and victimhood. We are seeing increasing claims from members that a spouse’s verbal or emotional abuse should be grounds for divorce — even that it’s equivalent to physical violence.⁵⁰ While emotional and verbal abuse are certainly sinful and can be egregious in certain situations, this has raised a new category that challenges us to reevaluate our understanding of what constitutes “abuse,” particularly whether it is grounds for divorce.⁵¹

How verbally harsh does one need to be for language to be qualified as “abuse”? How frequent and earnest must the attack be to qualify as “abusive”? How does one determine if the attack is coming from one side or both (as is often the case)? If

⁴⁹ The scenario discussed in 1 Corinthians 7:12-15 gives no commentary on “disappear[ing] without a trace.” Rather, Paul addresses the situation in which an unbelieving spouse does not “consent to live with” the believing spouse any longer, amounting to automatic dissolution of the marriage under Roman law. In this instance, Paul considers that the believing spouse is not “bound” in biblical marriage. These prescriptions are given specifically to the immature Corinthian church with the expectation of the imminent return of Christ, and the particular focus is on believers remaining in the condition in which they were called consistent with this eschatological view. To what extent this may be used as a justification for modern-day divorce is open to interpretation. However, abandonment is not quite what is considered here. See notes 37 and 40.

⁵⁰ This is a disturbing statement as it seems to imply that the current understanding of abuse does not readily extend to verbal and emotional abuse. Even in cases of physical and sexual abuse, the pervasive repercussions of abuse are typically emotional and psychological in nature.

⁵¹ We refer the reader to the intention behind both the Sinai covenant and the marriage covenant as an agreement to protect and sustain the vulnerable party, rather than as a mechanism to trap individuals in dangerous and abusive situations.



both are verbally and emotionally abusive, are we to judge who is guiltier and determine who could file for “righteous” divorce?⁵² In fact, we frequently hear the terms “righteous divorce” and “unrighteous divorce” in our community, and our pastoral staff are being asked to adjudicate who was righteous and unrighteous in these cases. Our elders and pastoral staff want out of the business of being asked to decide if a divorce is righteous or not in unclear areas.⁵³

>The paradox of the heap

These confusing questions above reveal what philosophers call the “**paradox of the heap.**” For our purposes, the paradox deals with differentiating when an action moves from non-moral to immoral. The paradox can be explained in this way: **How many grains of sand does it take to make a “heap” or “pile” of sand?** Two grains of sand? No, that’s not a heap. What about 50 grains of sand? Again, no, that’s not enough. Well, what about 50,000 grains? This would definitely be a heap of sand! But, what about 49,999 grains? What about 49,998...?⁵⁴

Do you see the point? We can discern extremes very easily, but it’s impossible to know at what point we crossed over from one extreme to the other.

A man having **sexual intercourse** with a coworker is a clear ground for divorce⁵⁵, but a man having **professional discourse** with his coworker is clearly not. This would be a case of a “heap,” where it is clear which is moral and which is immoral. However, in the real world, most cases are not so clear! Consider a few examples to demonstrate this paradox. In each of these examples, ask yourself if the wife has biblical grounds for divorce:

1. The husband has no history of infidelity. He visits a strip club with colleagues from work but has no physical contact with any of the “dancers.” After being there for 20 minutes, he goes home and immediately confesses what happened to his wife. His colleagues verify his story.
2. The husband has a history of regular pornography use and lying. He visits a strip club alone, and his wife catches him lying about it. The husband claims there was no physical contact, but the wife is unsure...

⁵² These statements are gravely concerning and seem to misunderstand the nature of the covenantal relationship. No doubt, pastoral counseling is nuanced and involves significant judgment and experience. However, we are of the opinion that spouses who desire to adhere to a particular faith tradition should be honored as autonomous, responsible parties in navigating the question of divorce and what precisely constitutes “too far” in any particular situation. We would discourage pastoral counselors from doing anything other than advising spouses of the elements of the marriage covenant which are biblically clear: marriage is a special covenantal agreement reflecting the indissoluble bond between God and his people which has been bought and paid for by the blood of Christ. It is characterized by faithfulness, grace, and forgiveness as a relationship which honors, protects, and sustains. Where either spouse, in accordance with individual conscience, finds these agreements irreparably breached, the decision should be respected by pastoral staff rather than demonized or trivialized. We find it entirely possible given the fallen state of humanity that there often is no single “righteous” party, but that some marriages end in irreparable damage, nonetheless.

⁵³ Dwell Community Church places a particular emphasis on adjudicating a wide array of moral decisions that goes beyond the scope of what most Christian communities would consider healthy or appropriate. The level of authoritarian control within the church has been associated with allegations of spiritual abuse among former members. Indeed, the authors’ admission of a common conversation within the church regarding “unrighteous” and “righteous” divorce is likely a direct result of the black-and-white culture that has been fostered within the organization by senior leadership. For more on this topic see [A Church Drunk on Rationalism](#).

⁵⁴ This is the precise argument represented in the gospel accounts of the dispute between Jesus and the Pharisaic schools of Bet Hillel and Bet Shammai, as discussed earlier. A more moderate interpretation might consider the rebuke of Malachi for husbands to remain faithful to their wives in order to protect and sustain Jewish women, as God has been faithful to Israel and has sustained the people. If we extend the argument to detriment in modern marriage, which was the Jewish assumption in divorce, we arrive at a new standard which makes more sense in application to modern marriages. Though this still requires discernment and faithfulness on the part of the various parties, it results in a much more moderate and sensible model of divorce within the church than what is presented by the authors here.

⁵⁵ As a reminder, the sexual infidelity of men is nowhere considered under Jewish law or Jesus’ teaching as a qualifying reason for divorce. The marriage covenant is unilateral, as is the covenant of Sinai and the new, indissoluble covenant of Christ’s blood. Bet Shammai and perhaps Jesus (via the Matthean exception) considered sexual infidelity or adultery as justified reasons for a husband to divorce his wife. This contingency is in no way reversible.



3. The husband has a history of questionable behavior with women, but nothing definitive. One day, he comes home from work early, because he was fired for sexual misconduct. The husband claims that he is innocent, and his job cannot legally tell the wife the details of the incident.

This is where the paradox of the heap comes in: At what point does an action or interaction become “immorality”?⁵⁶ As we saw above, many cases are morally grey, two-sided, or downright confusing, and our elders do not believe it is wise to adjudicate who is the “righteous spouse” in such unclear situations.⁵⁷

We also see an increasing number of cases where marriages are breaking down — with no sexual immorality or abandonment — and both parties desire to stay in fellowship. Both want to divorce, stay in fellowship, and seek to begin dating and marrying new people and start all over again. How is this possible? How can two people want to walk with God, want to be biblical Christians, and yet refuse to reconcile their marriage?⁵⁸ How can we as a community and as a leadership go along with this? If we do, how do we claim that the Bible’s teaching on divorce has any authority? To a biblically trained mind, this is nothing short of bizarre! When people divorce, either both are at fault, or at least one is. We fundamentally reject the view that Christians can divorce amicably and continue in our fellowship as if nothing serious has occurred.

If we want to divorce for anything other than a biblical reason, it seems the tension God wants us to wrestle with is this: Would I rather die celibate and alone than spend one more day with this person? If the answer is yes, celibacy without remarriage appears to be an option. Imagine how the divorce rate would change in our culture if the options were reconciliation or celibacy! We would become experts at working out our differences! Divorce would be exceedingly rare, only an option in the most extreme cases.

So how do we honor scripture, uphold marriage and give people freedom to make decisions, while also helping to protect those in real danger?

A WAY FORWARD

A practical solution to a complex problem

Fortunately, the State of Ohio has a tool that can be very useful. It is called **legal separation**.⁵⁹ Very few people get them because they are nearly as expensive as divorce. They essentially include all the work of a divorce, including working out assets, legal protections, and child custody. The only difference between a divorce and a legal separation is that the two are still legally married. They can no longer enjoy any of the privileges of marriage, but also, they cannot re-marry until one of them files for divorce.

⁵⁶ The fixation on sexual immorality by the authors is likely misplaced, as discussed earlier in notes 23 and 28. Additionally, it is specifically in reference to wives as sexual property under Jewish law and is largely one-sided, as a woman may not divorce a man due to extramarital relations which were extremely common in Jewish society via polygamy, concubinage, or prostitution. Adultery may once have been considered the most evil and base sin for a wife to commit, but that is no longer the case. Of course, an awareness of spousal abuse as we would recognize it today is nowhere present in the culture of antiquity, and we should not expect to find it explicitly discussed. Indeed, the reality of that tension is felt in these fundamentalist interpretations of biblical marriage and divorce. Modern sensibilities would likely consider physical or sexual abuse of a spouse or child to be a far greater offense than adultery. Many marriages survive infidelity, but no marriages should survive the sexual abuse of a child. The insistence on including this qualification from Matthew that is omitted elsewhere, misses the point of the discourse entirely, which is to prevent detriment to Jewish wives through divorce. Moderately interpreted, this could allow divorce in modern marriages when a spouse is faced with similar detriment as was contemplated in the original text.

⁵⁷ And yet, Dwell Community Church unquestionably adjudicates these decisions, whether at the level of eldership or elsewhere.

⁵⁸ How can anyone want to walk with God while still being sinful? Grace.

⁵⁹ This is an odd concept proposed by the authors and appears to rely on significant legalism in the understanding of what is meant by marriage. As in the case of the Corinthians, biblical or spiritual marriage is independent of local laws and customs. Legal separation sounds like a convenient tool used by fundamentalist churches that won’t allow members in extremely dangerous situations to seek a civil divorce. If a spouse finds themselves in such a damaging situation, it seems that a civil divorce would be just as effective and should have little to do with the spiritual and religious concept of marriage in the eyes of God.



No doubt this is an extreme step! No one should walk casually into a lawyer's office and demand a legal separation because of a bad fight, or a couple of rough months getting along with your spouse. But if you need protection, and you need your spouse to realize your marriage is in real danger if things don't change, legal separation is a much better choice than divorce for several reasons:

First, legal separation leaves the door open for change and reconciliation. These are crucial biblical principles that we saw above.

Second, in confusing ethical cases, legal separation can serve as a tool to reveal who is seeking an unrighteous divorce. Remember, legal separation is all of the worst parts of divorce without any of the benefits of marriage. An unrepentant spouse will likely not last long in such a situation. If a spouse starts to date, then he or she is dating as a married man or married woman! If a spouse sleeps with someone else, that's committing adultery, making it clear who gave up on the marriage. In morally grey cases, legal separation can give time to reveal who is running from the marriage and who is willing to pursue healing and reconciliation (1 Timothy 5:24).⁶⁰

Third, legal separation can serve as a tool to clear a spouse's personal conscience. A spouse may have permissible grounds for divorce, but still might not have a clear conscience. Legal separation could give some time for a spouse to see if the marriage is repairable. Moreover, because it is such an extreme step, it would also raise tension with an unrepentant partner to pursue change.

Fourth, legal separation can protect spouses and children from various forms of abuse.⁶¹ This benefit cannot be overstated! Legal separation protects spouses and children physically, financially, and emotionally every bit as much as a divorce would. It would also give the couple time to see if they might save their marriage, or if one of them would file for divorce. Either way, this option has serious advantages, because it raises tension while creating boundaries between warring couples.

If couples can't work things out, but still want to walk with God and still want to honor God's will, they can choose this path in order to protect themselves and make space in the hopes that reconciliation is possible.

SUMMARIZING OUR POSITION

What about clear cases of adultery or abandonment? In these situations, wronged spouses need to decide whether or not to pursue a divorce. Since they are choosing within explicit biblical boundaries⁶², it's their prerogative as they will need to live with the ramifications of this weighty decision.

What about unclear cases of physical, verbal, or emotional abuse? Since the Bible is far less clear in these areas, we would urge the wronged spouse to pursue legal separation. We will even allocate various resources to help hurting spouses in these situations, because we want to honor and support spouses who are willing to go to such great lengths to keep their marriages together. By pursuing legal separation, the couple can give God time to resuscitate a marriage on life support. Moreover, during this time, we can trust that God can reveal more concrete grounds for divorce (1 Timothy 5:24).

⁶⁰ This is an embarrassing and belittling sentiment for senior church leadership to hold regarding its members. Married believers are adults and should be treated as such. Individuals are in the best position to make important decisions regarding their faith and marriage given a fulsome understanding of God, his relationship to humanity, and the grace extended in Christ. To restrict the autonomy and validity of a person to make decisions involving significant detriment is unethical.

⁶¹ If a spouse or children require protection from abuse, the marriage is clearly a detriment and is no longer a suitable mechanism of protection as envisioned in Jewish law, the gospel accounts, and Malachi. Paul is little concerned with ongoing detriment to any party given his eschatological views.

⁶² We contest that these are explicit boundaries. This is the interpretation of Dwell Community Church. The Bible is unfortunately light on relevant guidance for modern day marriage and divorce. The biblical principles seem rather to indicate that marriage is an important covenant that was originally designed to be indissoluble but is subject to human sinfulness. The marriage covenant reflects the covenant between God and his people and is intended to be a relationship characterized by protection, sustenance, and faithfulness, broken only in the most serious of circumstances which violate these principles.



However, if a wronged spouse filed for divorce in an unclear case, we would consider this an unrighteous divorce.⁶³ Once again, we need to point out that legal separation would protect a hurting spouse just as much as a divorce would.⁶⁴ Because these are unclear cases, we contend that marriage is simply too valuable to discard in an ethically ambiguous situation.⁶⁵ Too much is at stake. In fact, a spouse filing for divorce on unclear grounds could even face formal church discipline.⁶⁶

What about morally extreme cases besides adultery and abandonment — such as extreme physical abuse, hardcore drug use, or serious theft of the family’s money (1 Timothy 5:8)?ⁱ We would still urge an abused spouse to pursue legal separation to get out of physical or financial danger. We would also encourage the abused spouse to involve the police if the sin was not just immoral, but illegal. At the same time, if the wronged spouse ignored this counsel, we would relegate this to an issue of conscience — neither celebrating nor standing in the way of their choice to divorce.

What about sexual abuse to a spouse or child? This falls under what Jesus called “immorality” (*porneia*), and this is an unambiguously clear ground for divorce! Furthermore, this is not only sinful, but also illegal.⁶⁷ So we would not only support an abused spouse’s choice to divorce, but also to pursue legal action.

OUR RECOMMENDATIONS

If there are serious problems in your marriage, such as drug abuse, physical abuse, extreme verbal abuse, or serious financial swindling, you may want to consider a legal separation. Basically, anything severe enough to warrant potential church discipline according to Matthew 18 and 1 Corinthians 5 should be the kind of measure you are looking for.

If during your legal separation your spouse starts to date, he or she is dating as a married man or married woman! If your spouse sleeps with someone else, that’s adultery, bringing divorce back on to the table. However if you and your spouse are willing to get counsel and take things seriously, it’s possible that your marriage, your household, and your family could be restored.

If during a legal separation a spouse decides to file, this would be a serious violation of the marriage covenant unless clear biblical grounds for divorce have occurred — such as adultery or abandonment. People who take marriage so lightly are taking the word of God lightly and should consider whether our fellowship is right for them.⁶⁸

It is our earnest desire to help our members have great marriages. We know of no other church that has so many robust ways to help people get one. It is also our earnest desire to follow God to the utmost of our ability, which includes standing strong on his word.

⁶³ What are the consequences in this case? We assume the authors mean excommunication or disfellowshipping.

⁶⁴ Applying civil legal statuses to the biblical spiritual status of marriage makes very little sense. If a spouse needs to seek protection under state or federal law, we consider that the marriage no longer protects or sustains as is integral to the covenant itself. The irony of seeking secular legal protection from a biblical marriage covenant that itself is designed to be protective is very troubling. If God’s covenant cannot protect and sustain as well or better than secular law, something must be deeply wrong. It is one thing to forgive a repentant spouse, it is another thing entirely to flee a chronically abusive spouse and seek protection under secular law.

⁶⁵ Physical, sexual, and emotional abuse are not ethically ambiguous situations. We must trust adults with the autonomy to readily discern the difference between truly ethically ambiguous situations and those that are deeply damaging to body and soul.

⁶⁶ What is at stake exactly? Dwell Community Church would pile insult on top of injury by disciplining an abused spouse who seeks a divorce? There are certainly reports of this being done in the past by church leadership.

⁶⁷ Domestic violence is also sinful and illegal but apparently not grounds for divorce according to Dwell Community Church.

⁶⁸ The pain that individuals have suffered in abusive marriages is horrendous, but Dwell Community Church uses its position of authority to further heap shame upon them. This is the exact type of spiritual abuse that the church has faced allegations of for years. Spouses subject to physical and emotional abuse often are in far worse situations than a marriage involving an extramarital affair or abandonment. These spouses are continuously subjected to abuse without any hope for freedom, and the church would have them also feel ashamed before God as weak Christians for wanting to be released from such a marriage. The language and ideology used by the church here is deeply destructive and should not be treated lightly.



Each situation is different, with many complicating factors. That is why we are not instituting a policy or a blind rule. We hope, however, that this biblical and pastoral approach can help people save their marriages and families. We hope this helps the church support them, while doing the utmost to protect spouses and children in danger of abuse.

APPENDIX: SUGGESTED STEPS TO TAKE BEFORE SEEKING A LEGAL SEPARATION

Address issues early. We should invest more time building fences at the *top* of a steep hill, than sending ambulances to the *bottom* of the hill! The same is true with struggling marriages: A penny of investment up front can result in a pound of impact down the road. Once a couple has lived in a lengthy state of bitterness, anger, and contempt, the relationship will be far harder to repair! Consequently, we shouldn't wait until a marriage is on life support but should proactively build healthy marriages and discern warning signs.

Try to ramp up to a legal separation. Because legal separations are so serious, we should seek intermediate steps *before* jumping to this alternative. In other words, we should do our best to raise tension in the relationship *before* reaching this option. Consider reading quality books on marriage together, being transparent with others, asking for mediation, requesting help from pastoral coaches, seeking biblical or professional counseling, or visiting marriage retreat centers.

Allow people to make their own decisions. We can give couples opinions, options, and alternatives, but we should be careful not to tell people what to do. Since this is their marriage, they will need to live with the consequences.⁶⁹

Ask for help in a variety of areas if you choose legal separation. The local church can and should help a hurting spouse during a time of legal separation. This might include financial assistance, legal help, temporary housing, or other assistance.

^a Robert L. Alden, *Malachi* (Grand Rapids, MI: Zondervan Publishing House, 1986), p.717.

^b *Mishnah Gitṭin* 9:10; *Sipre Deuteronomy* 269.1.1.

^c See for example, David Garland, *1 Corinthians: Baker Exegetical Commentary* (Grand Rapids, MI: Baker Academic, 2003), 296. Alan Johnson, *1 Corinthians* (Westmont, IL: IVP Academic, 2004), 118. Leon Morris, *1 Corinthians: An Introduction and Commentary* (Downers Grove, IL: InterVarsity Press, 1985), 110.

^d R.T. France, *The Gospel of Matthew* (Grand Rapids, MI: Wm. B. Eerdmans Publication Co., 2007), 212.

^e M. Gittin, 1:4. Cited in Garland, 291.

^f John and Paul Feinberg, *Ethics for a Brave New World* (Wheaton, IL: Crossway Books, 1993), 342.

^g D. A. Carson, *Matthew* (Grand Rapids, MI: Zondervan Publishing House, 1984), 414.

^h Darrell Bock, *Luke: 9:51–24:53* (Grand Rapids, MI: Baker Academic, 1996), 135.8

ⁱ This list is not exhaustive, but we could see these as being potential cases. Ethical exceptions for divorce need to be equivalent to or exceeding those explicit in Scripture: adultery, abandonment, or death.

⁶⁹ On the contrary, the internal pressure to conform to the strict interpretations of Dwell Community Church and the limited confidence in the individual believer's autonomy to make a viable decision before God is precisely at issue here.