



FOUR OAKS CHURCH

Position Paper | Marriage, Divorce, and Remarriage

(Final Draft: May 30, 2023)

Marriage

1. Marriage was instituted by God himself at creation. ¹ GENESIS 2:22, MARK 10:6-9
2. God's design for marriage is that it is to be permanent. MARK 10:9
3. God's design for marriage is that it is exclusively between one man and one woman. GENESIS 1:27-28, ROMANS 1:26-27, 1 TIMOTHY 1:9-10
4. Human marriage is designed by God fundamentally and primarily to be a portrait of the relationship between Jesus and the church. As such, the husband is to portray the "Christ role" and the wife is to portray the "church role" in their relationship. EPHESIANS 5:22-33
5. Consequently, marriage has a five-fold function in the context of human relationships: 1) Procreation, 2) Companionship, 3) Vocation, 4) Recreation, and 5) Sanctification. GENESIS 1:28, 2:20, SONG OF SONGS, ECCLESIASTES 9:9, EPHESIANS 5:27
6. Sexual activity is a gift from God and should only be enjoyed in the context of marriage. All sexual activity outside of marriage is sinful. SONG OF SONGS 5:1, 1 THESSALONIANS 4:3-8, HEBREWS 13:4

Divorce

1. Because marriage is designed to be a permanent union, divorce is against God's intentions for marriage. MARK 10:9
2. However, there are times where divorce is a permissible choice. See fuller discussion below
3. Even when divorce is allowable, it is not commanded or even encouraged. MATTHEW 19:8 1 CORINTHIANS 7:1-5
4. God gave Israel a certificate of divorce over her covenant unfaithfulness.² JEREMIAH 3:8-10
5. Divorce is not an unpardonable sin. JEREMIAH 3:12-14, MATTHEW 12:31

Remarriage

1. Remarriage is permitted after the death of a spouse. ROMANS 7:2-3, 1 CORINTHIANS 7:39
2. Remarriage is permitted after a valid divorce. DEUTERONOMY 24:1-2, MATTHEW 19:9
3. Remarriage after an invalid divorce is an act of adultery.³ MATTHEW 5:32
4. Even when allowed, remarriage is not commanded. It may not even be the best choice for a person in a particular situation. 1 CORINTHIANS 7:40

¹ Because marriage is a creation ordinance, not a redemption ordinance, non-Christian marriages are still valid marriages, even though they fall short of the ideal.

² God's divorce of Israel was valid on multiple grounds (Isa. 50:1, Jer. 5:7, Eze. 16) . With that said, God promised through the prophets that he would use miraculous means to restore right relationship (Jer. 31:4). His mercy is big enough to bring healing to even the worst situations.

³ Invalid marriage after an invalid divorce should be viewed as an "act of adultery," contrary to the idea that this couple is now living in a perpetual state of adultery.



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Permissible Grounds for Divorce

It has been said that “not all divorces are sinful, but all divorces are a result of sin.” This saying is in line with Jesus’ teaching that, while Moses never commanded divorce, he allowed it because people’s hearts can be so very hard. In general, a divorce is biblically permissible when there has been a breach in the marital covenant. In as much God voided the Mosaic covenant with Israel and issued her a certificate of divorce for her covenantal unfaithfulness (Isaiah 50), the bible makes allowances for divorce when a corresponding breach has happened within the marital relationship. These allowances, which would be typified by ongoing, unrepentant sin, could include things such as:

1. Sexual infidelity. DEUTERONOMY 24:1, MATTHEW 19:9
2. Abandonment. MALACHI 2:16, 1 CORINTHIANS 7:15
3. Neglect (passive harm) or abuse (active harm).⁴ EXODUS 21:10-11, COLOSSIANS 3:19
4. Withholding of marital love and intimacy. EXODUS 21:10-11, 1 CORINTHIANS 7:5

Even in cases where valid reasons exist and a divorce may be biblically valid, divorce is not automatically encouraged or preferred. MATTHEW 19:8

As in all relational conflicts, the hope is that there could be genuine repentance, forgiveness, restitution, and reconciliation. EPHESIANS 4:32, COLOSSIANS 3:13

In order for these sorts of situations to be faithfully discerned, it is paramount that the community of believers be prayerfully engaged and participative in the process. Specifically, Matthew 18 and I Corinthians 5 delineate the authority for adjudicating such decisions to the local body of believers. These believers are in turn led by a plurality of elders who function as the spiritual authority of the church (I Timothy 3).

⁴ The passage in Exodus 21 highlights the aspect of neglect. But Proverbs 18:9 links passivity with active harm as part of the same continuum: Whoever is slack in his work is a brother to him who destroys. Abuse and neglect are two sides of the same coin.



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Essay: Biblical Allowances for Divorce

When many churches discuss the idea of a biblically-allowable divorce, the conversation focuses almost exclusively on Jesus' words in Matthew 19 (paralleled in Matthew 5 and Mark 10) and Paul's words in 1 Corinthians 7. However, many churches tragically neglect several key teachings from the Old Testament that set the stage for the teachings of Jesus and Paul. When Jesus and Paul are divorced from their Old Testament foundations, we run a great risk of a reductionistic reading of their important teachings.

Exodus 21 Foundations

The first mention of divorce in the Bible comes in Exodus 21: ¹⁰ If [a man] takes an additional wife, he must not reduce the food, clothing, or marital rights of the first wife. ¹¹ And if he does not do these three things for her, she may leave free of charge, without any payment. The context of the passage is about a woman being sold into service, with the typical expectation that she will become a type of "slave-wife."⁵ This passage provides a few key insights that help us set a foundation for a biblical understanding of marriage commitments.

1. A husband must provide for the practical needs of his wife, e.g. food and clothing
2. A husband must provide "marital rights" (Hb. onah)
3. If the husband fails to live up to these obligations, the wife is free to go with no penalty.

The Hebrew word onah is notoriously difficult to translate, as this is the only verse in the Old Testament in which it appears. The phrase "marital rights" is probably the best choice, although some Hebrew dictionaries list other options such as "cohabitation rights." It is widely accepted that this word includes sexual intimacy, but it is possible that it refers to something more than just sex, perhaps even the broader idea of romantic love.

There are textual connections between 1 Corinthians 7 and Exodus 21, which shows us that Paul clearly knew the Torah and its teachings on divorce.

1. In verse 3, Paul refers to "marital duties." The context makes it clear that it is about sexual and romantic intimacy.
2. In verse 4, Paul references "rights" or "authority" over bodies, which makes sense given the slavery context of Exodus 21.
3. In verses 32-35, Paul speaks of husbands and wives whose attention is distracted by "worldly things" and the best way to please each other. This seems to be a connection to the idea of food and clothing (compare to Jesus' teaching in Matthew 6:25-34)

⁵ In typical Jewish fashion, this passage was commonly interpreted to apply to more traditional marriages as well, using the "if then...how much more" line of thinking. "If even a slave-wife has these rights, how much more should a traditional wife have these rights?"



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All three of these ideas come up again in the famous marriage section of Ephesians 5, where Jesus—the perfect husband—is depicted as dressing his bride (clothing), nourishing her (food), and loving and cherishing her (marital love). Paul was most certainly familiar with the Torah’s teaching on the husband’s obligations within a marriage covenant.⁶

Even though Exodus 21 only mentions the husband's obligations to the wife, 1 Corinthians 7:3-5 makes it clear that the “marital rights” responsibilities go both ways. From this foundation, it may be safely assumed that similar, reciprocal obligations around food and clothing would be upon the wife. Early extra-biblical Jewish literature corroborates that this was a common understanding.

The Deuteronomy 24 Controversy

¹ If a man marries a woman, but she becomes displeasing to him because he finds something indecent about her, he may write her a divorce certificate, hand it to her, and send her away from his house. ² If after leaving his house she goes and becomes another man’s wife, ³ and the second man hates her, writes her a divorce certificate, hands it to her, and sends her away from his house or if he dies, ⁴ the first husband who sent her away may not marry her again after she has been defiled, because that would be detestable to the LORD. You must not bring guilt on the land the LORD your God is giving you as an inheritance.

A few brief initial observations.

1. A husband is allowed to divorce a wife for specific reasons (more in a moment).
2. A husband must divorce the wife lawfully.
3. It is assumed that a wife may remarry if she has been lawfully divorced.
4. The certificate of divorce is a protection for the wife.

As David Instone-Brewer writes,

The reference in Deuteronomy 24:1 to a divorce certificate is unique in ancient Near Eastern sources. Nowhere outside Judaism is there any reference to a divorce certificate or any other document that would be taken away by every divorced woman. This document would be needed by women, but not by men, because men could marry more than one woman in any case. It would have been a most valuable document for a woman to possess because it gave her the right to remarry. Without it she would be under the constant threat of her former husband, who could claim at a later date that she was still married to him and thus charge her with adultery. ⁷

⁶ Several hundred ancient Jewish marriage certificates have been found in various archaeological digs, including the Dead Sea caves. These marriage certificates all include the Exodus 21 language in the vows of food, clothing, and marital relations. See https://en.wikipedia.org/wiki/Ketubah#Archaeological_discoveries for more information.

⁷ Instone-Brewer, David. *Divorce and Remarriage in the Bible: The Social and Literary Context* (p. 28). Grand Rapids, MI; Cambridge, U.K.: William B. Eerdmans Publishing Company, 2002. Instone-Brewer also writes, The wording on the divorce certificate is not stated in the Pentateuch, but there are good reasons to conclude that it was similar to the wording of standard rabbinic divorce certificates: “You are allowed to marry any man you wish.” This wording can be traced through Jewish divorce certificates and marriage certificates that have survived from as far back as



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The controversy in this passage arises over the phrase that is translated as “something indecent.” In Hebrew, it is two words:

1. Ervah, which comes from the Hebrew word for nakedness. It is commonly translated as indecency, shame, naked, etc.
2. Dabar, which is one of the most flexible words in all of biblical Hebrew. Its most common meaning is “a word,” but there are literally dozens of other ways that it is translated, including “a thing” or “nothing” or “anything.”⁸

Because this word is so incredibly flexible, it led to argument and controversy. During the earthly life of Jesus, this controversy is most well-known as the Hillel vs. Shammai debate. As Instone-Brewer writes,

The Hillelites and Shammaites followed two completely different routes to understand this unusual phrase. The Hillelites concluded that the strangeness of the phrase suggested that there was an extra meaning hidden in it. This was a common technique in early rabbinic exegesis. They therefore concluded that the two words referred to two different grounds for divorce—“indecency” and “a matter.” This meant one could base a divorce on an act of “indecency” or on “a matter,” which meant “any matter.” Because “any matter” encompassed all other grounds for divorce, this single ground could be used by anyone seeking a divorce.

The Shammaites took the two words to mean “a matter of indecency,” by which they understood the phrase to mean “adultery.”...the Shammaites also accepted the three obligations of Exodus 21:10–11 as valid grounds for divorce. Therefore, although their words “a man may not divorce his wife unless he finds indecency in her” appear at first glance to mean that divorce could be only on the grounds of adultery, they cannot be read this narrowly.⁹

In the context of the Roman world, where divorce was extremely easy, it makes sense that a significant portion of the Jewish world would have adopted such a liberal attitude toward divorce.

Jesus’ Answer to the Question | Matthew 19

This well-known controversy was raging in Jesus’ day. Some scholars have suggested that Joseph’s decision to divorce Mary quietly is a subtle reference to the easier Hillelite process of divorce. Jesus was approached by Pharisees and asked about this specific question. We know that this is about the specific question because of Matthew’s use of the key phrases “for any reason” and “except for adultery,” the key phrases at play in the Hillel-Shammai debate. Matthew makes it clear that the Pharisees intended to catch Jesus in a trap. And as usual, Jesus’ response is a model of Scripture-soaked wisdom, delivered in a surprising way.

the fifth century B.C.E., and it can then be traced through Babylonian marriage certificates and law codes back as far as the fourteenth century B.C.E. This would fit all the known facts. (p. 29)

⁸ The New American Standard Bible uses more than 120 different English words to translate this one Hebrew word.

⁹ Instone-Brewer (p. 112)



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First, Jesus does not immediately answer their question, but instead launches into exegesis of Genesis 1 and 2. He reminds them of a more foundational principle, namely that God designed marriage to be a permanent, covenantal relationship between one man and one woman. Before we can even talk about divorce, you people need to be reminded of God's design for marriage!

Second, Jesus corrects their faulty understanding of divorce. The Pharisees ask why Moses commanded divorce. Jesus' response changes an important verb. No, no, no. He did not command you to divorce your wives, he permitted it because people's hearts can be incredibly hard. But that's not how God intended it to be. This subtle distinction is incredibly important. Even in cases where divorce may be valid, it is still not the preferred choice.

Finally, Jesus does give an official ruling on the debate, siding with the more conservative Shammaite interpretation: 9 I tell you, whoever divorces his wife, except for sexual immorality, and marries another commits adultery. It is important to note, however that this ruling does not overturn previous teaching from the Torah on valid reasons for divorce. Jesus himself said that he did not come to abolish the Torah, but to fulfill it. For this reason, when reading Matthew 19, we should not conclude that there is only one valid reason for divorce. Instead, we should conclude that Jesus is against "no fault" divorce, divorce for any reason at all. Tim Keller sums it up well:

To allow divorce for most any reason is to hollow out the very concept of covenant and vow. Divorce should not be easy; it should not be our first, second, third, or fourth resort. And yet, Jesus knows the depths of human sin and holds out hope for those who find themselves married to someone with an intractably hard heart who has broken his or her vow in these ways. Divorce is terribly difficult, and it should be, but the wronged party should not live in shame. Surprisingly, even God claims to have gone through a divorce (Jeremiah 3:8). He knows what it is like.¹⁰

Paul's Additional Instruction

It has already been demonstrated that Paul had Exodus 21 in mind when he wrote 1 Corinthians 7 and Ephesians 5. Paul knew the Torah inside-and-out, and there is no reason to think that he would have not allowed divorce in cases of neglect, infidelity, or withholding of marital rights. David Jones helpfully clarifies this synthesis between Jesus and Paul by stating the following:

"Either porneia is not the one and only ground for divorce, or it does not have an exclusively sexual reference in the exceptive clause. The only satisfying approach to this question is by way of the analogy of faith which seeks the theological rationale that unites the two exceptive passages. Why is adultery (which is at least included in the term porneia) cause sufficient for dissolving the bond of marriage? Because it is a radical breach of marital fidelity, violating the commitment of exclusive conjugal love. Why does the departure of the unbeliever in a mixed marriage leave the believer free to marry? Because it is a radical

¹⁰ Keller, Timothy. *The Meaning of Marriage: Facing the Complexities of Commitment with the Wisdom of God* (p. 81). Penguin Group US. Kindle Edition.



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breach of marital fidelity, violating the commitment to life-long companionship. The exceptional circumstance common to both instances is willful repudiation of the marriage covenant... Though porneia in the exceptive clause in Matthew may refer in the first instance to the specifically sexual sin of adultery, its pervasive use in the Old Testament for Israel's covenant breaking creates the possibility that it is used here as a synecdoche, that is, as a part (adultery) for the whole (gross violation of the marriage covenant)."¹¹

Thus, Paul's addition that divorce would be allowable if a non-believing spouse abandoned the marriage is completely consistent with Jesus' teaching on divorce. The phrase "is not bound" is related to the divorce certificate of Deuteronomy 24, leading us to conclude that remarriage is a valid option for the abandoned spouse.

How Do We Apply All of This?

In the case of both Old Testament passages, there was no end to rabbinic debate.

- If Exodus 21 says that the husband must provide food and clothing, how much must he provide? Conversely, does a wife have to cook the food and make the clothes?
- How long of a period of a time must go by before it constitutes neglect?
- Does "marital rights" go beyond sex, including emotional warmth and love?
- What about physical safety?

- These questions don't get much easier when you add in the New Testament's teachings.
- What exactly constitutes adultery? What about an emotional affair? What about (in our modern era) pornography usage?
- What is meant by abandonment? How long should I wait before getting remarried?

We know that Scripture is not intended to give us an exhaustive list of rights and wrongs, dos and don'ts. There is no way that every human action, thought, and motive could be written down and codified. Rather, the Scripture is full of case studies, examples of how to apply godly principles to a wide variety of unforeseeable circumstances.¹²

Based on this hermeneutical principle, it is unreasonable to assume that we could answer all of these questions about divorce (and many more) with the exact precision that we would like. Instead, we must use Scripture-soaked and Spirit-led wisdom as a team in making determinations about whether a divorce is valid or not.

Elders in the Local Church

¹¹ Jones, David Clyde. "The Westminster Confession on Divorce and Remarriage." *Presbyterion* 16, no. 1 (Spr 1990): 17–40.

¹² For a fuller discussion of The Torah as wisdom from which we glean principles, see *Paul and the Law: Keeping the Commandments of God* by Brian S. Rosner, in particular chapter 6.



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Because these matters are so complicated, and because there is no way that the Scriptures could give an answer for every specific question and scenario, it is the responsibility of local church elders to read the Scriptures, seek the Spirit, employ practical wisdom, and come to a decision in a unified manner. Divorce should rarely, if ever, be encouraged. But at times, the elders of the local church may deem that a spouse has valid, biblical grounds to pursue divorce.