

Divorce and Remarriage: A New Covenant Perspective

by

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The society in which we live is ravaged by the destruction of the family. Statistics are commonly put forth to show that one out of every three marriages today ends in divorce – and some say the ratio is even higher.

The church has not escaped the problem either. More Christians are divorcing today than ever before. Single parents are left alone to raise children. There is often not enough money available to support two households. And two people who are used to sexual intercourse on a regular basis are now left to deal with lust and/or frustration.

What are we to do? The Church can sit back and piously quote passages of Scripture to people saying, "Don't divorce!" But it happens anyway. What should our attitude be toward those who have divorced? Are they wrong to remarry? Is there no forgiveness for such a sin?

Christians everywhere are in desperate need of answers. And this writer is convinced that God has given those answers!

The Limitations of this Paper

It is not my purpose to deal with the subject of divorce as it is presented in the Old Testament. Neither is it my intent to deal with the issue of divorce and remarriage as it relates to qualifications for church leadership. Our attention will be focused on the New Testament, and more precisely, on the technical meaning of that term, vis-à-vis, the New Covenant.

In 1974, Professor John Murray published what many called at that time the best treatment of the subject of divorce in print.¹ But since Murray's book many other works have appeared that have received high acclaim. Usually, it seems, each such work has had strong appeal within groups holding the same pre-suppositions as the author!

It is because of this *group mentality* that we need to say a word about the interpretation of Scripture. The science of biblical interpretation involves the utilization of certain rules of interpretation to determine the intended meaning of the text. In any communication, whether oral or written, the author has but one meaning in mind. Therefore, there is only one correct interpretation of communication, but there may be many applications involving various situations. The most likely reason why misinterpretation occurs is because of the rules that are followed in determining the meaning of a given text.

The two approaches to the science of interpretation of literature that are most often used are: 1. *Relativism* (intuitionism), which says that the meaning of a text is whatever it becomes to you – the intent or meaning of the author is not the determining factor; and 2. *Grammatical-historical*, which takes the language of the text in its normal sense, and seeks to interpret that language within its historical context. The main goal of this approach is to determine the meaning of the author, and then explain that meaning in the context of our current life situation.

With regard to the biblical text, it is of great importance to determine the meaning of *the author*. Indeed, the grammatical-historical method of interpretation will be the method utilized in this paper. This paper also reflects a commitment to verbal (words, grammar, etc.), plenary (complete in all aspects) inspiration of the Scriptures.

A Biblical Philosophy of History: God's Different Administrations

Whether one calls himself a *dispensationalist* or a *covenant theologian*, he would readily admit that God has administered His program differently at various times in human history. There are basic functional divisions in the program of God that are generally agreed upon by both groups: *Innocence; Self-determination; Human Authority; Patriarchal; Law and Grace*.

Within each of these various divisions or economies one can find a corpus of revelation intended to regulate human relationships – and relationships with God. Perhaps these corpora of revelation can be referred to as *Codes*. Some of the codes were quite basic (according to what is

recorded in Scripture relative to the time), while others were more complex (e.g., the Code of Law). Also, one may find the same issue being dealt with in different ways. For example, in the Codes of Innocence and Self-determination, people were not permitted to eat meat (Genesis 1:29). In the Code of Human Authority, people were allowed to eat *all* meat (Genesis 9:3). In the Code of Law, people were permitted to eat only *certain* meats (Leviticus 11). However, when we arrive at the Code of Grace, people are once again able to eat *all* meats (cf. 1 Timothy 4:3-4).

From the relationship described in the book of Hebrews between the Code of Law (Old Covenant) and the Code of Grace (New Covenant), another important principle can be observed. The writer develops the argument that the Code of Law was administered by the Levitical Priesthood. They were set apart by God for that purpose. None other than a son of Levi qualified. But the writer also states that there has been a change of priesthood. Jesus Christ is the new High Priest according to the order of Melchizedek (Hebrews 7:11-25), which leads to the conclusion of Hebrews 7:12, "*For the priesthood being changed, of necessity there is also a change of the law.*"

When Jesus Christ was declared High Priest by God [a priesthood established to administer the Code of Grace (New Covenant), not the Code of Law (Old Covenant)], a very important principle was set forth: when one code is replaced by another, the previous code is rendered invalid in terms of its legislative authority. But does this mean that the previous codes are no longer of value? Certainly not! 2 Timothy 3:16-17 reminds us that "*All Scripture is given by inspiration of God, and is profitable....*" The Apostle Paul even wrote to Timothy that "*the law is good if one uses it lawfully.*"

The essence of the Code of Law was to point out the sinfulness of man (cf. Romans 3:20; 7:7), and by contrast the holiness of God. To use the Code of Law for these purposes is to use the law lawfully. But to use the Code of Law as a legislative instrument to regulate those living under the Code of Grace is to be in serious error! The Code of Law was a wonderful thing, but its intended work had a much broader scope than just revealing the sinfulness of man and the holiness of God. It was also designed to train *children!*

An Important Purpose of the Code of Law

In Galatians 3:15-4:7, the Apostle Paul develops the picture of Believers in a growth cycle. That is, beginning with the Abrahamic Covenant, the seed of Abraham are viewed as *children* (cf. 4:3). Perhaps a brief summary of the story would be helpful. God chose a man named Abraham and made wonderful promises to him (Genesis 12:1-3). These promises involved great blessings. And these blessings were to extend to Abraham and his seed forever. But Abraham had no children, given his advanced age and that of his wife. Nevertheless, God made it possible for him to have a son (Genesis 18:9-15).

God gave further assurances to Abraham by putting His promise "in writing." That is, God turned His promise into a blood covenant (Genesis 15:7-21). In the progress of God's dealings with Abraham, He revealed to him that the covenant would be realized through one of his seed (Genesis 22:17-18). The Apostle Paul tells us that this promise was fulfilled in Jesus Christ (Galatians 3:16). Therefore, those who belong to Christ are counted as seed of Abraham (Galatians 3:19), and consequently a part of the *family* of Abraham.

Now, after God made the promise/covenant with Abraham, it was necessary for the family of Abraham to grow. The proper environment (Egypt)² insured that the family would not be defiled by inter-marriage. As time passed the family grew into a large multitude (cf. Exodus 1:12). Finally, through Moses, God informed them that He was going to lead them out of bondage and constitute them as a nation. He would be their God and they would be His people (cf. Exodus 6:6-8).

As *children*, in terms of their relationship with God, they would want to know what God would expect of them. What would be pleasing to Him and what would not. And God, wanting the *children* to grow up into *adulthood*, would have to train them! That is exactly what the Code of Law was intended to do. Galatians 3:24 states, "*Therefore the law was our tutor³ to bring us to Christ.*" Just as a parent says to his child, "you can do this, but you can't do that. You can go here, but you can't go there;" so also the Code of Law told the *children* of Abraham to "do this, but don't do that." In other words, the Code of Law legislated the activities and relationships of God's people until He instituted the Code of Grace, at which time they were considered *adults*. Abraham's family became of age in Christ!

Child or Adult?

Sometimes judgment decisions are difficult to make. When a child needs an answer, he normally goes to a parent or *child trainer* to find an answer. But when the child is grown, he must decide for himself. He takes all that he has learned as a child and makes an adult decision. For example, when a child is ten years old, the house rules may require that he be in bed by 9 pm. But when he becomes an adult, he is expected to use adult judgment in determining the appropriate time for bed. He knows that he is no longer *required* to be in bed by 9 pm, but he has learned in his growing up that getting proper rest is both wise and beneficial to his health. Consequently, he chooses to do what is wise because he *wants to*, not because he *has to*.

Let's take a biblical example. In the Code of Law, the *children* were given specific instructions with regard to giving. They were to pay tithes at certain times of the year and for specific purposes (cf. Leviticus 27:30; Deuteronomy 14:22, 28). However in the Code of Grace, we learn that giving is not on the basis of command but of free choice out of a heart of love (cf. 2 Corinthians 8:8; 9:6-11). And the amount is determined on the basis of "*as he may prosper*" (1 Corinthians 16:2).

If and how much one gives as a Believer living under the Code of Grace is an *adult* decision. It is much easier to run back to our *child trainer* and *tithe*. But this is not what God expects of us. He does not want us to remain as children, but to conduct ourselves as adults in His family!

Divorce and Remarriage from an Adult Perspective: Ideal or Legislation?

It is important to keep in mind that the Lord Jesus Christ was born and lived His life under the Code of Law (cf. Matthew 5:17-20; Galatians 4:4-5). The Code of Grace (New Covenant) was not ratified until His death (cf. Luke 22:20). Consequently, when we study the teachings of

our Lord, we must determine from the context whether He is addressing a subject related to the Code of Law or if He is setting forth new legislation for the Code of the Kingdom.⁴ Later we will discuss if or how either of these Codes bear upon us today – who live under the Code of Grace. During the earthly ministry of our Lord, He was asked a question regarding the subject of divorce (cf. Matthew 19:3).⁵ The important question for us to ask is whether in His answer He was legislating divorce (and thereby establishing a new position on the subject), or whether He was simply dealing with the divine ideal? The context of the question is crucial. Hauck and Schulz state it clearly: *The tempting question of the Pharisees...refers to the dispute between the schools of Shammai and Hillel regarding the grounds for divorce.*⁶

In this dispute, Shammai and his school held that a man could only divorce his wife for that which was morally objectionable. Hillel, on the other hand, taught that a man could divorce his wife for "any cause" (or offence), e.g., letting food burn.⁷ It is clear from the positions of these two schools that both had lost sight of the divine ideal i.e., one man, one woman forever (cf. Genesis 2:18-25). It is in this context that our Lord responds to the question, *"Is it lawful for a man to divorce his wife for just any reason?"* (Matthew 19:3).

The Lord immediately lifts the discussion out of the realm of legislation and goes right to the heart of the matter. His response is significant: *Have you not read that He who made them at the beginning "made them male and female," and said, "For this reason a man shall leave his father and mother and shall be joined to his wife, and the two shall become one flesh"? So then, they are no longer two but one flesh. Therefore what God has joined together, let not man separate*" (Matthew 19:4-6).

By reading the book of Genesis they should have known that God's intent was permanency in marriage. Divorce is clearly contrary to the desires of God. The *one flesh* aspect (sexual intercourse) is the intrinsic seal of the marriage union (cf. 1 Corinthians 6:16). And when a man and woman marry, no one is to separate that union.⁸

But the reality is: people do get divorced. The question is, why? Basically, it is because of the sin of Adam. The institution of marriage was given prior to the fall. But when Adam sinned, he plunged the whole human race into sin (cf. Romans 5:12). Man became thoroughly selfish with the result that he lives his life only to satisfy his selfish desires (cf. Ephesians 2:1-3; 4:17-19). This is precisely the reason, and our Lord will soon tell them so!

If God's intent is no divorce at all, reasoned the Pharisees, *"Why then did Moses command to give a certificate of divorce, and to put her away?"* (Matthew 19:7). Why indeed! They are sinners. They are no longer able to keep the divine ideal (cf. Romans 8:7). Man is going to sin, it is predictable. And because of man's sin problem, legislation is necessary.

Jesus explains this to them by stating, *"Moses, because of the hardness of your hearts, permitted you to divorce your wives, but from the beginning it was not so"* (Matthew 19:8). He makes it very clear that *they* are the problem – and that it is one of the heart! It is important that we not overlook the fact in His statement that God's ideal is still there.⁹

The legislation resulting from man's sin problem can be seen in many areas of life. Take murder, for example. The Code of Self-determination was the first to address this problem when God said, *"Whoever sheds man's blood, by man his blood shall be shed; for in the image of God He made man"* (Genesis 9:6). In the same way, when man brought divorce into the institution of marriage, which was legislated as well (cf. Deuteronomy 24:1-4).

It seems clear, therefore, that the Lord Jesus Christ was dealing with the divine ideal, and not the legislation of divorce. But someone may ask, "Does not the exception of Matthew 19:9 indicate legislation?" This is something that we must consider.

Exception or Statement of Fact?

Again it is good to point out that we must be careful *not* to project the encounter between Jesus and the Pharisees into our day. It must be understood in its historical context. When Jesus said, "*Whoever divorces his wife, except for sexual immorality, and marries another, commits adultery; and whoever marries her who is divorced commits adultery*" (Matthew 19:9), was He saying that divorce is permissible, or is He acknowledging a very real cultural condition? Hauck and Schulz again provide helpful historical perspective: *In the time of Jesus the Law was stricter and an adulterous wife was forbidden to have any further intercourse with her husband or the adulterer; her husband had to divorce her.*¹⁰

Even though the Code of Law prescribed death for the sin of adultery (cf. Leviticus 20:10), it was a further cultural consideration that under Roman law, the Jews could not put anyone to death (cf. John 18:31). Perhaps Small sums up the matter best when he writes that Jesus ". . . declared the absolute, pure intention of God in confirmation of the orders of Creation. This would unequivocally declare His affirmation of the original intent of God. Then, in the face of the realities of the fallen world, and in harmony with the Old Testament provision, He made a practical accommodation. Inasmuch as we believe the Holy Spirit is the One who supervises the formulating of the scriptural material, we can believe that it was His mind to include both statements for these very purposes....While the absolute statement fits the order of Creation, the exception fits the human condition to which God makes His accommodation in grace."¹¹

To sum up, Jesus did not change the divine ideal, but He did affirm the accommodation of God's grace because of man's sin problem. Divorce for any reason breaks the divine ideal. Divorce for any reason always involves sin.

LEGISLATION IN THE CODE OF GRACE

At this juncture, a return to our earlier example of *children* versus *adults* in the plan of God would be helpful. The *children* of Abraham were trained and instructed by the Code of Law regarding the sin of divorce. If the legislation set forth by our Lord was for the Code of the Kingdom (and one would be hard pressed to prove otherwise), then where are we to turn for answers? To the previous administration (Code of Law)? To the future administration (Code of the Kingdom)? It seems that we are situated between the two. And what do we find between the Code of Law and the Code of the Kingdom? The Code of Grace! The place to begin, then, is to search the revelation of God that has been given since the death of Christ. That revelation will give us the corpus of the Code of Grace.

The Apostle Paul uses marriage under the Code of Law to illustrate a doctrinal point in Romans 7:1-4. In fact, he uses it to present the divine ideal. Marriage is the union of a man and woman for life. Death is the only thing that ends it.

The plain truth is that the only passage in the Code of Christ that gives legislation for the

adults regarding divorce and remarriage is 1 Corinthians 7:10-15, 27-28. In verses 10 and 11, the Apostle begins with the ideal, "A wife is not to depart from her husband....And a husband is not to divorce his wife." This is as one would expect. But what if the ideal is broken? Suppose the wife divorces her husband? The Code of Grace responds, "Let her remain unmarried or be reconciled to her husband" (v. 11a). We can confidently conclude that the same would apply to a husband.

It is clear that people in the Code of Grace though freed from the power of sin are still sinners (cf. Romans 6:19). And just as God legislated divorce in the Code of Law because of the *hardness of men's hearts*, so also in the Code of Grace. He is dealing with reality in grace!

Why remain unmarried? (v.11). Perhaps this should be understood along with the other appeals in the chapter to maintain an unmarried state (cf. 7:1, 7, 8, 26, 27, 29, 32, 33, 34, 37, 38, and 40). The reason why Paul appeals to Believers to remain in a single state is because of the "present distress" (7:26). We can not say with certainty what the *present distress* refers to, but clearly it is viewed as a temporary situation. It apparently refers to a particular time of difficulty when family responsibilities would tend to detract from one's ability to serve the body of Christ as effectively as a single person would be able to do.

In verses 12-15, the subject of mixed marriages is considered (believer to unbeliever). There is general agreement that divorce is permitted should the unbelieving spouse decide to depart (divorce is clearly implied). In this case it is stated that the Believer is no longer under *bondage*¹² to the unbeliever. It is interesting that the opposite term to being in bondage is to be *loosed*.¹³ Clearly the Apostle means that the Believer is set free. That is, such a one is no longer bound by law and duty to the unbeliever.

Two cases have been presented. The first involved divorce between believers (vv. 10-11). If the couple is not reconcilable, they are technically *loosed*. That they are to be considered *loosed* becomes clear when one compares the use of *loosed* in verse 27, where one in that condition is considered not to be married.

The second case involves divorce between a Believer and an unbeliever. The marriage is broken; they are no longer bound to one another. Simply, they are *loosed*. One needs to keep in mind that the divine ideal remains. God has not changed. But He is still dealing with sinful people – sinful *adults*. They still sin – and divorce is one of those sins!

A very important question remains: can a Believer, once divorced, remarry? To answer the question we must take a careful look at verses 27-28a. Remember that Paul has consistently used the terms "bound" and "loosed" for the states of being married and being divorced. *Are you bound to a wife? Do not seek to be loosed. Are you loosed from a wife? Do not seek a wife. But even if you do marry you have not sinned.* How could Paul say such a thing? Because he is dealing with reality. Man is sinful and has lustful passions. Paul knows this and that is why he began the chapter by saying, "Nevertheless, because of sexual immorality, let each man have his own wife, and let each woman have her own husband" (7:2). Sexual intercourse is to be enjoyed, but only within marriage. God created mankind with sexual drives. But marriage is the only condition in which sexual intercourse is to be experienced.

If one is *loosed* from a wife, he should remain in that state. But if he is prone to "burn with passion" (7:9), he should marry and not commit immorality. If he marries, his previous marriage having been broken (admittedly a sinful act, but nonetheless *not* an unforgivable sin), he does not sin in so doing (7:28a).

To sum up, it has been shown that the divine ideal for marriage has not changed in the Code of Grace. But neither has man's sin problem. Believers are enjoined to live together in marriage until death. But if they divorce, and should the relationship result in an irreconcilable condition, they can remarry – no sin results.¹⁴

But someone may ask, "Won't people take advantage of this kind of legislation?" That is very similar to the question raised in Romans 6:1, "*Shall we continue in sin that grace may abound?*" The answer is the same in either case, "*Certainly not! How shall we who died to sin live any longer in it?*" (Romans 6:2). Remember, Believers under the Code of Grace are expected to live like *adults*, not like *children*.

ENDNOTES

1. John Murray, *Divorce* (Philadelphia: The Presbyterian and Reformed Publishing Company, 1974).
2. Genesis 43:32-33; 46:34 indicate that the Egyptians would have nothing to do with the Hebrews. They would not even sit at the same table with them!
3. The Greek term that is translated "tutor" is *παιδαγωγος*-. It is the common word used for one who trains or tutors children. William F. Arndt and F. Wilber Gingrich, *A Greek-English Lexicon of the New Testament* (Chicago: University of Chicago Press, 1952), p. 608.
4. The Code that some do not recognize is the Code of the Kingdom. During His first advent our Lord presented Himself to the Nation of Israel as their promised King. He also explained the *code* of the Kingdom. The Nation rejected Him and the establishment of the Kingdom was postponed (cf. Matthew 21:43; Luke 22:15-18). When the Kingdom is established (cf. Revelation 20), the Code of the Kingdom will be the legislative instrument for that administration.
5. The Matthew 19 passage has been chosen because it is representative of our Lord's position and because it includes an exception clause.
6. Friedrich Hauck and Siegfried, *Theological Dictionary of the New Testament* (Grand Rapids: Wm. B. Eerdmans Publishing Company, 1964), Vol. VI, p. 591.
7. Ibid.
8. The phrase "*has joined together*" is in the perfect tense and stresses permanency in God's intent.
9. The phrase "*...it was not so*" (Matthew 19:8), is in the perfect tense, which stresses past completed action with the results continuing to the present.
10. Hauck and Siegfried, p. 592.
11. Dwight Hervey Small, *The Right to Remarry* (Old Tappan: Fleming H. Revell Company, 1975), p. 149.
12. The Greek term *δεω* that is translated "bondage" in verse 15, and "bound" in verse 27, means "to be bound by law and duty." Walter Bauer, William F. Arndt and F. Wilber Gingrich, *A Greek-English Lexicon of the New Testament and Other Early Christian Literature* (Chicago: The University of Chicago Press, 1957), p. 177.
13. The Greek term that is translated "loosed" is *λυω*. This term is not only an antonym for being bound, it is the term used for the condition of divorce in verse 27. It means "to be set free, to untie bonds." Ibid. p. 484.
- 14.. Although divorced people who do remarry commit no sin in the remarriage (the sin was in the breaking

of the first marriage), they must confess the sin of divorce as any other sin and turn from the sinful attitude involved in it (repent). Also, as with any sin, there may be results that come from the divorce that are irreversible (e.g., loss of a parent, financial burden, etc.).