

DIVORCE AND REMARRIAGE SORTING OUT THE CONFUSION OF THE MANY CONFLICTING THEORIES

By Allon Maxwell

Over the years I have read extensively on this subject. It has been revealing to discover the vast body of literature which exists, promoting many diverse opinions, each of which clamours for our attention as though it was the ONLY ONE worth considering!

All have the backing of "experts" and all claim that they present incontrovertible evidence, appealing to the Greek and Hebrew, to history, to the support of other "experts" with BIG NAMES, or to the author's recognition for superior scholastic ability, etc., etc.

This is not a subject about which any of us can afford to remain neutral. When we are confronted with them, these theories require us to make a choice. We must either accept or reject them.

In the case of what has now become the majority view, our choice will decide whether or not we condone what Jesus calls ADULTERY.

THE MAJOR THEORIES

In their book "Jesus and Divorce", (Hodder and Stoughton 1984), Heth and Wenham identify no less than SEVEN major theories found in the literature of our times. They also mention briefly an eighth which, although not "major", needs to be noticed.

Each of these eight theories is briefly described below. The information gleaned from Heth and Wenham is augmented from many other sources encountered over the years.

In presenting this summary we are not indicating approval for all of the views described. Indeed, just in case some of my readers accuse me of bias, I plead guilty now!

I do have a personal bias in favour of one. Before this paper is finished that bias is certain to show!

1. THE EARLY CHURCH VIEW

This is the view which is virtually unanimous amongst the writers of the first five centuries of the church. It prevails in the Roman Catholic church to the present time.

It was written into the Canon Law of the Anglican Church in the 17th Century and upheld until perhaps a generation ago but is now virtually abandoned in those circles.

It was also widely held amongst the Anabaptists of the "Radical Reformation".

Briefly stated that view is:

- a) **Church approval** could be given for separation, only on the ground of adultery, and with no right to remarriage.
- b) **Annulment** (divorce under another name) could be approved, with the right to remarry, for premarital unchastity, prohibited degrees of blood relationship, marriage under duress, etc., etc..

2. THE "ERASMIAN" (REFORMED) VIEW

This theory was introduced to the Church by Erasmus in the 16th century, and was quickly adopted by Luther, Calvin, and other reformers responsible for the development of the Protestant Church.

The "Reformed View" is probably best stated in the Westminster Confession of Faith, adopted by the Scottish Reformed Churches.

It permits divorce and remarriage for adultery, and also for desertion of a Christian partner by an unbeliever.

In the case of adultery, this permission is justified by adopting Luther's "**legal fiction**" that since the Biblical penalty for adultery is death, the "innocent party" is free to act as though the adulterer is actually dead!

Although this view has been fiercely defended by the Reformed Churches since the 16th century, there are clear signs that the winds of change are blowing. There are now "Reformed" writers who are openly following the lead of the vast majority of other evangelicals. In our generation the Erasmian theory has been "developed" and "refined" far beyond anything intended by the reformers.

Hearts gradually became harder and consciences more elastic, until ways were found to justify remarriage on virtually any and every ground. Now "scholars" seem to be able to "prove" that it is NEVER adultery to remarry, and that Jesus did not really mean to say that it was!

For example, sometimes deserters are regarded as deserving of the same penalty as adulterers for their cruel treatment of their spouses. They are therefore "legally" dead.

In another version, the act of desertion "proves" that Christians who abandon their spouses may be regarded as unbelievers, thus granting freedom to exercise the so called "Pauline Privilege".

Yet another theory invents the concept of the "innocent party" who has been the victim of a "guilty" spouse. The "innocent party" is granted freedom to remarry, regardless of whether or not the erring spouse is a "believer".

Other rationalisations for adultery by remarriage include "The Passive Adultery Theory", (see Bible Digest No. 35), or "The Divorced Virgins Theory" (see Bible Digest No. 34)

There are many other variations not mentioned here. The diversity of what **men with hard hearts** have managed to build around those few plain words of Jesus, seems almost endless.

3. THE "BETROTHAL" VIEW

This view is really the early church view, dressed up in a slightly different way. It says that the only possible meaning of the "exceptional clause", in which Jesus permits divorce for "unchastity", is premarital sexual sin by the woman with another party, discovered during the betrothal period or at the very beginning of the marriage.

(And notwithstanding those many modern Greek "experts" who say that in Greek, the meaning of "unchastity" includes "adultery", Heth and Wenham mention several authorities who say that in the exceptional clause it does not.)

Adultery is not included in the exception because it can only occur AFTER a marriage has been joined by God. Therefore adultery can never be a ground for men to undo what God has joined.

Since it is assumed that in the case of unchastity, men are separating what God has NOT joined, most exponents of this theory grant the right to remarry, as though no former marriage had ever taken place.

It is usually recognised that continuing unrepented adultery will almost certainly lead to estrangement and unavoidable separation. It is also recognised that in other circumstances beyond their control, a Christian may be deserted by an unbeliever.

However, in these cases, the Christian has only two options during the lifetime of their spouse

"Remain unmarried or else be reconciled".

4. THE "UNLAWFUL MARRIAGE" THEORY

In this case the only marriages which may be undone by men are those contracted unlawfully. It is usually claimed that "unchastity" refers to [Leviticus 21](#), which describes unlawful sexual relationships within the prohibited degrees of blood or marriage relationship. A new marriage is permitted on the grounds that the first was never valid in the sight of God.

5. THE "PRETERITIVE" VIEW

This theory claims that the exceptive clause should be translated something like: "Regardless of what Moses said about "porneia" in [Deuteronomy 24:1](#)."

i.e. What Moses said has no bearing at all on what Jesus is NOW SAYING to those who will hear what God intended "from the beginning".

This view does not allow for divorce on any ground at all after a valid marriage, or for remarriage, under any circumstance short of the death of one of the partners to the marriage.

6. "THE TRADITIO- HISTORICAL" THEORY

This view insists that the exceptive clause was not actually spoken by Jesus. It is claimed that it was added to Matthew's Gospel at a later date to accommodate the practice of a church for whom the words of Jesus were too absolute!

Divorce and remarriage are not permitted at all.

(This view of the exceptive clause is certainly not supported by the history of the early church. We merely record it to note that it does exist and that there are strong opinions which support it.)

7. THE "NO FURTHER RELATIONS" VIEW

This view insists that adultery breaks and defiles the "one flesh" relationship, thus making divorce MANDATORY, without any scope EVER, for forgiveness, reconciliation and resumption of the marriage.

The "innocent" partner must remain single during the lifetime of the "guilty" one.

8. THE "INCLUSIVE" VIEW

This theory regards "unchastity" as being specifically INCLUDED amongst all the other grounds for divorce which Jesus rejected. i.e. the translation of the exceptive clause is held to be "NOT EVEN FOR UNCHASTITY" (There are of course Greek "experts" willing to say that this is the only possible translation!)

9. OTHER VIEWS

We have by no means exhausted the list! In different churches, places, cultures, and times, there is tremendous variation within these categories.

There is also a wide variety of other minority opinion outside these categories.

CONFUSION!

As we study the "evidence" for those competing theories, we are faced with confusion.

One thing becomes obvious very quickly. They cannot all be right! Nor can it be true that Jesus meant to accommodate all the contradictions presented by the various contenders.

However it is worth noting that ONLY ONE of the above views permits remarriage after divorce for adultery or desertion. Even though that one, in one form or another, does now represent the majority view, it constitutes a radical departure from the practice of the early Church.

The awkward feature of this view is that it so readily dismisses the early church teaching as irrelevant. The implication now is that all those who paid the high price of obedience to the literal words of Jesus, were either the victims of a tragic mistake, or worse still, legalistic heretics!

SORTING OUT THE CONFUSION

With the divorce rate in Australia approaching 40%, sooner or later all of us will be confronted by circumstances in which we will have to decide whether we stand in the lonely place with Jesus, or whether we travel the broad road of conformity with the vast majority who condone what Jesus calls adultery.

How do laymen with no "higher education" in theology decide which "expert" is telling us the truth? Or indeed, whether ANY of them are.

For a start, I DO NOT recommend that you rush out to buy all the books that I have read. The wise man was right! ([Ecclesiastes 12:12](#)).

In any case, most of those on my bookshelf are now out of print! If our answer depends on our access to out of print books, what hope do we have?

As laymen we must find a better way to evaluate the "experts" and choose between their many different and confusing theories. We must find that way, without knowledge of Hebrew and Greek, and without scholastic credentials!

PRAISE GOD THERE IS A SIMPLE WAY available to us all!

WE CAN ASK GOD TO HELP US! (His book is not yet out of print!)

And God does guarantee to give wisdom generously to those who ask in faith, without doubting. ([James 1:5-6](#)). We need nothing more than our Bible and a God who is willing to honour His promise to reveal Himself to us.

THE BIBLICAL VIEW

I have asked God for the answer. I have prayed as honestly as I know how. I do not say this to impress you or to ask you to receive me without challenge, as yet another "expert", with yet another different view. Rather, I want to encourage you also to deal with God yourself.

To do that you must say your own prayers and read the Bible yourself.

However, I can share with you that when I prayed and opened my heart to the words of Jesus, this is what I found:

1. *"A man shall leave his father and mother and be joined to his wife, and the two shall become one flesh. So they are no longer two but one flesh. What therefore God has joined together let not man put asunder".* (Mark 10:7-9 & Matthew 19:5-6).
2. *"Everyone who divorces his wife and marries another commits adultery".* (Luke 16:18 & Mark 10:11)
3. *"If(a wife) divorces her husband and marries another, she commits adultery".* (Mark 10:12).
4. *"He who marries a woman divorced from her husband commits adultery".* (Luke 16:18 & Matthew 5:32).
5. Moses wrote a commandment from which the HARD OF HEART took licence for divorce, *"but from the beginning it was not so".* (Matthew 19:8).
6. *"A wife is bound to her husband as long as he lives".* (1 Corinthians 7:39) And of course, if the wife is bound, then so is the husband!
7. *"If her husband dies, she is free to be married".* (1 Corinthians 7:39). This must also mean that a husband also is not free to marry again, until his wife's death dissolves the marriage.
8. A wife should not separate from her husband, but *"if she does let her remain single or else be reconciled to her husband".* (1 Corinthians 7:10-11).
In the same way, *"a husband should not divorce his wife"* (1 Corinthians 7:11). Even if he does (what he should not do), it cannot alter the fact that he also is bound for life. He too must remain single or else be reconciled.
9. *"If any brother has a wife who is an unbeliever, and she consents to live with him, he should not divorce her but if the unbelieving partner desires to separate, let it be so; in such a case the brother or sister is not bound".* (1 Corinthians 7:12-15). The same applies to wives.
If separation occurs outside the control of believers, they are not bound, unreasonably, to try to compel an unwilling and unbelieving partner to continue to live with them.
However, they are also told in 1 Corinthians 7:39, that their marriage covenant binds them as long as their partner lives, and in 1 Corinthians 7:11, to remain single or else be reconciled, (Perhaps they may save their partner, 1 Corinthians 7:16).
10. *"Except for fornication"* (Matthew 5:32 & Matthew 19:9).

In Matthew's Gospel the teaching of Jesus does contain ONE exception.

This exception was not known to those who had access only to Mark's or Luke's gospels! (Note also that Luke records the Gospel as he must have heard it preached by Paul many times!)

In Mark and Luke, Jesus ABSOLUTELY prohibits divorce, with NO EXCEPTION AT ALL.

Mark and Matthew both say that once God has joined a marriage, men may not separate it.

This means that the exception cannot not refer to any ground that might arise AFTER God has bound the two into one.

Since ADULTERY is a sin which takes place AFTER God has joined a marriage, it cannot be included in the exception.

If that is so, then the sexual sin encompassed by the exception, must refer to something which arises BEFORE a "marriage" is joined by God.

We are not left without a "case history" which will help us to understand the exception.

It is significant that the only Gospel to record the exception is also the only one to include the story of Joseph and Mary. This is the only New Testament EXAMPLE of what Jesus might have meant by "fornication" or "unchastity" as a ground for divorce.

It is this case which defines for us the ground on which a "just man", ([Matthew 1:19](#)), as opposed to a hard hearted one, might divorce his wife (or betrothed wife) without guilt before God.

11. God says bluntly, "***I HATE DIVORCE***". ([Malachi 2:16](#)).

Who amongst us, except the hard hearted, would choose to do or condone what God hates?

CONCLUSION

One major reason for the growth of the divorce rate in Australia, from almost nil since the beginning of the century, to 40% now, is that most of the Church has relaxed its standards to conform with the hard hearted world.

It seems that this is just one more area in which the Church has become ashamed of the words of Jesus, no longer confessing him before men.

This is not simply a "learned discussion". Nor is it merely a simple disagreement between Christians with a different OPINION and a different CONSCIENCE about the subject.

It is a question of whether or not we are guilty of what Jesus calls "hardness of heart".

On the day of judgement, ADULTERY will not be excused as a simple "difference of opinion", left to the decision of individuals who approve it in "good conscience".

The consequences of that are almost too fearful to contemplate
