

Jesus and Divorce: did he permit it?

by Gordon Wenham

It is both heart-warming and reassuring to find a biblical scholar with a pastoral outlook, the more so when he deals with such a sensitive subject as divorce. It is doubtless for this reason why David Brewer's article in this magazine last year was welcomed by many people and even taken up by *Time* magazine. But in my judgment David Brewer is quite mistaken in his views, and were they to be widely accepted, the church would be guilty of betraying its Master, whose teaching on this issue is very different from David's.

In his article David Brewer spends a lot of time explaining what first-century Jews believed about divorce. He points out that there were two main views being debated at that time by the Pharisees. The Hillelite party held a man could divorce his wife for any cause, whereas the Shammaites restricted it to sexual immorality. David Brewer thinks the Hillelite view was an innovation, which in my view is dubious: most scholars have thought a Jewish man could have a divorce for any reason, but the more trivial the reason the more he had to pay in compensation to his wife. So although tolerated in principle, divorce was deterred in practice by its expense. By our standards it must have been rare in Bible times.

The keystone of Brewer's view is that if a man divorced his wife, she was free to remarry and so could he. The key statement in Jewish divorce proceedings was 'You are free to marry any man'. Every Jew would therefore assume that divorce entitled you to remarry. This all scholars would agree with: Brewer is saying nothing new here. He then goes on to argue, or more accurately to assume, that Jesus and Paul thought the same. If someone was legitimately divorced, they were entitled to remarry. So his article tries to discover which grounds for divorce Jesus and Paul regarded as legitimate: adultery, neglect, and abandonment are Brewer's main grounds.

In fact he sees these grounds as essentially failure to live up to one's marriage vows to love, honour and be faithful to each other. As John Piper commented, none of us can claim to have fulfilled our marriage vows perfectly, but this does not give a disgruntled spouse the right to file for a divorce. He says that Brewer's view 'just about releases all of us from our marriage covenants and puts an end to all church discipline. For there are no spouses who do not regularly dishonor their mate.'

I agree with Piper that Brewer's views implicitly open the door to divorce for practically any cause, though he does think that Jesus himself was moreorless a Shammaite, who would only allow divorce for serious causes such as adultery.

But debating about what reasons justify divorce misses the point of Jesus' teaching. For basically he never approves divorce, only separation, that is divorce without the right to remarry. He says in Luke 16: 18 - "Everyone who divorces his wife and marries another commits adultery, and he who marries a woman divorced from her husband commits adultery."

Jews of Jesus' day supposed that when they said the divorce words 'You are free to marry any man', they really were free. But Jesus says that if they do marry again, they are committing adultery. This implies that the divorce ceremony does not really work: the original couple are still bound to each other in marriage. So to take a second partner is to commit adultery against the first.

The same logic is clear in Mark, where Jesus not only reasserts that to divorce and remarry is adulterous, but why he thinks this. It is because God intended marriage to be life-long. "But from the beginning of creation, 'God made them male and female.' 'Therefore a man shall leave his father and mother and hold fast to his wife, and they shall become one flesh.' So they are no longer two but one flesh. What therefore God has joined together, let not man separate." (Mark 10:6-9) God's original purpose disclosed in Genesis was thus life-long monogamy. Note that he only provided one Eve for Adam, not several!

So why, ask the Pharisees, did our great lawgiver Moses allow divorce? Jesus replies: "Because of your hardness of heart Moses allowed you to divorce your wives, but from the beginning it was not so." (Matthew 19:8) In other words divorce was a concession to human sin, not a good or even a neutral thing. But Jesus came to deliver mankind from the power of sin. He came to restore creation to the way God intended. Therefore marriage was for life, and divorce was wrong.

Nowhere in Mark, Luke or Paul's account of Jesus' teaching about marriage is there any hint that remarriage was possible after divorce. So most New Testament scholars agree that the historical Jesus did not countenance it. But David Brewer holds differently: he assumes that Jesus as a first-century Jew must have accepted the common view of his contemporaries that there were circumstances in which divorce followed by remarriage was justified.

This is a very big assumption, and totally contrary to the picture of Jesus presented in the gospels. Time and time again the gospels portray him as contradicting the teaching of the scribes and Pharisees: on forgiving sins (Mark 2), fasting, sabbath observance (Mark 2), washing before meals (Mark 7). He calls the teaching of the Pharisees leaven and human tradition that makes void the word of God (Mark 7: 8-13; 8: 15). Knowing that his teaching conflicted with theirs, the scribes and Pharisees came to trap him into saying something they could take as heretical (Mark 8: 11; 12: 15). Humanly speaking it was Jesus' disagreement with the scribes and Pharisees that led to his crucifixion.

And the gospels tell us that it was because the Pharisees realised his teaching on divorce conflicted with theirs that they came to test him, that is to try and catch him out. (Mark 10: 2; Matthew 19: 3). But if Brewer is right, then Jesus actually did agree with the Pharisees! The disciples evidently did not think he did, because when he had made the pronouncement about divorce and remarriage, they exclaim: "If such is the case of a man with his wife, it is better not to marry." (Matthew 19:10) So to say, 'Because first-century Jews allowed divorce and remarriage, Jesus must have too' is quite contrary to the picture of Jesus in the gospels.

The second fallacy in Brewer's position is that it is not quite true that a divorcee was 'free to marry *any* man'. Not only does Leviticus 18 exclude some potential partners, but Jews and Romans agreed that one person you could not marry was the man with whom you had an affair! Just think how many second marriages that would rule out today! So the Jews of Jesus day did recognise a ban on some second marriages. His blanket ban was not a total innovation.

Finally, and most important, the early church banned remarriage after divorce. Church members who remarried were excommunicated. They were excluded from church life for years, sometimes for life. We learn this by reading the fathers, that is early Christian theologians of the first five centuries. They are dogmatic that this is what Christ taught. And these theologians spoke Greek, the language of the New Testament, as their mother tongue. They understood the New Testament more easily than any modern scholar. So we should be very wary of interpreting it differently from them.

Furthermore historians find it impossible to imagine how the early church could have come to this view, if Jesus had not forbidden divorce and remarriage to his disciples. Jews and Romans allowed divorce followed by remarriage in some circumstances. If Jesus did too, how on earth could the whole church throughout the Roman empire, within a few decades of the gospels being written, have come to the opposite conclusion? The practice of divorce and remarriage is not an erudite theological doctrine that mattered only to theologians: it potentially affected every Christian family in the church. Surely if earlier church practice had been more liberal allowing divorce and remarriage, somebody would have protested and said, 'This is not what the apostles taught us'? But whereas there were furious controversies about some other doctrines, there is total unanimity among early Greek writers on the prohibition or remarriage after divorce.

But does Jesus' saying that to divorce and marry another is to commit adultery mean that separation is allowable? Luke and Mark's versions of Jesus' teaching would seem to leave separation without remarriage as a possibility. Matthew's gospel addresses this issue explicitly. In the Sermon on the Mount Jesus says: "But I say to you that everyone who divorces his wife, except on the ground of sexual immorality, makes her commit adultery." (Matthew 5:32) Under Jewish and Roman law a spouse guilty of adultery had to be divorced. In this situation Jesus implies that the innocent party is not guilty of adultery by conceding a divorce. By implication divorces on other grounds are condemned. But even in the case of divorce for sexual immorality, Jesus does not allow remarriage Matthew 5:32 continues: "And whoever marries a divorced woman commits adultery." This is why the disciples protest so vehemently when Jesus repeats his teaching in Matthew 19.

And we feel exactly the same. Jesus' teaching is very very painful. We are all aware of the tremendous cost of marriage breakdown in our society, but we all have friends and relatives who have gone through the trauma of divorce and we do not want to add to their suffering, by presenting them with Jesus' teaching about divorce and remarriage. The predicament is particularly acute for preachers, who are anxious not to upset their congregations. So what are we to say?

Perhaps like Paul we should paraphrase Jesus' teaching in less inflammatory language: 'To the married I give this charge (not I, but the Lord): the wife should not

separate from her husband (but if she does, she should remain unmarried or else be reconciled to her husband), and the husband should not divorce his wife.' (1 Cor. 7:10-11) Paul clearly envisages situations which may require separation, apart from adulterous situations mentioned by Jesus, and so may we. But he also forbids remarriage, so I believe the church should not conduct marriages of divorcees.

On the other hand we are to be as supportive of divorcees as we can, even if misguidedly they have remarried. The Bible is full of stories of people who sin grievously, yet enjoy great blessing from God: think of Jacob, who became father of Israel despite cheating his brother; Aaron, who was appointed high priest despite making the golden calf; David continued as king despite his adultery and murdering Uriah; and Peter, who became leader of the apostles despite denying Christ three times. The Christian gospel is a story of grace and reconciliation. This is what Christian marriage is supposed to show to the world. But even when we fail to live like this, we do not fall out of the love of God and we can still enjoy his forgiveness. As the old hymn puts it:

There's a wideness in God's mercy
like the wideness of the sea;
there's kindness in his justice
which is more than liberty.

There is no place where earth's sorrows
are more felt than up in heaven;
there is no place where earth's failings
have such kindly judgment given.

Gordon Wenham is emeritus professor of Old Testament at the University of Gloucestershire and Chairman of the Tyndale Fellowship for Biblical Research. He has written widely on biblical ethics, including *Jesus and Divorce* (with W. A. Heth) and contributed to *Remarriage after Divorce in Today's Church* (Zondervan, 2006). His commentaries on Genesis and Leviticus are well-known.