

# **A brief study on Marriage, Divorce and Remarriage for the House of Bishops of the Anglican Mission in the Americas**

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**(slightly revised 7/4/10 by jhr)**

## **1. The Issue**

Doctrinal and pastoral questions are raised for any Christian Church existing in the North Americas' divorce culture. This applies particularly to the Anglican Mission because of our commitment to be faithful to Scripture, interpreted as a whole and in the light of Christ, as well as being faithful to our formularies.

Within the life of the writer, divorce frequency has risen in the United States of America from being rare to being over 50%. Even more fundamental is the fact that the very understanding of marriage in the culture has changed. It has changed from that of being a life-long, exclusive union between a man and a women for mutual comfort and the rearing of children, with only a few legal grounds for divorce, to that of a mutual contract that can be terminated when either one of the partners desires it (No fault divorce). It is this view of marriage, usually based upon a romantic understanding of the basis for marriage, ("for as long as love shall last") that is taught and caught in our culture. When that cultural view of marriage is wedded to the present secular, hedonistic, individualistic view of human fulfillment in the West held by both men and women, and given the opportunity women now have to enter the workplace and find financial independence, the present high frequency of divorce becomes almost inevitable.

The cultural practice of frequent divorce and remarriage raises numerous issues for the Anglican Mission and the Anglican Church in North America. Here are the leading ones:

1. How do we teach a biblical and Christian understanding of marriage effectively enough to overcome what the culture is teaching? When the young couple comes to the pastor all "twitter-pated", it is rather late to get the point across. They will agree to anything.

2. How do we strengthen marriages in the life of the congregations, help them grow in a biblical understanding and in Spirit enabled practice, while not overworking the faithful in parish ministry, thereby making it harder for them to have time together?

3. What is to be done to help marriages in trouble find healing and recovery?

4. Then there are questions that arise when those who have been divorced come to ask to be married again in the Church while their (previous) spouses are still alive. Can we do that?

5. Are we limited to particular grounds for the divorce?

6. How many times can divorce and remarriage in the Church be repeated?

7. Do we need a different marriage service for remarriage?

8. Can we bless civil marriages and if so upon what conditions being satisfied?

9. Does it matter if they were divorced before they came to personal faith in Christ?

10. Does it make any difference if the divorced person seeking to be remarried in the Church tried to save the marriage when the spouse simply said, "I don't love you anymore; I'm out of here" and would not seek counseling?

11. What if the divorced person seeking remarriage was the aggressor in the divorce on selfish grounds, but has come to admit that and seems to be genuinely repentant?

12. Does it make any difference if the (former) spouse has remarried?

13. What role should the Bishop play in these decisions?

All of these questions are exacerbated in the case of clergy, who are called to be examples to the flock. All of the previous questions apply, plus some new ones.

14. Should clergy be required to leave a congregation upon a divorce, if the spouse in effect abandons him or her?

15. What is to be done if the ordained person is the chief cause and in effect has driven the spouse away?

16. What about the possibility of the remarriage of clergy? Can we permit that?

17. What if the divorce and remarriage took place long before the clergy were ordained and now they are up for priestly ordination, or Episcopal consecration after a long and exemplary marriage?

## **The structure of this paper**

The structure of this paper is as follows: first, by way of introduction we have stated the issue(s) that this paper addresses. Second, we state the traditional Anglican view of marriage as set forth in the Book of Common Prayer. Third, we list the key texts in Scripture concerning marriage, divorce and remarriage. Fourth, we summarize the four views concerning marriage, divorce and remarriage held by people who are committed to a high view of Scripture. Fifth, we offer a few exegetical comments pertinent to the application of biblical teaching to Church discipline. Sixth, we state what the writer believes to be the pertinent biblical principles concerning divorce and remarriage based on the Scripture. And, seventh, the writer will attempt to suggest some applications to some of the questions raised for biblical, orthodox Anglicans by the painful circumstances of our Western divorce culture. An appendix will give reference to the positions of other Churches. We will append a brief bibliography of some important works.

The writer is aware that it is the active House of Bishops of the Anglican Mission that bears the burden of shaping the marriage, divorce and remarriage discipline for the Mission. He is honored to be asked to make this attempt to be of service to the House. He thanks the Chairman of the House, Bishop Charles H. Murphy III for the invitation.

The writer also wishes to thank Professors Rodney Whitacre and William Witt for their interaction with and advice to the writer as this paper has taken shape. Needless to say, while he has included many of their suggestions, it is he and not they who is responsible for what has finally been written.

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## **2. A traditional Anglican Understanding of Marriage**

Traditionally Anglicans assume that the marriage of one man and one woman is the original and foundational form of human fellowship and society. It is a creation ordinance. Marriage is monogamous, exclusive and life-long. Marriage is sealed and consummated by sexual intercourse. The central purposes of marriage are: 1. to provide the loyal, mutual belonging and intimacy that overcome loneliness, 2. to exercise the mutual helpfulness

that lightens the load of life and provides security for both, and 3. to be the setting for the gift of and the raising of children. Healthy marriages and families form the foundation of a stable larger social life. Marriage is ordained of God and meets these profound needs of humanity. It is, therefore, to be honored by all. There is no mention in the Book of Common Prayer of its ending prior to death. (“till death us do part”)

Scripture notes that after the fall and the entrance of sin, Moses allowed for divorce due to the hardness of the human heart. Even though God gave Adam one wife, polygamy was introduced among the people of God when Sarai no longer trusted God to fulfill His promise of an heir. (Gen. 16:2-3) However, polygamy proved a constant cause of jealousy and trouble. Prior to Jesus, polygamy was tolerated or permitted among God’s people, but it was never commended in Scripture.

Jesus reaffirmed marriage in its monogamous, exclusive and permanent nature. Marriage is to last until the end of this age or one of the partners dies. The Book of Common Prayer, quotes the Scripture: “What God has joined together, let not man put asunder.”

Anglicans have articulated their view of marriage in the Form of the Solemnization of Matrimony found in the Book of Common Prayer (1662). It is an elegant and moving statement of God’s gift and the calling of marriage and of the importance of receiving God’s blessing in Christ by the Spirit for married life. Such a blessing is needed for the will and strength to keep the vows made to one another in marriage. Married couples would do well to read the Prayer Book Service together several times every year.

Anglicans seek to understand and celebrate marriage in accord with Scripture. What follows in this paper will consider the adequacy of the traditional and official Anglican view of marriage.

The more difficult questions, however, concern divorce and remarriage. It is important to note that these issues are as difficult and painful as they are, precisely because marriage is so precious and important. Marriage is important as God’s gift and ordinance; it is important in Christ’s teaching. It is important because it touches such a deep part of those who are married and meets the deep abiding needs of human beings and society. It is therefore important to faithful Anglicans. For this reason we seek to fashion

a marriage and remarriage discipline which is faithful to the Word of God and beneficial to all involved.

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### **3. The Key Biblical Texts Concerning Divorce and Remarriage**

Here we simply cite the key biblical texts regarding divorce and remarriage. Exegetes differ regarding the meaning of certain words in the texts, regarding the implications that should be drawn from them, and the weight to be given to the various texts. This accounts for the diversity among those that seek to be faithful to Scripture.

#### **1. Genesis 1:18, 2:21-24 (ESV) “Fundamental texts” on the Nature of Marriage**

Genesis 1:27 (ESV)

<sup>27</sup> “So God created man in his own image, in the image of God he created him; male and female he created them.

Genesis 2:21-25 (ESV)

<sup>21</sup> So the LORD God caused a deep sleep to fall upon the man, and while he slept took one of his ribs and closed up its place with flesh. <sup>22</sup> And the rib that the LORD God had taken from the man he made into a woman and brought her to the man. <sup>23</sup> Then the man said, “This at last is bone of my bones and flesh of my flesh; she shall be called Woman, because she was taken out of Man.”

<sup>24</sup> Therefore a man shall leave his father and his mother and hold fast to his wife, and they shall become one flesh. <sup>25</sup> And the man and his wife were both naked and were not ashamed.

#### **Exodus 21: 10-11 (ESV) The rights of the woman in marriage**

“If he takes another wife to himself, he shall not diminish her food, her clothing, or her marital rights. And if he does not do these three things for her, she shall go out for nothing, without payment of money.”

## 2. Leviticus 18:6-18 (ESV) Prohibited relations for Marriage

<sup>6</sup>“None of you shall approach any one of his close relatives to uncover nakedness. I am the LORD. <sup>7</sup> You shall not uncover the nakedness of your father, which is the nakedness of your mother; she is your mother, you shall not uncover her nakedness. <sup>8</sup> You shall not uncover the nakedness of your father’s wife; it is your father’s nakedness. <sup>9</sup> You shall not uncover the nakedness of your sister, your father’s daughter or your mother’s daughter, whether brought up in the family or in another home. <sup>10</sup> You shall not uncover the nakedness of your son’s daughter or of your daughter’s daughter, for their nakedness is your own nakedness. <sup>11</sup> You shall not uncover the nakedness of your father’s wife’s daughter, brought up in your father’s family, since she is your sister. <sup>12</sup> You shall not uncover the nakedness of your father’s sister; she is your father’s relative. <sup>13</sup> You shall not uncover the nakedness of your mother’s sister, for she is your mother’s relative. <sup>14</sup> You shall not uncover the nakedness of your father’s brother, that is, you shall not approach his wife; she is your aunt. <sup>15</sup> You shall not uncover the nakedness of your daughter-in-law; she is your son’s wife, you shall not uncover her nakedness. <sup>16</sup> You shall not uncover the nakedness of your brother’s wife; it is your brother’s nakedness. <sup>17</sup> You shall not uncover the nakedness of a woman and of her daughter, and you shall not take her son’s daughter or her daughter’s daughter to uncover her nakedness; they are relatives; it is depravity. <sup>18</sup> And you shall not take a woman as a rival wife to her sister, uncovering her nakedness while her sister is still alive.

## 3. Deuteronomy 24:1-3 (ESV) Regulating the practice of divorce

“When a man takes a wife and marries her, if then she finds no favor in his eyes because he has found some indecency in her, and he writes her a certificate of divorce and puts it in her hand and sends her out of his house, and she departs out of his house, <sup>2</sup> and if she goes and becomes another man’s wife, <sup>3</sup> and the latter man hates her and writes her a certificate of divorce and puts it in her hand and sends her out of his house, or if the latter man dies, who took her to be his wife,

#### **4. Matthew 5:32 (ESV) Jesus' teaching on divorce including "porneia".**

<sup>32</sup> But I say to you that everyone who divorces his wife, except on the ground of sexual immorality (porneia), makes her commit adultery. And whoever marries a divorced woman commits adultery (moicheia).

#### **5. Matt. 19: 3-12 (ESV) Jesus' teaching on marriage and divorce including "porneia"**

<sup>3</sup> And Pharisees came up to him and tested him by asking, "Is it lawful to divorce one's wife for any cause?" <sup>4</sup> He answered, "Have you not read that he who created them from the beginning made them male and female, <sup>5</sup> and said, 'Therefore a man shall leave his father and his mother and hold fast to his wife, and they shall become one flesh'? <sup>6</sup> So they are no longer two but one flesh. What therefore God has joined together, let not man separate." <sup>7</sup> They said to him, "Why then did Moses command one to give a certificate of divorce and to send her away?" <sup>8</sup> He said to them, "Because of your hardness of heart Moses allowed you to divorce your wives, but from the beginning it was not so. <sup>9</sup> And I say to you: whoever divorces his wife, except for sexual immorality (porneia), and marries another, commits adultery (moicheia)."

<sup>10</sup> The disciples said to him, "If such is the case of a man with his wife, it is better not to marry." <sup>11</sup> But he said to them, "Not everyone can receive this saying, but only those to whom it is given. <sup>12</sup> For there are eunuchs who have been so from birth, and there are eunuchs who have been made eunuchs by men, and there are eunuchs who have made themselves eunuchs for the sake of the kingdom of heaven. Let the one who is able to receive this receive it."

#### **6. Mark 10: 2-12 (ESV) Jesus' teaching on marriage, divorce, and remarriage without mentioning "porneia"**

<sup>2</sup> And Pharisees came up and in order to test him asked, "Is it lawful for a man to divorce his wife?" <sup>3</sup> He answered them, "What did Moses command you?" <sup>4</sup> They said, "Moses allowed a man to write a certificate of divorce and to send her away." <sup>5</sup> And Jesus said to them, "Because of your hardness of heart he wrote you this commandment. <sup>6</sup> But from the beginning of creation, 'God made them male and female.' <sup>7</sup> 'Therefore a man shall leave his father and mother and hold fast to his wife, <sup>8</sup> and they shall become one

flesh.’ So they are no longer two but one flesh. <sup>9</sup> What therefore God has joined together, let not man separate.”

<sup>10</sup> And in the house the disciples asked him again about this matter. <sup>11</sup> And he said to them, “Whoever divorces his wife and marries another commits adultery against her, <sup>12</sup> and if she divorces her husband and marries another, she commits adultery.”

### **7. Luke 16:18 (ESV) Jesus’ teaching on divorce and remarriage without “porneia”**

<sup>18</sup> “Everyone who divorces his wife and marries another commits adultery, and he who marries a woman divorced from her husband commits adultery.

### **8. 1 Corinthians 6:16 (ESV) Sexual intimacy as creating a one-flesh union**

<sup>16</sup> Or do you not know that he who is joined to a prostitute becomes one body with her? For, as it is written, “The two will become one flesh.”

### **9. I Cor. 7: 12-16 (ESV) St. Paul on divorce, mixed marriage and divorce by the non-Christian**

<sup>12</sup> To the rest I say (I, not the Lord) that if any brother has a wife who is an unbeliever, and she consents to live with him, he should not divorce her. <sup>13</sup> If any woman has a husband who is an unbeliever, and he consents to live with her, she should not divorce him. <sup>14</sup> For the unbelieving husband is made holy because of his wife, and the unbelieving wife is made holy because of her husband. Otherwise your children would be unclean, but as it is, they are holy. <sup>15</sup> But if the unbelieving partner separates, let it be so. In such cases the brother or sister is not enslaved (not bound). God has called you to peace. <sup>16</sup> Wife, how do you know whether you will save your husband? Husband, how do you know whether you will save your wife?

### **10. Ephesians 5:21-33 (ESV)**

<sup>21</sup> submitting to one another out of reverence for Christ. <sup>22</sup> Wives, submit to your own husbands, as to the Lord. <sup>23</sup> For the husband is the head of the wife even as Christ is the head of the church, his body, and is himself its

Savior. <sup>24</sup> Now as the church submits to Christ, so also wives should submit in everything to their husbands.

<sup>25</sup> Husbands, love your wives, as Christ loved the church and gave himself up for her, <sup>26</sup> that he might sanctify her, having cleansed her by the washing of water with the word, <sup>27</sup> so that he might present the church to himself in splendor, without spot or wrinkle or any such thing, that she might be holy and without blemish. <sup>28</sup> In the same way husbands should love their wives as their own bodies. He who loves his wife loves himself. <sup>29</sup> For no one ever hated his own flesh, but nourishes and cherishes it, just as Christ does the church, <sup>30</sup> because we are members of his body. <sup>31</sup> “Therefore a man shall leave his father and mother and hold fast to his wife, and the two shall become one flesh.” <sup>32</sup> This mystery is profound, and I am saying that it refers to Christ and the church. <sup>33</sup> However, let each one of you love his wife as himself, and let the wife see that she respects her husband.”

**With regard to clergy the following texts are also important:  
(The underlining is mine)**

### **11. 1 Timothy 3:1-7 (ESV) Concerning Presbyters/Bishops**

The saying is trustworthy: If anyone aspires to the office of overseer, he desires a noble task. <sup>2</sup> Therefore an overseer must be above reproach, the husband of one wife, sober-minded, self-controlled, respectable, hospitable, able to teach, <sup>3</sup> not a drunkard, not violent but gentle, not quarrelsome, not a lover of money. <sup>4</sup> He must manage his own household well, with all dignity keeping his children submissive, <sup>5</sup> for if someone does not know how to manage his own household, how will he care for God’s church? <sup>6</sup> He must not be a recent convert, or he may become puffed up with conceit and fall into the condemnation of the devil. <sup>7</sup> Moreover, he must be well thought of by outsiders, so that he may not fall into disgrace, into a snare of the devil.

### **12. 1 Timothy 3:8-13 (ESV) Concerning Deacons**

<sup>8</sup> Deacons likewise must be dignified, not double-tongued, not addicted to much wine, not greedy for dishonest gain. <sup>9</sup> They must hold the mystery of the faith with a clear conscience. <sup>10</sup> And let them also be tested first; then let them serve as deacons if they prove themselves blameless. <sup>11</sup> Their wives likewise must be dignified, not slanderers, but sober-minded, faithful in all

things. <sup>12</sup> Let deacons each be the husband of one wife, managing their children and their own households well. <sup>13</sup> For those who serve well as deacons gain a good standing for themselves and also great confidence in the faith that is in Christ Jesus.

### **13. 1 Timothy 5:9-16 (ESV) Widows and remarriage**

<sup>9</sup> Let a widow be enrolled if she is not less than sixty years of age, having been the wife of one husband <sup>10</sup> and having a reputation for good works: if she has brought up children, has shown hospitality, has washed the feet of the saints, has cared for the afflicted, and has devoted herself to every good work. <sup>11</sup> But refuse to enroll younger widows, for when their passions draw them away from Christ, they desire to marry <sup>12</sup> and so incur condemnation for having abandoned their former faith. <sup>13</sup> Besides that, they learn to be idlers, going about from house to house, and not only idlers, but also gossips and busybodies, saying what they should not. <sup>14</sup> So I would have younger widows marry, bear children, manage their households, and give the adversary no occasion for slander. <sup>15</sup> For some have already strayed after Satan. <sup>16</sup> If any believing woman has relatives who are widows, let her care for them. Let the church not be burdened, so that it may care for those who are really widows.

### **14. Titus 1:5-9 (ESV) Concerning Presbyters/Bishops**

<sup>5</sup> This is why I left you in Crete, so that you might put what remained into order, and appoint elders in every town as I directed you—<sup>6</sup> if anyone is above reproach, the husband of one wife, and his children are believers and not open to the charge of debauchery or insubordination. <sup>7</sup> For an overseer, as God's steward, must be above reproach. He must not be arrogant or quick-tempered or a drunkard or violent or greedy for gain, <sup>8</sup> but hospitable, a lover of good, self-controlled, upright, holy, and disciplined. <sup>9</sup> He must hold firm to the trustworthy word as taught, so that he may be able to give instruction in sound doctrine and to rebuke those who contradict it.

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#### **4. Four Views of Divorce and Remarriage held by those in the Church seeking to be faithful to Scripture.**

There are, at least, four basic views of marriage and divorce held by orthodox Christians, viewed in the light of biblical teaching. They are: 1. No divorce is permissible, however there can be reasons for separation. 2. Divorce is permissible on certain grounds, but no remarriage is permissible as long as the former spouse is living. 3. Divorce is permissible on certain grounds and remarriage is permissible even if the former spouse is living. This assumes repentance, spiritual growth and readiness for marriage. 4. All divorce is forgivable and remarriage is always possible due to God's grace, assuming spiritual readiness for marriage.

What follows is largely taken from the four views presented in "Divorce and Remarriage : four Christian views" edited by H. Wayne House and contains only what seems to the writer to be the cogent points of each view. For a much fuller treatment of the points one can read the several treatments in the book. Additional material is suggested by the several authors. We will describe each of these views. Indicate the grounds upon which they are held and the weaknesses that those who take other views see in them.

##### **1. No divorce or remarriage is permissible, but there can be reasons for separation.**

Marriage is viewed in the light of Genesis 2:24. It is in agreement with the Anglican view described above. "Leaving" is in order to establish a new union and "cleaving" embraces all of the purposes listed in the Anglican view. Cleaving is seen as life-long and exclusive. "One flesh" refers to the marriage union of body and soul as sealed or consummated by sexual intimacy.

This view holds that Jesus teaches that remarriage to another after divorce is an act of adultery, if the spouse is still living. That presupposes that the marriage is still intact even when a divorce has taken place. Marriage is ended only by death.

**Matthew 5:32 and 19:9**

What then are we to make of the exception clause in Jesus teaching recorded in Matthew? Jesus refers to “porneia” which is usually taken to refer to adultery, though it can mean any form of proscribed sexual activity. The newer exegesis that is becoming more widely received is that there is evidence that “porneia” can also refer to marrying within the forbidden lines of relationship found in Leviticus 18. In that case, “porneia” is not an exception but rather is an illegitimate union and therefore a cause to declare a “marriage” to be no true marriage since it was done in violation of God’s Word; it was never a true marriage from the beginning. If we take that meaning of “porneia” there are no grounds for a divorce of a legitimate marriage. Separation might be appropriate in the case of brutality but never divorce and since the marriage remains, no remarriage is possible.

This position also holds that I Corinthians 7:15 does not teach a ground for divorce. It holds that in a marriage between two pagans, when one of the partners becomes a Christian and the other remains pagan and seeks a divorce, that the Christian is not bound to seek to remain physically united despite the abandonment of the other. Paul obviously believes that this abandonment is undesirable but the Christian cannot stop the partner from leaving. There is no mention of the possibility of remarriage by Paul, since from the Christian’s point of view this separation is not the end of the marriage.

This position solves three difficulties. First it explains why Matthew mentions “porneia” and Mark and Luke do not. Matthew is addressing Jews who would be aware of the Levitical prohibitions, whereas Mark and Luke were speaking to largely gentile congregations where that would not be an issue. Second, it accounts for the statement of shock on the part of the disciples who declared that it would be better for a man not to marry, if there were no grounds for divorce at all. Third, this view affirms that Matthew, Mark and Luke all teach the same thing so that we are not interpreting one part of Scripture in conflict with another.

### **What objections may be brought against this view?**

First, not all accept that “porneia” refers to marrying within prohibited lines of relationship. It is a novel interpretation in the history of the Church.

Second, not all believe that Jesus and St. Paul intend to exclude all grounds for divorce, quite the opposite. (The author of this view later

changed his mind and agrees that “porneia” is grounds for divorce. However it remains a position one may take, as does Rome.)

Third, what has happened to forgiveness and grace? They seem to have disappeared and been replaced by legalism. To state an ideal is not the same as legislating. Do we not need to deal with “hardheartedness” or sin in a fallen world and in the lives of imperfectly sanctified Christians? Surely, we are called to do so in the grace of God.

## **2. Divorce is permissible on certain grounds, but no marriage is permissible as long as the former spouse is living.**

This position holds that marriage is ontologically indissoluble. When a man and a woman consciously intend to commit to marry one another and when they seal or consummate that marriage by sexual intimacy something unique happens; a union is formed that abides until the death of one of the partners. They become “one”.

### **What are the grounds for this assertion?**

First, there are the strong statements in Genesis 2: 24 that the man will cling to his wife and that they become one flesh.

Second, we have the fact that Jesus teaches that even after divorce should either remarry they commit adultery. This is reported by Matthew, Mark, Luke and Paul. It is not in doubt. That assumes that they are still married.

Third, while Jesus acknowledges that since the fall there is hard heartedness and therefore offers grounds for divorce (“porneia”), He never allows for remarriage. The same is true for Paul. While Paul acknowledges that the non-Christian in what has become a mixed marriage, will at times choose to divorce and leave (desertion), he offers no explicit permission for remarriage. The alternatives taught by Jesus and Paul are reconciliation or the separated, single life as long as the spouse is alive.

Fourth, such a strict view would be sufficiently shocking to account for the response of the disciples that it would be better never to marry.

Fifth, it is evident that the disciples and the Church so understood the Lord and the Apostles. For 500 years in the East there was no remarriage. And, even more dramatic is the fact that it was not until Erasmus in the 16<sup>th</sup> Century that marriage was thought to be dissolvable in the West. Surely if Jesus had given permission to remarry, we would have seen its practice from Apostolic times on. Therefore, the burden of exegetical proof lies on those

who deny the indissolubility of marriage, for Jesus' teaching is clear, to remarry while your spouse is alive is adultery.

### **What objections may be brought against this position?**

First, it seems that those who hold this position assume their position and bring it to the biblical data, they assume more "ontology" than "cleave" and "one flesh" can exegetically bear. Nowhere else in Scripture do these words refer to an unbreakable union. Relevant is Paul's statement about having sex with a prostitute and becoming one flesh with her in 1 Corinthians 6:16. That does not seem to imply that an unbreakable union is thereby constituted. (However to be fair concerning 1 Corinthians 6:16, this second view never said that sex abstracted from the intention to marry constituted marriage as an abiding union. Sexual intimacy seals and consummates the marriage commitment; it does not of itself constitute marriage).

Second, the fact that neither Jesus nor Paul ever mentions remarriage is an argument from silence. Their silence could simply mean that both thought that since divorce was permissible on specific grounds, it was obvious that remarriage would be permissible as well. (However the practice of the Church East and West not to allow remarriage for so long a time, makes it hard to hold that permission for remarriage was obvious. To be sure, exegesis triumphs tradition but tradition should not be ignored, particularly on matters where views vary among those seeking to be faithful to Scripture.)

Third, St. Paul's comment in 1 Corinthians 7:15 that the deserted Christian was not "bound" or "enslaved" is more naturally interpreted to mean that he or she was free to marry.

Fourth and lastly, there is the matter of forgiveness and grace in a fallen world. If the first view is legalistic, this ontological view seems to condemn to a life of loneliness those individuals who due to human hard-heartedness have separated or divorced and who do not have a gift of singleness. How is that related to the forgiveness, which is in Christ Jesus?

Given these objections, we are still left with Jesus' teaching that for a divorced person to remarry while the spouse is alive, except in very specific exceptions, is to commit adultery. How do we affirm His teaching if we hold that remarriage is possible? That leads us to the third view.

**3. Divorce is permissible on certain grounds and remarriage is permissible even if the former spouse is living, if the divorce was on biblical grounds.**

This position assumes the same general view of marriage as Anglicans hold and as the first two positions hold, with the exception that it does not agree that marriage is indissoluble as positions 1 and 2 seem to do. This view affirms that both divorce and remarriage are possible on biblical grounds, which are adultery and abandonment. (I assume that intentional emotional/verbal cruelty and physical abuse can be included under abandonment).

**What are the grounds for this position?**

First. Deuteronomy 24: 1-3 has divorce and remarriage in view as permitted by Moses.

Second. Nowhere in the New Testament where divorce is allowed is remarriage explicitly denied. The argument from silence cuts both ways.

Third. Matthew 5:32 and 19:9 both include an exception clause as does Paul in I Corinthians 7:15.

Fourth. Matthew 19:9 is most naturally understood as affirming that when a man divorces his wife on the grounds of sexual sin he does not commit adultery when he remarries. It can hardly be understood that he commits adultery by the act of divorce in itself. Thus the exception applies to the same man in both parts of the sentence. Other interpretations of the verse seem rather forced and appear to be held on presuppositional grounds and not exegetical grounds.

Fifth. Verse s10-13 state that only some have the gift of singleness. Implied is the thought that it is better to work out your differences in marriage than to divorce on grounds that will not permit remarriage.

Sixth. While it is true that Christians who are united to Jesus are indwelt by the Holy Spirit Who helps us live holy lives, it is also true that our sanctification is imperfect in this life and it is right that Jesus and Paul speak to situations where hardness of heart still needs to be addressed.

Seventh. In I Corinthians 7: 15 the phrase “is not bound” is most naturally interpreted as free to remarry. To interpret it as “not bound to physically stay with the non-Christian partner” is unconvincing for that is not an option if the non-Christian leaves. This Pauline provision is particularly relevant in a culture that allows “no fault divorce”.

Eighth. It is true that the Fathers of the Church did not see the possibility of remarriage for a long time, but they erred with regard to grace in many cases. We must be willing to correct the Fathers on exegetical grounds.

**What are the objections to this position that is most widely held in conservative circles?** ( It is authoritatively stated in the Westminster Confession)

First. It offers no explanation for why Mark and Luke do not include the exception clause.

Second. Some believe that the exception clause found in Matthew 5 and 19 applies only to divorce and not remarriage.

Third. The first view outlined above believes the exception applies to incestuous marriage only.

Fourth. There is a difficulty in assuming that if one divorces and remarries on grounds other than the stated exceptions, one commits adultery, but does not commit adultery in the case of the exceptions. Are we intending to teach that only abandonment and sexual infidelity break a marriage union? Further, can we legitimately include cruelty and abuse in abandonment?

Fifth. We are still in the realm of rules and laws and ecclesiastical legislation. Can it be that stating an ideal is different from legislating? This points us to the 4<sup>th</sup> view.

#### **4. All divorce is forgivable and remarriage is always possible due to God's grace.**

This position is radically different from the first three positions, all of which are more or less in the traditional mode. If this view is right, then the other three are wrong and have done great harm. Therefore, I believe it important to mention the name of the exegete who holds this view, since it is he who has first brought it forth. He is the well known and widely published professor and author Lawrence O. Richards. He has written an entire book on this position. "Remarriage: A Healing Gift from God" Word 1981.

The thesis of this position is that Jesus stated the ideal of marriage as that which is only be fulfilled by love. It is not a matter of correct legal behavior alone. God's intention clearly surpasses the law that allows for divorce. Some see Jesus' teaching to be setting a new rule, but that would be a misreading of Scripture.

## **What are the grounds for this position?**

First, The law is an accommodation to sinfulness or hard-heartedness and is therefore less that God's intention for marriage.

Second, since marriage is not about the law, the married couple alone, standing before God, are the ones who can and must make the judgment whether their marriage has fallen victim to a degree of hard-heartedness in one or both of them that calls for a divorce. (This, of course, does not prohibit them from taking advice and counsel from others.) The same would be true subsequently when remarriage is considered. It is a profoundly personal affair.

Third, in declaring God's intention for marriage Jesus declared that the legal considerations of the Pharisees about divorce and remarriage simply ignored the grace and the life in the Kingdom that comes in and through Jesus. (And the same would apply to us as Christian institutional leaders, should we seek to be righteous or correct by establishing general rules about divorce and remarriage. In so doing we meddle where we have no authority; we bind burdens on the brethren that they should not have to bear, and we misinterpret the Word of God.)

This position is so novel and consequential, that we must explore whether this position can be exegetically justified and develop the exegesis a bit more fully than we did the other three positions.

The answer, according to Richardson, lies in being careful regarding the context of the key texts, especially those in Matthew. (According to Richardson, faithful exegesis means: 1. we have to take the context of each text in consideration, 2. as well as seeing the connection of all of the pertinent texts and 3. finally noting the agreement of all of them to the central theme of Scripture, which is the salvation given us by the grace of God in Christ Jesus.)

So let us consider Richardson's interpretation of the texts in Mathew and I Corinthians that are central to this thesis as well as to any view of divorce and remarriage.

### **1. Mathew 5:31-32**

The context of Matthew 5:31-32 is Mathew 5:17-48. It is concerned with the righteousness that counts in the Kingdom of God, a righteousness

that surpasses that of the Scribes and Pharisees. Jesus “fulfills the Law”, that is, he brings out the true and full meaning of the will of God to which the Commandments direct us in this section. He does this by contrast. The contrast is between legalistic correct behavior and action springing from a heart-felt intention or motive that goes far beyond the law. This contrast is explored by Jesus regarding murder, adultery, oaths, retaliation, and love of neighbor. Love in the Kingdom goes beyond the law in every case.

In Mathew 5:31-32 Jesus makes the point that divorce is not what God ordains but lifelong marriage lived out from the heart in love. Divorce is always a failure or sin. Disputes about the law are inadequate to deal with God’s will or purpose regarding marriage. Those in the Kingdom do not divorce, or do not divorce easily.

What then are we to make of the “exception clause” concerning “porneia”? We cannot interpret “porneia” as adultery, since the penalty for adultery in Jesus day was stoning not divorce. Perhaps it is best understood as any form of illicit sex and was stated by Jesus to underline the principle that divorce should be considered by the couple only under the most dire conditions of betrayal of trust. The entire saying was not addressed to a court in any case but to Jesus hearers, for personal application.

## **2. Matthew 19: 3-12**

Here we have the same basic saying, but the context is different. The context is the section running from Matthew 18: 1 to the end of Mathew 20. The concern of this section is greatness in the Kingdom of God. In Chapter 18 Jesus sets forth three marks of that greatness: 1. the humility and trust of a child. 2, taking care to encourage one another in righteousness and not to lead one another into sin, and in seeking the brethren when they have gone astray and restoring them to the flock. 3, having a spirit of forgiveness, keeping in mind our own great forgiveness by God in Christ. Then in Chapters 19 and 20 Jesus describes 3 false ways to seek greatness in the Kingdom; 1. Greatness achieved by legal correctness. The questioning of Jesus by the Pharisees about the legality of divorce is the example of this approach. 2. Greatness won by doing good works. The rich young ruler illustrates that false approach. And 3. Superior greatness earned by working harder than others. The workers in the vineyard illustrate that. These ways all fail to produce greatness in the Kingdom, though they can produce a legal righteousness.

Matthew 19: 3-12 is located in the first false way, that of the Pharisees’ seeking greatness in the eyes of God, by legal correctness

regarding divorce. That is the setting for Jesus' dialogue with the Pharisees. Jesus, in His reply to the Pharisees' legal question, does not answer their question directly, but instead He declares that God's intention for marriage is not a matter of law and does not include divorce but rather is a matter of a life-long relationship. The Pharisees, sensing that the law itself was being ruled out of court by Jesus, asked Jesus, then why did Moses command a bill of divorce? Jesus responded that it was due to fallen sinfulness, or hard-heartedness. The implication is that that all divorce is sinful, falling short of God's will for marriage. In Jesus' ministry the Kingdom is breaking in and God's intention for marriage is being reaffirmed and renewed for all who enter the Kingdom through Him. Greatness in the Kingdom is not found by the painstaking knowledge and practice of rabbinic interpretations of the law. The Pharisees are asking the wrong question if they are concerned with greatness in the eyes of God. They should be asking what God intends for marriage and how difficult marriages can be healed and restored. The law deals only with a lesser form of righteousness, not with greatness in the Kingdom.

We note that "What God has joined together let no man put asunder", is not spoken to a married couple, since no couple stood before Jesus; it is addressed to the Pharisees who were standing before Him, with their desire to address the matter of divorce by a right interpretation of the law. In essence, Jesus was saying to them whether or not to divorce is not for you to litigate. Divorce and remarriage are not a matter for legal debate but for personal soul-searching "coram Deo" on the part of those wrestling with God's intention and their difficulties in marriage.

If that is Jesus word on the matter, what sense are we to make of Jesus' statement about "porneia" in 19:9 and for man not to separate what God has joined together? One difficulty is that "Porneia" is a broad term. It refers to all forms of illicit sexual behavior and even to incestuous marriage. It is hard to limit it to adultery for a, there is a specific word for adultery "moicheia" which is used in this saying. And b, the penalty for adultery was stoning, not divorce. Perhaps we should take "Porneia" as an example that stands for any serious violation of mutual love and commitment in the marriage covenant. It emphasizes that only in the most intractable situations should divorce be contemplated by the couple. In that light, the statement about "porneia" is addressed to all of us as a warning of the consequences of extreme hard-heartedness in marriage. It is not addressed to courts and scribes as the basis of a new rule. Jesus clearly is not making a new rule in Matthew 19:9. If that were the case Jesus would have violated his main point, fallen back into legalism, and merely agreed with the school of

Shammai and against the school of Hillel. Hardly a reason for the disciples to be so surprised.

**Conclusion**, in Matthew Jesus removes the matter of divorce and remarriage from the jurisdiction of law and rules and places it in the couples hands and hearts before God in the full light of God's intention and their promise before Him to love and cherish one another. For Jesus' disciples, living in the Kingdom of God, divorce should surely be very rare indeed.

### **St. Paul in I Corinthians 7: 1-16 ( especially verse 15)**

In I Corinthians 7: 1-9 St. Paul states that given the times, the work of ministry and the near return of the Lord if one is unmarried it is better to remain that way. On the other hand, if one has strong sexual drives it is better to marry than to sin.

In 7: 10-11, Paul quotes the Lord and affirms that Christians ought not divorce and if separated they are to either reconcile or remain single. Paul expresses this in absolute terms, however that he understands these as ideal or principles for guidance is clear from the fact that in the next section he affirms a case of divorce and remarriage

In 7:12-16 Paul addresses mixed marriages. Here he has no word of the Lord to quote, but he does speak as an Apostle of the risen Lord. The Christian is not to initiate divorce. In a mixed marriage the non-Christian partner and the children are sanctified by the union with the believer. However, if the non-Christian partner is determined to leave a Christian spouse, then the Christian is no longer "bound" to that pagan partner. This is most naturally interpreted to mean that remarriage is possible even though the pagan partner is still alive, living somewhere near or far.

We may therefore conclude that this position of St. Paul agrees entirely with the above interpretation of Jesus' teaching.

**Therefore, taking Jesus and Paul together and relating all to the central theme of Scripture, what then are the elements, grounds and consequences of this view?**

First. If we take the context of Jesus teaching seriously, we find that Jesus teaches that divorce is not God's intention for marriage. All divorce is sinful in the sense that it falls short of God's intention and is costly to all who are involved, including the children.

Second. We also find Jesus grants permission for divorce and remarriage, given the fall and imperfect sanctification of Christians. God

allows this out of His compassion through Moses. In Christ God's graciousness is more fully expressed not less. St. Paul teaches that abandonment is also a very significant reason to allow remarriage.

Third. The couple, before God, is to make the decision about divorce and subsequently about remarriage with the greatest seriousness. Divorce is to be entertained as a last measure, only in situations involving the deepest violations of the marriage vows. The couple is surely allowed to receive help and advice from the Church and other resources. Divorce and remarriage are not matters that a law of general rules can adequately address. It is certainly not a union for "man to separate" by some ecclesiastical court.

Fourth. "Porneia" and abandonment are not exception clauses so much as illustrations of extreme hard-heartedness in marriage, a hard-heartedness that can so poison the relationship of man and wife as to require a divorce.

Fifth. We need to make clear and teach God's view of marriage as the life-long exclusive union of a man and woman with all of its mutual care and vocation in society and in the Church.

Sixth. We are called to prepare people for marriage and to extend support to those who are having difficulty in marriage.

Seventh. We need to state clearly that any divorce is sinful and a failure to fulfill the intention of God for marriage and that as long as the former spouse is living the act of remarriage is adulterous. We also need to admit that there are extreme situations in which separation or divorce is called for and that upon repentance remarriage is an option, even when the former spouse is living. God is gracious both in the old Covenant and in the New.

Eighth. Upon repentance, we are to extend forgiveness to those who have failed in marriage. They should not be made "second class" citizens as is often the case in conservative circles and was culturally the case in the USA 50 years ago. We are all called to remember the grace we have received at the hands of God through our Lord Jesus Christ.

Ninth. The applications of this view to Church Discipline, would be a general statement that every case must be considered on its own merits by the local pastor and the couple as to their readiness for marriage or remarriage, and that there would be no rule as to how often remarriage might take place in the Church.

## **Objections to this position**

First, Can we really treat the exception clause in Matthew 5: 31-32 and 19:9 as simply an example of extreme hard-heartedness? Jesus appears to be stating a binding rule not to remarry except on this specific ground. And, in the same vein, what about St. Paul's absolute terms in I Corinthians 7: 10-11 concerning Christians. Context is important but it cannot override the clear meaning of the statement itself.

Second, Does this view do justice to a biblical authority and place of the law? Does it not actually confuse law and legalism? While it is true that love goes beyond law or legal conformity love does not cancel the law or act contrary to it. Is this view not a form of antinomianism?

Third, We grant that decisions about marriage, divorce and remarriage are profoundly personal and cannot be determined simply by institutional rules. However, marriage, divorce and remarriage are not only personal matters of the married couple and God; they also involve society and the Church. The Church and secular society, while giving a good bit of discretion to the individuals involved, rightly form some binding rules that need to be obeyed concerning legitimate marriage and divorce. Moses sought to protect the "innocent party" in his bill of divorce and so the State must see to financial fairness, the provision for the children and a variety of other matters with regard to divorce. The Church has her concerns about marriage in general and marriage in Christ as well. Since what one does teach, the Church has an obligation in her discipline to uphold and teach the nature and importance of marriage as well as the mercy and renewal of grace in Christ Jesus.

Fourth, while tradition is not inviolate, it is important. We are not the first in the Church to form a marriage discipline and to consider the meaning and implications of the biblical texts. The freedom to solemnize marriages in the Church with no stated limit is a novel practice in the Church and the burden of proof rests upon it.

## **5. Some personal exegetical comments pertinent to Church discipline**

### **Wider Old Testament Background**

Before we turn to the specific texts on which I wish to comment, we want to take note of the wider biblical, covenantal theme of God's relation to His people so often expressed by using marriage as an analogy. The

marriage analogy found in this theme casts a strong light on the nature and importance of marriage in the Scriptures and hence on the specific texts that speak to marriage, divorce and remarriage. In the Old Testament the marriage analogy is used to describe the relation of God (JHWH) to Israel. This is paralleled in the New Testament by Jesus relation with the Church being described in terms of the marriage union. (See Ephesians 5:22-33 below) Three things are emphasized by this marriage comparison. First, we see that the relationship is exclusive. It is only Israel that God has so chosen, and it is only the Church that so united with Christ. The implication is that marriage is exclusive as well. Second, the relationship is covenantal. God covenants with His people as do the marriage partners covenant in marriage as they take their vows. Third, the depth of the love that God has for His own is revealed. We see this in Hosea's refusal to divorce his wayward wife; she is a symbol of the adulterous idolatry of Israel. All through the Old Testament the prophets speak of God rescuing and restoring His people in the end. The same love is reflected in the New Testament's comparison of a husband's love for his wife to Christ's sacrificial love for the Church, a sacrificial love that goes to the cross for the beloved. This surely says something of the place of respect and care that is to characterize marriage among God's people. Nor is romantic love ("eros") denied in marriage in Scripture. The Song of Songs makes that crystal clear. The Scriptures end with the bride yearning for the coming of the bridegroom, at the consummation of all things. The Spirit and the Bride say, "Come!" Revelation 22:17 (ESV)

No doubt much more could be said of Old Testament material pertinent to Marriage, but being mindful of this wider covenant background will put in context these brief exegetical comments. They are intended to point us toward the formation of principles that will assist in the adoption of a specific Marriage Discipline.

### **1. Genesis 1:18, 2:21-24 (ESV) The "basic texts", the Nature of Marriage**

#### **Genesis 1:27 (ESV)**

<sup>27</sup> *"So God created man in his own image, in the image of God he created him; male and female he created them.*

#### **Genesis 2:21-25 (ESV)**

<sup>21</sup> So the LORD God caused a deep sleep to fall upon the man, and while he slept took one of his ribs and closed up its place with flesh. <sup>22</sup> And the rib that the LORD God had taken from the man he made into a woman and brought her to the man. <sup>23</sup> Then the man said, “This at last is bone of my bones and flesh of my flesh; she shall be called Woman, because she was taken out of Man.”

<sup>24</sup> Therefore a man shall leave his father and his mother and hold fast to his wife, and they shall become one flesh. <sup>25</sup> And the man and his wife were both naked and were not ashamed.

These texts define the nature of marriage for the whole of Scripture. They set forth a view of marriage as ordained by God from creation onwards. Here is a uniquely high view of marriage found nowhere else among the nations.

## **2. Deuteronomy 24:1-3 (ESV) Regulating the practice of divorce**

*“When a man takes a wife and marries her, if then she finds no favor in his eyes because he has found some indecency in her, and he writes her a certificate of divorce and puts it in her hand and sends her out of his house, and she departs out of his house, ...”*

The controversy between the rabbis in Jesus’ day was quite specific. It concerned the phrase “some indecency in her” (*erwat dabar*). On the one hand, the Hillel School interpreted it to mean anything that displeased the husband. It came to be known as the “any cause” divorce. The Rabbis of the Hillel School held that that “some indecency in her or “a cause of indecency in her” should be interpreted as asserting two grounds, 1, “a cause” meaning “any cause” and 2. “indecency” meaning “sexual immorality”. Hence the Pharisees question to Jesus in Matthew 19: 3 was quite precise, “Is it lawful to divorce one’s wife for any cause, including sexual indecency?” Is the Hillel interpretation acceptable? That is the question posed.

On the other hand, the Shammai School, when considering sexual grounds for divorce restricted the phrase “some indecency in her” to adultery whether it took place before the engagement, during the engagement, or after it.

However, it is extremely doubtful that the Shammai school meant to exclude the traditional Old Testament grounds for divorce: infertility or childlessness after 10 years, and under some conditions a woman could

divorce her husband, such as a failure by the husband to provide for the physical needs of food and clothing and give her respect in the home. For example, in Exodus 21: 10-11 The rights of the woman in marriage are stated and in the case of neglect by the husband wife is allowed to divorce the husband. “If he takes another wife to himself, he shall not diminish her food, her clothing, or her marital rights. And if he does not do these three things for her, she shall go out for nothing, without payment of money.” Neither the Shammai School nor Jesus ever explicitly rejects these Old Testament grounds.

By Jesus’ day the Hillel school predominated and the frequency of divorce was scandalous. It brought about a condition much like the present situation in North America today.

It is also important to recall that a man could divorce his wife whenever he chose. No court was involved and there was no appeal available to the wife.

Also pertinent is the fact that stoning was no longer practiced as the punishment for adultery in Jesus’ day. However, in the case of adultery by the wife the husband did not have to return the dowry when he divorced his wife. In addition, public divorce on such grounds brought shame upon the wife. However, divorce could also be done privately to avoid such shame being placed on the betrothed or wife, as we read in the case of Joseph and Mary.

What can we concluded from this? Just this: that “except porneia” was not as narrow as it sounds for it does not mean to excluded the Old Testament grounds for divorce just mentioned. It seems far more likely that Jesus and the Shammai School reject the sheer, wide-open arbitrariness of Hillel School and limit the kind of sexual sin that can serve as a ground for divorce. This is a very important point, for it helps us from making Jesus response narrower and more legalistic than it would have been heard to be at that time while at the same time saying “no!” to the “any grounds” approach of the Hillel view.

### **3. Malachi 2:13-16 (RSV) God hates divorce (The underline is mine.)**

<sup>13</sup> *And this again you do. You cover the LORD’s altar with tears, with weeping and groaning because he no longer regards the offering or accepts it with favor at your hand.* <sup>14</sup> *You ask, “Why does he not?” Because the LORD was witness to the covenant between you and the wife of your youth, to whom you have been faithless, though she is your companion and your wife*

by covenant. <sup>15</sup> *Has not the one God made and sustained for us the spirit of life? And what does he desire? Godly offspring. So take heed to yourselves, and let none be faithless to the wife of his youth.* <sup>16</sup> *“For I hate divorce, says the LORD the God of Israel, and covering one’s garment with violence, says the LORD of hosts. So take heed to yourselves and do not be faithless.”*

I used the RSV in this quote because it is so often quoted in materials concerning divorce. Given this translation, we need to ask about what sort of divorce is God speaking. He is speaking against men divorcing the wives of their youth who have proven faithful and fruitful partners, but who have grown old or older, in order to marry younger women. (Sounds rather contemporary doesn’t it!) This is contrary to the purpose and union of marriage and greatly demeans their wives. God hates such divorces.

However, in other places in Scripture God does call for divorce, such as when the Israelites married foreign women who served other gods (idols), against God’s express command. The result of such marriages was to lead Israel into idolatry and apostasy. These marriages produced ungodly offspring. In Ezra 9 and 10 God commands the Israelites who have intermarried to put away or to divorce their pagan wives. St. Paul in I Corinthians 7 takes a different line in Christ. (See below).

#### **4. Matthew 5:32 (ESV) and Matt. 19: 3-12 (ESV) Jesus’ teaching on divorce including “porneia”.**

##### **Matthew 5:32 (ESV)**

<sup>32</sup> *But I say to you that everyone who divorces his wife, except on the ground of sexual immorality, makes her commit adultery. And whoever marries a divorced woman commits adultery.*

##### **Matt. 19: 3-12 (ESV)**

<sup>3</sup> *“And Pharisees came up to him and tested him by asking, “Is it lawful to divorce one’s wife for any cause?”* <sup>4</sup> *He answered, “Have you not read that he who created them from the beginning made them male and female,* <sup>5</sup> *and said, ‘Therefore a man shall leave his father and his mother and hold fast to his wife, and they shall become one flesh’?* <sup>6</sup> *So they are no longer two but one flesh. What therefore God has joined together, let not man separate.”* <sup>7</sup> *They said to him, “Why then did Moses command one to give a certificate of divorce and to send her away?”* <sup>8</sup> *He said to them, “Because of*

*your hardness of heart Moses allowed you to divorce your wives, but from the beginning it was not so.<sup>9</sup> And I say to you: whoever divorces his wife, except for sexual immorality (porneia), and marries another, commits adultery (moicheia)."*

*<sup>10</sup> The disciples said to him, "If such is the case of a man with his wife, it is better not to marry."<sup>11</sup> But he said to them, "Not everyone can receive this saying, but only those to whom it is given.<sup>12</sup> For there are eunuchs who have been so from birth, and there are eunuchs who have been made eunuchs by men, and there are eunuchs who have made themselves eunuchs for the sake of the kingdom of heaven. Let the one who is able to receive this receive it."*

It seems likely that the Pharisees had heard of Jesus' teaching on marriage that sounded as though He was allowing no divorce (See Mark 10 and Luke 16), and hoped to catch Jesus contradicting to the Torah (Moses).

Jesus does articulate an absolute statement that marriage is between a man and a woman for life. Man should not separate what God has joined together. To do so is disobedient, and since in Scripture divorce always implies the possibility of remarriage, it leads to adultery against the former wife when a man remarries. This implies that divorce in and of itself does not cancel the union God makes in marriage, of which sexual intimacy between man and wife is a sign and consummation. (I Corinthians 6:15)

It would be easy to miss the fact that Jesus sees the adultery done by the husband against the divorced wife, as Richard Hays points out. This recognition of the dignity of the wife expresses Jesus' elevation of the status of women, for Jewish tradition held that adultery was committed against the husband of the woman with whom the adultery took place. It was man against man. Jesus teaches here that it is against the divorced wife, who is still united to the husband in a God-given union.

When charged with contradicting Moses, Jesus makes two hermeneutical moves. First Jesus corrected their exegesis He points out that Moses did not command divorce, but rather in protection of the wife he required a bill of divorce be given to her thereby allowing her to marry again and to reclaim her dowry. Further, he pointed out that Moses was only regulating a practice going on which God had allowed due to the hardness of the fallen human heart. Divorce was a concession not a recommendation.

Second Jesus appeals to God's action in ordaining marriage and acting it to create a union between the married partners. In so doing Jesus redirects the conversation from the grounds for divorce to the solemn importance and

permanence of marriage. All divorce is contrary to the will and action of God.

As subsidiary to the nature and importance of marriage, Jesus does address the hardheartedness of fallen humanity and somewhat agrees with the school of Shammai in asserting that sexual immorality (“porneia”) (along with the Old Testament grounds for divorce which He does not explicitly cancel) does provide grounds for a divorce assuming that the guilty wife is unrepentant. If she is repentant, it would be assumed by the early Church that the place of forgiveness and restoration in Israel’s story (Hosea) and in the Christian life (70 times 7) would come into play.

Why is “porneia” singled out? It is singled out because sexual intimacy is the God-given means of sealing and consummating a union. To engage in it outside of marriage is to form a union (temporary?) in contradiction to the union formed in marriage.

We note also that Jesus is not making a legalistic rule in stating this ground for divorce. He does not explicitly reject the Old Testament grounds for divorce as discussed above, nor does he require that all marriages formed by acts of adultery be cancelled, any more that all cases of anger be treated as murder in the courts. He is exploring the exclusive, intimate and abiding nature and solemnity of marriage, the depth of the fall, and the call of discipleship with regard to forgiveness and sacrificial love. His conclusion is that divorce is always sinful and that especially among His disciples divorce should be very rare indeed.

Also important is Jesus teaching that some can be eunuchs for the Kingdom of God’s sake. They can embrace a calling that requires singleness. In so doing Jesus exempts some men and women from the obligation to “be fruitful and multiply and fill the earth”. Not every disciple is called to marriage. This was contrary to the general expectation concerning men and women in Israel in Jesus’ day.

### **5. Mark 10: 2-12 (ESV) Jesus’ teaching on marriage, divorce, and remarriage without mentioning “porneia”**

<sup>2</sup>“And Pharisees came up and in order to test him asked, “Is it lawful for a man to divorce his wife?” <sup>3</sup> He answered them, “What did Moses command you?” <sup>4</sup> They said, “Moses allowed a man to write a certificate of divorce and to send her away.” <sup>5</sup> And Jesus said to them, “Because of your hardness of heart he wrote you this commandment. <sup>6</sup> But from the beginning of creation, ‘God made them male and female.’ <sup>7</sup> ‘Therefore a man shall leave his father and mother and hold fast to his wife, <sup>8</sup> and they shall become

*one flesh.’ So they are no longer two but one flesh. <sup>9</sup> What therefore God has joined together, let not man separate.”*

*<sup>10</sup> And in the house the disciples asked him again about this matter. <sup>11</sup> And he said to them, “Whoever divorces his wife and marries another commits adultery against her, <sup>12</sup> and if she divorces her husband and marries another, she commits adultery.”*

We note that since Mark is writing for Gentiles who allow wives to divorce husbands Jesus teaching is applied to that practice by Mark. It may well be that Peter heard Jesus make this application when speaking to Gentiles and told Mark.

### **6. I Cor. 7: 10-16 (ESV) St. Paul on mixed marriage and divorce by the non-Christian**

*<sup>10</sup> “To the married I give charge, not I but the Lord, that the wife should not separate from her husband <sup>11</sup>(but if she does, let her remain single or else be reconciled to her husband)—and that her husband should not divorce his wife.*

*<sup>12</sup> To the rest I say (I, not the Lord) that if any brother has a wife who is an unbeliever, and she consents to live with him, he should not divorce her. <sup>13</sup> If any woman has a husband who is an unbeliever, and he consents to live with her, she should not divorce him. <sup>14</sup> For the unbelieving husband is made holy because of his wife, and the unbelieving wife is made holy because of her husband. Otherwise your children would be unclean, but as it is, they are holy. <sup>15</sup> But if the unbelieving partner separates, let it be so. In such cases the brother or sister is not enslaved (not bound). God has called you to peace. <sup>16</sup> Wife, how do you know whether you will save your husband? Husband, how do you know whether you will save your wife.*

After Paul states the Lord’s admonition in absolute form, not to divorce (or if one does separate, not to remarry) in verses 10 and 11, the Apostle of the risen Lord gives his application of the Lord’s mind to the case of a mixed marriage in which the non-Christian decides to separate or divorce the Christian spouse. He states that in such a case the deserted Christian is not bound and is free to remarry. It may be that in this conviction the Apostle Paul is applying Exodus 21: 10-11, mentioned above, seeing abandonment as a form of the husbands neglect of his responsibilities to his wife. Also, interpretations of “not bound” that do not afford the

freedom to remarry seem either to state the obvious fact that the non-Christian is actually gone, or to strained and unconvincing.

It seems that both unrepentant sexual immorality (Jesus) and desertion (Paul) break the marriage union, thereby freeing the Christian to remarry even while the former spouse is alive.

If we allow desertion to include cruelty and physical abuse as both violating the marriage vow and as giving cause to separate the couple, we have the traditional grounds for divorce in those Churches reformed by the Word of God in the 16<sup>th</sup> Century.

### **7. Ephesians 5:21-33 (ESV)**

<sup>21</sup> *submitting to one another out of reverence for Christ.* <sup>22</sup> *Wives, submit to your own husbands, as to the Lord.* <sup>23</sup> *For the husband is the head of the wife even as Christ is the head of the church, his body, and is himself its Savior.* <sup>24</sup> *Now as the church submits to Christ, so also wives should submit in everything to their husbands.*

<sup>25</sup> *Husbands, love your wives, as Christ loved the church and gave himself up for her,* <sup>26</sup> *that he might sanctify her, having cleansed her by the washing of water with the word,* <sup>27</sup> *so that he might present the church to himself in splendor, without spot or wrinkle or any such thing, that she might be holy and without blemish.* <sup>28</sup> *In the same way husbands should love their wives as their own bodies. He who loves his wife loves himself.* <sup>29</sup> *For no one ever hated his own flesh, but nourishes and cherishes it, just as Christ does the church,* <sup>30</sup> *because we are members of his body.* <sup>31</sup> *“Therefore a man shall leave his father and mother and hold fast to his wife, and the two shall become one flesh.”* <sup>32</sup> *This mystery is profound, and I am saying that it refers to Christ and the church.* <sup>33</sup> *However, let each one of you love his wife as himself, and let the wife see that she respects her husband.”*

After calling all in the Church to submission to one another, as is appropriate in Christ, the Head of the Church, the Apostle spells out how that submission is to be lived out in three fundamental relationships of headship and submission. He discusses husbands and wives in marriage, parents and children in the family, masters and servants in the household and in society. (Ephesians 5:21 to 6:9). We are concerned, in this paper, for what the Apostle says about marriage.

The relationship of wives to husbands and husbands to wives in marriage is analogous to and mirrors the relation of Christ to the Church and

of the Church to Christ. The relation of Christ and the Church sets the norm for submission and headship in marriage, as it does for the other relationships.

Four points concerning marriage stand out. First, this passage provides a commentary of the meaning of Genesis 2:24, which the Apostle cites. Here in this cleaving and becoming one is the true meaning of marriage. Second, in marriage the wife is to be submissive to the headship of the husband as part of the submission of the Church to Christ. Third, the husband is to exercise his headship in marriage for the well-being of the wife, laying down his life for her in sacrificial love. This too is part of the Church's submission to Christ. And, fourth, the union of man and wife in marriage is so profound that the wife in submitting to the husband and the man is loving the wife sacrificially, are in fact loving themselves (singular). They are one. This union is a mystery and it alone is comparable to the union of Christ and the Church.

It would be hard to find another text that so aptly catches up the various dimensions of the biblical understanding of marriage. To live out such a marriage to the glory of God and the well-being of one's spouse is the reason why human beings are not to separate those whom God has joined together.

## **Texts regarding divorce and remarriage of the clergy**

### **8. 1 Timothy 3:1-2 (ESV) Concerning Presbyters/Bishops**

*“The saying is trustworthy: If anyone aspires to the office of overseer, he desires a noble task. <sup>2</sup> Therefore an overseer must be above reproach, the husband of one wife, ... “*

### **9. 1 Timothy 3:12-13 (ESV) Concerning Deacons**

*<sup>12</sup> Let deacons each be the husband of one wife, managing their children and their own households well. <sup>13</sup> For those who serve well as deacons gain a good standing for themselves and also great confidence in the faith that is in Christ Jesus.*

### **10. 1 Timothy 5:9 (ESV) Widows and remarriage**

*<sup>9</sup>“Let a widow be enrolled if she is not less than sixty years of age, having been the wife of one husband ... ”*

## 11. Titus 1:6-9 (ESV) Concerning Presbyters/Bishops

<sup>6</sup> *“if anyone is above reproach, the husband of one wife, and his children are believers and not open to the charge of debauchery or insubordination.”*

The phrase “husband of one wife” and the phrase “wife of one husband” must have the same meaning in both cases. What does this phrase mean?

It cannot mean that a man cannot have many wives, or a woman many husbands, for we do not have any cases of polyandry in Scripture in which a wife could have many husbands. Also, polygamy was no longer practiced in Jesus day.

Nor can it mean that a man or woman cannot have been married more than once, for widows could remarry as well as those who had grounds for divorce and remarriage.

What then did it mean? Many exegetes conclude that it must refer to men or women who were faithful in marriage, who had eyes only for their spouses. They were “one man” women or “one women” men. They were well married and faithful to their marriage vows and their partners.

Given this interpretation of the phrase, the fact that a man or a woman has been divorced and remarried does not per se exclude them from ordination, particularly if they are presently living faithfully in a stable marriage of some duration.

## 6. Principles for the application of biblical teaching to Church discipline

1. The traditional Anglican understanding of marriage as set forth in the classical Prayer Book tradition is an excellent statement of the biblical view of the nature of marriage. Marriage is a creation ordinance. It is a covenant in which a man and a women commit themselves to each other in a life-long union of mutual respect, care, exclusive sexual intimacy, and the sharing of the joys and burdens of life until their life’s end. Marriage also provides the proper place for children when it so pleases God to grant them.

While marriage is sealed and consummated in sexual intimacy, the heart of marriage is the vows the two make to God and to one another as well as their living them out. Jesus teaches that the purpose and act of God in marriage is a great treasure and calls the married partners to the

solemn privilege, joy and duty of living out their vows as one. Therefore, marriage is an intentionally willed relationship or covenant in which two become one while retaining their individuality. It is the duty of the Church to make this clear in its teaching, counseling, sacramental worship and marriage discipline.

2. For Christians the solemn joy and duty of marriage is part of their discipleship and life in the Kingdom. As such it is lived out by sinners redeemed and imperfectly sanctified in Christ, in forgiveness and sacrificial love. The foundational bond of Christian marriage is not “Eros”, romantic desire of the spouse, but “Agape” which is a sacrificial commitment to serve the well-being of the spouse. “Eros” is given stability by “Agape”, and grows in the soil of, “Agape”. The Apostle Paul in Ephesians 5: 21-33 expounds this beautifully. This “agape” is first received from and in Christ and then is shared between the two who are one.

3. Divorce is contrary to God’s purpose and action in marriage. “What God has joined together, let not man put asunder”. Every divorce is a failure to keep the vows the couple has made, and contradicts the union that God has bestowed. While one partner may be the more guilty, it would be rare to have a divorce in which either partner was entirely innocent.

4. While divorce is permitted, it is never recommended or required in Scripture. When a marriage is in trouble the aim of the partners and the Church is to enable and exercise repentance and reconciliation. The grounds for divorce are few. Only sexual infidelity and abandonment are explicitly listed in the New Testament as grounds that allow for divorce and remarriage while the former spouse is still living, though the usual grounds for divorce in the Old Testament are never explicitly denied. And even in the extreme cases of adultery and abandonment, it is to be hoped that with the grace and forgiveness that we all receive from Christ, and with the help of the Church, the troubled disciples of Christ will turn from divorce to serve one another in marriage and thereby show the world a better way.

This is not to deny that there are cases in a fallen world when divorce is necessary for the very life and well being of one or both of the partners. Such cases should be very rare for those in Christ.

5. In Scripture, divorce generally entails the freedom to remarry.
  6. When divorce happens, it is important that those who go through such rupture and pain are not made to feel abandoned or unforgiven in the life of the Church. Specific courses such as “Fresh Start” have proven their worth in congregations.
  7. In Scripture, nothing is said that requires those who divorce and remarry, without the express biblical grounds of sexual infidelity and/or abandonment, to dissolve their subsequent marriage. This fact should influence decisions about such couples being able to receive Holy Communion. This does not deny that the second marriage involved an act of adultery in its consummation.
  8. Clergy are to be examples of godly living to the flock. However, as noted above, a previous divorce is not, in and of itself, sufficient to bar a person from ordination. This is particularly true if the divorced candidate has subsequently married and has for some time shown himself or herself to be a faithful and good spouse.
  9. The Church must have some form of discipline regarding marriage, divorce and remarriage. It cannot be avoided. Requests for the solemnization of marriage do pose the questions and require considered answers on the part of the Church. To have a discipline, therefore, is not legalistic and avoids arbitrariness.
  10. It is important that the Church carry out whatever discipline it adopts with a means of adjudication that is conducted by appointed persons. Without such a provision that is able to make needed adjustments, a principle or discipline will become an inflexible rule that will, at times, ignore mitigating particularities in a situation, and cause unnecessary suffering and injustice to members of flock of Christ. Life is too complex and varied to be adequately covered by any one, inflexible, specific set of rules.
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## **7. Some suggested applications for a Marriage Discipline**

### **A. Concerning marriage itself**

1. It would be helpful were the House of Bishops to designate at least two Sundays a year in which the theme of the day for preaching and teaching would be the biblical view of marriage, contrasting it with the secular view.

2. Also it would be wise were the House of Bishops to require specific guidelines for marriage preparation which would make clear the Christian view of marriage as contrasted with the cultural view and that would help the clergy evaluate the readiness of the couple for marriage and prepare them for it. No marriage should be solemnized without proper preparation. Particular additional preparation should be required of those seeking remarriage. Formal confession and absolution should be included in that preparation.

3. Guidelines for congregations should be adopted by the House of Bishops concerning the provision of help for marriages in trouble. Resources on a regional or diocesan basis should be made available. The rector simply cannot be the major marriage counselor in a congregation and do all that a rector must do.

4. In the writers opinion prenuptial arrangements should not be permitted for they seem to him to deny the union that Christian marriage envisions.

5. In order to make clear God's intention for marriage and to involve the congregation, first marriages should take place in the Church using the liturgy of the Prayer Book. People should not be permitted to write their own liturgy.

### **B. Concerning the divorce and remarriage of laity while the former spouse is still living**

In the opinion of the writer, since marriage is a creation ordinance it is not necessary to make a fundamental distinction between before and after conversion with regard to Church discipline.

1. All remarriage of divorced persons while the former spouse is still living, should have the approval of a Council or Committee of 3 or more Bishops, as designated by the House of Bishops (AMIA) or Council of Bishops (ACNA). The Rector would present the request and his

recommendation to the local Bishop. The local Bishop would form His recommendation in large measure based upon on the Rector's recommendation and the local Bishop's panel of review. He would send the request for marriage and his recommendation to the Committee of Bishops for their review and determination. This three-fold layer of evaluation would provide a serious check and slow down a process that tends to be pressured for a rapid result. No remarriage should be permitted within 18 months of the granting of the divorce of either of the couple seeking permission to marry in the Church.

2. Due to the grace of God one remarriage (second marriage) of divorced person(s) when a former spouse is still living, may take place in the Church, with the Bishops' approval. The ceremony should use the Church's liturgy with an additional paragraph in the service indicating that confession, repentance for having failed to keep the former marriage vows and of thanksgiving for this second chance given by God's grace has taken place. This addition to the Liturgy should be written by the Committee on Worship and officially adopted by the House of Bishops. It should be required. The tendency will be to neglect it as a jarring note in joyful occasion or as embarrassing the couple. It can be written in a way to minimize that, however, it is important to make clear to all that a second marriage is due to the grace of God and that in the judgment of the Church the couple has honestly faced their previous failure.

3. No third marriages should be solemnized in the church. Advice should be given to those intending such a marriage to seek due counseling, and if no blocks appear therein, they should be married by a Justice of the Peace. The Priest may attend that civil marriage in pastoral support and afterward have a prayer with the couple. After a year of stable marriage, they may apply for a blessing by the Church with the Bishops' approval using the procedure stated above. A liturgy for the blessing, should be written by the worship committee and officially adopted by the House of Bishops. It should include confession and repentance for their past failures to keep the vows they took in the previous marriages, as well as thankfulness for the grace of this new beginning.

### **C. Remarriage of Clergy**

Given the understanding of “a man of one wife, or a woman of one husband” as set forth above, there is only one special consideration pertinent to the clergy. The tradition in Anglicanism is for the clergy to be a wholesome model for the flock. If this is taken seriously, divorce among the clergy must be handled with a view to the effect of the divorce upon the congregation when the divorce is undertaken while in office. Consideration should also be given to the degree the divorce compromises the leadership of the divorced clergy therein.

The present guidelines of AMIA require that the clergy step down for at least 6 months after a divorce and then may offer themselves for reelection by the congregation, which reelection is not to be taken for granted. This seems to be a wise way of taking the place of the clergy seriously. I would only add that the local Bishop should have a say in this matter, so that the 6 month reapplication could be adjusted to a longer period or the reelection not be permitted at all, given the particular situation. Should a divorced clergyman or woman apply for a second marriage the procedure outlined above for the Bishops’ approval should be followed.

## Conclusion

I believe the suggestions above are worthy of the consideration of the House of Bishops of the Anglican Mission in the Americas. They do not require a great deal of change in the present marriage discipline of the Mission, but only supplement it in important places.

1. The suggestions seek to apply the biblical teaching to our cultural situation and hence go beyond the specific teaching and applications found in Scripture, as it appears that Mark and Paul did when the Gospel spread to the Gentiles.

2. The suggestions are principled and are not arbitrary.

3. They emphasize the great importance of marriage and seek to make that importance apparent in the practice of the Church.

4. They allow for the hardness of heart, as did Moses, Jesus and Paul in their teaching.

5. They provide for the judicious review that can take the unique factors in any given situation into account.

6. They embody the grace of forgiveness and empowerment for sacrificial ministry (agape) that constitutes the heart of Christian discipleship.

I commend them to the AMIA House of Bishops for their consideration.

## Appendix: Other Churches Positions

(Thanks to Prof. William Witt)

- 1) The Roman Catholic view has been that there is no such thing as divorce. Marriage is a sacrament that is indissoluble. The Roman Catholic Church does not recognize divorces issued by other institutions. The Roman Catholic Church does allow annulments in cases where the original marriage was “invalid” because of insufficient “marital consent.” From a non-Roman Catholic point of view, the Roman Catholic position seems to allow for divorce by another name. Interestingly, if it is decided that the original marriage was valid, even adultery is not sufficient grounds for divorce.

- 2) The Orthodox position is that divorce truly dissolves a marriage. While an indication of fallenness and sin, divorce is allowed in the Orthodox church as a pastoral concession, an “economy” based on Jesus’ exception clause. When Jesus says that marriage may not be dissolved, that does not mean that it *cannot* occur. Divorce is a result of

an offence in the marriage that breaks the marriage bond. Violations of the marriage bond including adultery, and absence from the marriage. Church fathers like Cyril of Alexandria and John Chrysostom speak of the tragic permissibility of divorce in some cases. Orthodox canon law can permit (under certain conditions) a second or even a third remarriage, but not a fourth.

a. See

[http://www.orthodoxresearchinstitute.org/articles/liturgics/athenagoras\\_remarriage.htm](http://www.orthodoxresearchinstitute.org/articles/liturgics/athenagoras_remarriage.htm)

3) The Protestant Reformers attached a new importance to companionship in marriage; in consequence, they “endorsed for the first time in Western Christendom genuine divorce and remarriage.” Luther appealed to the exception clauses in Matthew and Paul. Protestants “generally permitted divorce and remarriage on five grounds: adultery, willful abandonment, chronic impotence, life-threatening hostility, and willful deceit . . . “ (see Westminster Confession chapter XXIV Of Marriage and Divorce) Martin Bucer “declared no proper marriage to exist where affection was not regularly shared and all conversation had ceased.” Luther actually suggested secret bigamy rather than divorce and remarriage when a marriage had broken down. Protestant marriage courts did not allow for divorce and remarriage without first requiring attempts to reconcile the couple and revive the marriage. Luther argued for gentleness rather than harsh punishment in cases of adultery in hopes of creating reconciliation. Unrepentant or repeated adultery were dealt with harshly, however. See Steven Ozment, *Protestants: The Birth of a Revolution* (NY: Doubleday, 1992), 162-164.

It is helpful to compare the actual policies of different churches on marriage and divorce.

- 1) The current Episcopal Church stance can be found here:  
[http://www.canonlaw.org/article\\_matrimony.htm](http://www.canonlaw.org/article_matrimony.htm)
- 2) The Anglican Diocese of Pittsburgh requirements can be found here:  
<http://www.pitanglican.org/documents/parishdocs/Remarriage%20materials.pdf>
- 3) The Episcopal Diocese of South Carolina Remarriage Application can be found here:  
[http://www.diosc.com/sys/images/documents/remarriage\\_application.pdf](http://www.diosc.com/sys/images/documents/remarriage_application.pdf)
- 4) The ELCA does not seem to have much of a current official stance.

- a. The 1982 statement of its predecessor body (The American Lutheran Church) can be found here:  
<http://www.elca.org/What-We-Believe/Social-Issues/Journal-of-Lutheran-Ethics/Portfolios/Social-Statements-of-the-ELCA/Predecessor-Church-Body-Documents/American-Lutheran-Church/Teachings-and-Practice-on-Marriage-Divorce-and-Remarriage-1982.aspx>;
  - b. Its current statement on sexuality, passed at its Church-wide Assembly on August 19, 2009, can be found here, and contains a short statement on divorce and remarriage:  
<http://www.elca.org/What-We-Believe/Social-Issues/Social-Statements/JTF-Human-Sexuality.aspx>
- 5) The LCMS statement is here:  
[http://www.lcms.org/graphics/assets/media/CTCR/Divorce\\_Remarriage1.pdf](http://www.lcms.org/graphics/assets/media/CTCR/Divorce_Remarriage1.pdf).
- 6) The Evangelical Presbyterian Church statement is here:  
<http://www.epc.org/about-the-epc/position-papers/divorce--remarriage/>

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