

Divorce - Mark 10:1-12

Date: 13 March 2022, 2nd Sunday in Lent

Location: St George's Battery Point

Series: Mark

Texts: Mark 10:1-16; (1 Corinthians 7.10-16, 39-40; Matthew 19.3-12); Exodus 21.9-11; Deuteronomy 24:1-4

One of the reasons people often say that they left the church is because of a bad experience that they've had. Sometimes churches can feel like everyone is watching and you've got to keep up to the expectations of those around you otherwise you might be out. People find themselves putting up a facade when on the inside and behind closed doors they are in turmoil. Or, if life does fall apart, people can stop coming to church, either because the church can't handle a messy situation or the person feels that they can't face the church on a Sunday morning.

This isn't what church should be like. We're not a palace for saints, we're a hospital for sinners. At St George's we recognise that people come from all sorts of places and circumstances. But we're not interested so much in where you're coming from as where you are going to, and that is towards Jesus, because he's where we see God's unconditional love and acceptance for each one of us, and he's where transformation and growth happen. As God's word to us, the Bible speaks into the messiness of life, including our intimate relationships. In Mark 10 Jesus talks about divorce and that's what we're going to look at today.

Our society had radically changed in the lifetime of many of you, particularly with the introduction of no-fault divorce in 1975. We only need to look at the royal family to see how attitudes have changed. In 1936 the king had to abdicate so he could marry a divorcee. In 2018 the archbishop of Canterbury married prince Harry to the American divorcee Megan Markle and no one batted an eyelid. While our culture says we should feel no shame about anything to do with sex except the abuse of power, that is not the case for many of us. I know many of us carry deep wounds because of divorce. And the church has not always helped. We've been strong on marriage, but often not dealt well with divorce in our teaching or in our pastoring.

So what does the Bible actually say? The Bible has good news for us both in what it says about divorce and also in what it says about forgiveness. We're going to look at 3 points - The Old Testament on Divorce; Jesus on Divorce; and then finish with the Good News of Divorce. I know this is a painful subject for many of us. We all bring our own experiences to a topic like

this. Upfront I need to say I am not going to cover everything. Nor am I going to get every pastoral note right. And there is more that I need to learn from the Scriptures on this topic. But God's word always has a comfort and a challenge for us. And the big point to take home is this: we can make a mess of our lives. But God is in the business of making beauty out of brokenness.

1. Divorce in the OT

The first thing to say about Divorce in the Old Testament is that God portrays his relationship with his people as a marriage. God is their husband and they are his bride. Actually it's more messy than that. In Jeremiah God pictures himself as a husband with 2 wives - Judah and Israel. But because of her spiritual adultery God divorces Israel and sends her away.

During the reign of King Josiah, the LORD said to me, "Have you seen what faithless Israel has done? She has gone up on every high hill and under every spreading tree and has committed adultery there. ⁷ I thought that after she had done all this she would return to me but she did not, and her unfaithful sister Judah saw it. ⁸ I gave faithless Israel her certificate of divorce and sent her away because of all her adulteries. Yet I saw that her unfaithful sister Judah had no fear; she also went out and committed adultery. (Jeremiah 3.1-8)

Jesus famously speaks about divorce in Matthew and Mark. As we heard in our gospel reading in Mark 10.2

Some Pharisees came and tested him by asking, "Is it lawful for a man to divorce his wife?"

Jesus asks them, "What did Moses command you?" They reply, "Moses permitted a man to give his wife a certificate of divorce and send her away." This is a quote from Deuteronomy 24. This is what Deuteronomy says:

If a man marries a woman who becomes displeasing to him because he finds something indecent about her, and he writes her a certificate of divorce, gives it to her and sends her from his house, ² and if after she leaves his house she becomes the wife of another man, ³ and her second husband dislikes her and writes her a certificate of divorce, gives it to her and sends her from his house, or if he dies, ⁴ then her first husband, who divorced her, is not allowed to marry her again after she has been defiled.

There are few things to point out from this law. First, this law assumes that divorce happens. It is not a law permitting or forbidding divorce, rather it is regulating divorce. Second, this law describes how a man legally divorced his wife in Jewish law - namely he wrote her a certificate of divorce and then sent her out of his house. That certificate of divorce was actually a very significant legal protection for women. It meant she was free to remarry and find the vital security that a husband provided in the ancient world.

Where the law in Deuteronomy 24 focussed on the responsibility of the husband to give a certificate of divorce when divorcing his wife, the other law on divorce, found in Exodus 21, focussed on the rights of woman.

9 If he selects her for his son, he must grant her the rights of a daughter. 10 If he marries another woman, he must not deprive the first one of her food, clothing and marital rights. 11 If he does not provide her with these three things, she is to go free, without any payment of money.

The context for this law was the situation of desperate poverty where, to pay the family debt, a father might sell his daughter to another Jewish family to be a slave. Now, I appreciate that this verse raises all sorts of questions about the legitimacy of slavery and polygamy which I'm happy to field after the service. But even given that context this law says that as a wife, the slave girl is to be given the rights of a daughter, and that as a wife she has three rights in marriage - food, clothing and conjugal love. If the husband doesn't provide these, then she is free to leave him.

Notice that this is an example of case law. Most of the laws in the Torah are case law. That is, they are laws given for particular cases which establish a legal principle that can then be applied more broadly. So, in this case, Exodus 21 establishes three legitimate grounds for divorce in the Old Testament - the neglect of food, clothing and conjugal love; that is, withholding material support and physical and emotional affection.

If these principles cover neglect, then they also cover the situation of physical, emotional and financial abuse in a marriage. That is an escalation of harm. To withhold food, clothing and marital rights sounds a lot like what we might call coercive control.

Thomas Cranmer, the Archbishop of Canterbury under Henry VIII, sought to have this put into English law in the 1500s. This is what he said,

If a man is cruel to his wife and displays excessive harshness of word and deed towards her, as long as there is any hope of improvement, the ecclesiastical judge is to reason with him, rebuking his excessive violence, and if he cannot prevail by

admonitions and exhortations, he is to compel him not to inflict any violent injury on his wife ...

But if the husband cannot be coerced either by bail or by guarantees, and if he refuses to abandon his cruelty by these means, then he must be considered his wife's mortal enemy and a threat to her life. Therefore, in her peril recourse must be had to the remedy of divorce, no less than if her life had been openly attacked ... it is our will that parties set free in this way may contract a new marriage (if they wish), while those convicted of the said crimes shall be punished either by perpetual exile or by imprisonment for life.¹

If you have sought a divorce because of neglect or abuse, the Bible says you were the wronged party and you had every right to do so. You need feel no guilt. You were not breaking God's law. I also need to say if you are in a situation where you are suffering abuse, you are free to leave. And my advice is that you may need to do so for your own safety, for the safety of your children and for the good of your partner. All the evidence says that abusers are highly unlikely to change. If anything their behaviour will only get worse. Speak to myself, Claire, or someone you trust and get help.

If you are the perpetrator of domestic violence hear this. You need to repent. Today. Because if you do not you will face the wrath of the God of the widow and the orphan who sees and who knows and who is a God of justice. Summon up your courage and get help to change. Please speak with myself or someone you trust.

There are some numbers at the end of this transcript for both women and men seeking help and safety.

Ok, so we've seen that Exodus says that neglect and abuse are valid grounds for divorce. What about what Jesus says in Mark 10 about adultery?

2. Jesus on Divorce

Hillel v Shammai

There was a fierce debate about divorce between two schools of Judaism in the first century. And in Mark 10 the Pharisees test Jesus to see which side of the debate he'll take. The debate was around Deuteronomy 24.1 which we read earlier.

If a man marries a woman who becomes displeasing to him because he finds something indecent about her, and he writes her a certificate of divorce

¹ https://thinktheology.co.uk/blog/article/cranmers_five_reasons_for_divorce_and_remarriage

The phrase translated '*something indecent*' is not specific. One rabbi who lived a generation before Jesus, Hillel interpreted the phrase as implying divorce for 'any cause', including things like burning the dinner or wanting to marry the secretary. Hillel's rival, Shammai said that no, the verse meant specifically divorce for the cause of sexual immorality, namely adultery.

In Mark's gospel the Pharisees ask Jesus, "Is it lawful for a man to divorce his wife?" Matthew's account of this exchange gives more details than Mark's. These extra details tell us that Jesus was being asked to adjudicate in the debate between Hillel and Shammai. So in Matthew's account the Pharisees ask, "Is it lawful for a man to divorce his wife for *any and every reason*?"

That is they were asking: "How do you read Deuteronomy 24? Do you follow Hillel's reading?" Hillel's 'any and every reason' divorce was the view that eventually triumphed in 1st century Judaism. It had the advantage of avoiding the embarrassment of having to prove in court that your wife had neglected you! Basically it meant the same thing as today's no fault divorce - except that it was only for men!

Jesus on Divorce

Reading Mark 10 then we need to keep in mind that Jesus is being asked, "Is it lawful for a man to divorce his wife for any and every reason?" Put in our terms, "Do you agree with no fault divorce?" With this in mind, Jesus' response becomes more clear. First he says, "It is because your hearts were hard that Moses wrote this law." That is to say, divorce is there as a concession to sin. But this is not how things are meant to be.

Jesus then goes on to say he is more interested in marriage than divorce. He quotes from Genesis 1 and 2 Jesus sums up the whole of Old Testament sexual ethics. Marriage is husband and wife, voluntarily entered into, to the exclusion of all others, for life. This is how God has made things to be. God takes marriage very seriously and so should we. And we should not pull that apart. "Therefore what God has joined together, let no one separate."

When they're alone with Jesus, the disciples are for an explanation. "What do you mean Jesus?" Again, Jesus' response in Mark is slightly different from Matthew, but with the context of the question being about no fault divorce we can see how the two fit together. Mark reads,

"Anyone who divorces his wife and marries another woman commits adultery against her. **12** And if she divorces her husband and marries another man, she commits adultery."

Matthew clarifies this by adding, "except for sexual immorality."²

² Matthew 19.10

Jesus clearly sides with Shammai. Divorce for ‘any and every reason’ is just legalising infidelity. For Jesus, the reason for divorce Moses gives in Deuteronomy 24 is adultery. That gives 4 valid grounds for divorce in the Old Testament - when one’s spouse withholds food, clothing or conjugal love or commits adultery. But does Jesus rule out the first three and say adultery is the only valid ground for divorce? I used to think so, but I don’t think that’s the best reading of this text or the rest of Scripture.

First, Jesus’ answer specifically clarifies the interpretation of Deuteronomy 24. He is not necessarily commenting on Exodus 21. If he affirmed Deuteronomy 24, it’s likely he affirmed Exodus 21 as well.

Second, Jesus says Divorce is a concession to human sinfulness. In the Old Testament hard heartedness is another way of saying unrepentant. The hardness of heart and lack of repentance that Jesus speaks about here are not so much on the part of the person seeking a divorce as on the part of the person being divorced. That is, I think what Jesus is saying is that divorce is a way that God gives for people to get out of a marriage where their partner is repeatedly and unrepentantly breaking their marriage vows and sinning against them. Jesus’ teaching on divorce in Matthew 19 comes immediately after his teaching on what to do when someone sins against you and his teaching on forgiveness. Jesus speaks about repentance, mediation and forgiveness and these apply to marriage. But if these attempts fail to bring repentance, divorce is a valid option.

But what about remarriage? On the face of it, it looks like Jesus’ words in Mark forbid remarriage, or at least say to remarry is to commit adultery. But again, I think the context of this debate is important. In Mark 10, Jesus is saying how to interpret the words “something indecent” in Deuteronomy 24, and his verdict is that “something indecent” means infidelity. He is not prohibiting remarriage for those divorced on legitimate grounds. In fact the certificate of divorce in Deuteronomy 24 specifically states that the divorced person is free to remarry. It’s a bit of a complicated argument, but basically this is what Paul says in 1 Corinthians 7 as well. Death and divorce end a marriage and leave a person free to remarry.³

Ok, so let’s step back and summarise what we’ve seen today.

First, the Old Testament outlines valid reasons for divorce as neglect, abuse and adultery.

Second, Jesus taught that marriage was created by God and that the marriage vows should not be broken.

³ 1 Corinthians 7:15, 39; cf. David Instone-Brewer, *Divorce and Remarriage in the Church*, Paternoster, 2003.

Third, Jesus taught that when marriage vows were broken, reconciliation, meaning both repentance on the part of the guilty party and forgiveness on the part of the innocent, were to be sought.

Fourth, Jesus taught that where there was consistent unrepentant breaking of the marriage vows, divorce was a legitimate option for Christians.

Fifth, that once divorced a person is free to remarry.

The Good News of Divorce

What then is the good news of divorce? First, it is that there is a God given way out of an abusive marriage. Even in situations when there is no abuse divorce can be a way to stop the consequences of a relationship breakdown getting worse. But there is always sorrow and pain and suffering when marriage vows are broken. Where is the good news then? The good news of divorce is the same good news for all of us - while we were still sinners Christ died for us. We can and do fail in all sorts of areas of life, and that includes marriage. But God's love never fails. His mercy is new every morning. His forgiveness is wide and deep for all who repent. And he is at work to heal and restore. And as we look to the cross there we see he will never leave you or forsake you, even if you find yourself in divorce. At the cross we see that God is faithful and true. He will never break his promises to us. He will never divorce his bride, the Church, for whom Christ died to present her holy and radiant in his sight. As Paul says in 1 Corinthians 6 - you were washed, you were sanctified, you were justified in the name of the Lord Jesus Christ and by the Spirit of our God.

If you or someone you know is impacted by sexual assault, domestic or family violence call:

Emergencies: 000

1800 Respect National Helpline: 1800 737 732

Women's Crisis Line: 1800 811 811

Sexual Assault Support Service (SASS)

Southern Tasmania: 03 6231 1817 (24/7) 03 6231 1811 (B/H)

Relationships Australia: 1300 364 277

Lifeline Australia: 13 11 14

Domestic Violence Unit: 1800 633 937

Kids Help Line: 1800 551 800

For Men

If you think you have a problem with power and control, turn your desire for power and control on yourself – not your loved ones – and get the help you need. By looking at root motivations, change is possible.

Men's Referral Service: 1300 766 491

Mensline: 1300 364 277

<http://www.menssafetyproject.com>