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A Theology of Divorce

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SUMMARY

Divorce is not an unforgivable act. In some contexts divorce may be a creative, positive and affirmative response, ethically justified as that option which best approximates fulfilling the Great Commandment in the midst of limited alternatives.

The phenomenon of divorce has long been an embarrassment to the Christian church. At best it has been regarded as a reluctant concession to human sin and frailty, a painful reminder of our failure to fulfill the exalted standards which God holds for marriage.

Circumstances in our own time, however, force us to a fresh examination of the

question of divorce. Is it ever, for the Christian, justified? What are the basic biblical and theological issues involved in a contemporary understanding of marriage? And how do these apply to divorce?

A Biblical View of Divorce

The traditional attitude toward divorce, especially as it was interpreted in earlier generations by the American religious community in general and by mainline Protestantism in particular, was simple and clear: since marriage is sacred -- even sacramental -- it must be honored and defended. Whatever erodes the sanctity or jeopardizes the stability of marriage and the family must be combated. Prime among these enemies is divorce. Therefore divorce must be inhibited by all means available, including moral teaching, social pressure and legal constraint. This conviction was reinforced for Christians by the clear teaching attributed to Jesus himself:

And he said to them, "Whoever divorces his wife and marries another, commits adultery against her; and if she divorces her husband and marries another, she commits adultery" [Mark 10:11-12, RSV].

Matthew quotes Jesus as allowing an exception in the case of unchastity (Matt. 5:32); but the discouragement of divorce as a violation of God's will is stated in unmistakably emphatic terms. Elsewhere Matthew quotes Jesus further on the topic of divorce:

And Pharisees came up to him and tested him by asking, "Is it lawful to divorce one's wife for any cause?" He answered, "Have you not read that he who made them from the beginning made them male and female, and said, 'For this reason a man shall leave his father and mother and be joined to his wife, and the two shall become one'? So they are no longer two but one. What therefore God has joined together, let no man put asunder." They said to him, "Why then did Moses command one to give a certificate of divorce, and put her away?" He said to them, "For your hardness of heart Moses allowed you to divorce your wives, but from the beginning it was not so. And I say to you: whoever divorces his wife, except for unchastity, and -- marries another, commits adultery" [Matt. 19:3-9, RSV].

The question of biblical and religious attitudes toward divorce evoked little debate within the church. Divorce must be discouraged in the most forceful terms possible; should it occur, remarriage must be made difficult if not impossible. This position came to be embodied in the church's teaching -- and, to a remarkable extent, in civil law as well.

In more recent times new questions have been raised on biblical and theological grounds. The key Old Testament teachings take a substantially more open attitude toward the dissolution of marriages than the position attributed to Jesus:

When a man hath taken a wife, and married her, and it come to pass that she find no favor in his eyes, because he hath found some uncleanness in her: then let him write her a bill of divorcement, and give it in her hand, and send her out of his house [Deut. 24:1,KJV].

Though written from the bias of a patriarchal society, this passage clearly sanctions acts of divorce, leaving the question of grounds to the elusive justification that the wife possesses "some uncleanness" or that "she find no favor in his eyes." The act of divorce itself was relatively simple; it evidently carried no stigma and involved no litigation.

With divorces so easily available to men, abuses were bound to occur; a woman's position was exceedingly vulnerable. A wife might be summarily stripped of both status and security through an arbitrary decree delivered by her husband. The rigor of Jesus' opposition to divorce can be interpreted as arising from his desire to defend women against the ravages of such dehumanizing treatment. His resistance to divorce may have been directed more at its shabby abuse than against the principle itself.

The church's inflexible opposition to divorce is being re-examined with the emergence of a fresh theological perspective. The older ethical position of code morality has been challenged by the values of situation ethics. The situationist approach was developed by Joseph Fletcher in his volume *Situation Ethics* (Westminster, 1966). Code morality finds its behavioral imperatives in the developed codification of laws and mandates. Christian situation ethics, while accepting such laws and rules as important, refuses to affirm them as absolute and binding for all occasions. The only absolute is the Great Commandment of

Jesus (Matt. 22:37-40). Practically speaking, this commandment calls the Christian to strive toward the most loving action possible within the context of any given situation. Usually this approach will entail following the inherited code, but at times it may require acting contrary to the code in order that the commandment to love might be honored.

A Situationist Approach

Situationists contend that a legalistic rendering of ancient laws is not theologically adequate. Rote obedience to law may actually do violence to God's will in a particular situation. This situationist or contextual approach is based upon an interpretation of Jesus' fundamental attitude toward the decisions of life, contending that at heart he was very much a situationist. Jesus' voicing of the Great Commandment clearly revealed his theological priority:

... You shall love the Lord your God with all your heart, and with all your soul, and with all your mind. This is the great and first commandment. And a second is like it, You shall love your neighbor as yourself. On these two commandments depend all the law and the prophets [Matt. 22:37-40, RSV].

Partisans of a situationist approach interpret Jesus' use of the Great Commandment as meaning that love must always take precedence. If laws, no matter how hallowed by use and tradition, collide with the fulfillment of this love, then such laws must for the moment be set aside. Jesus' actions, such as healing (Mark 3:1-6) and gleaning (Mark 2:23-8) on the Sabbath, embody his working out of this conviction. Rather than being legalistically inflexible, Jesus' approach was adaptive; he sought always to honor the Great Commandment in the midst of the changing circumstances in which he continually found himself.

Thus advocates of situation ethics quote Jesus against himself when it comes to divorce. Jesus' own words put him on record as vigorously opposing a termination of the God-intended, lifelong union of husband and wife through the instrumentality of divorce. Since his fundamental ethical approach, however, was that of a situationist, he should be willing to allow for occasions when divorce might be the most loving act possible. In such situations the permission of divorce would be the most responsible way of honoring the Great Commandment.

It is therefore possible to draw more than one interpretation from Jesus' recorded teachings on the subject of divorce and remarriage. Nelson Manfred Blake offers a veritable cafeteria of options:

1. Christ taught the indissolubility of marriage and forbade all divorce.
2. He allowed divorce, but only to the husband, and only for one cause, adultery.
3. He allowed divorce for adultery to both husband and wife.
4. Neither party to a divorce may marry again while his [or her] former mate is still
alive. To do so is adultery.
5. The innocent party may remarry, but not the guilty.
6. Both parties may remarry, after sincere repentance.
7. Adultery means only one thing, the sexual intercourse of a married person with
someone other than the husband or wife.
8. Adultery is a symbolic word, standing for any sin that violates the marriage contract [*The Road to Reno* (Macmillan, 1962), p. 1].

If the position of code morality is embraced in conjunction with a literal acceptance of Jesus' recorded words on divorce and remarriage, then the Christian stance is clear and uncomplicated. Divorce is not to be allowed (or is to be accepted only on the condition of unchastity), and remarriage is to be forbidden as long as one's former mate is living.

If a situationist approach is employed, however, the allowance for divorce within a Christian context is considerably expanded. If Jesus allowed for breaking the

honored Sabbath laws so as to provide for healing or gleaning, though the ancient laws forbade these on the sacred day, would he not also allow for a suspension of the proscription against divorce if such were to liberate a person from the bondage of an intolerable marriage? If the Sabbath was “made for man, not man for the Sabbath” (Mark 2:27), does it not follow that marriage was made for humanity, rather than humanity for marriage? If the institution, important as it is, does violence to the individual, then shouldn't the institution be amended in order that the individual might flourish?

Responsible Decisions

My own theological position has moved toward a situationist's view of ethics; I am persuaded that this is the foundation upon which Jesus himself firmly stood. With him it can be affirmed that marriage is intended by God to be sacramental and lifelong, and that divorce is both a tragedy and an evil resulting from sin. In Matthew 19 Jesus affirms the ideal for marriage as that of two persons becoming indissolubly one; but he also acknowledges Moses' allowance for human failure. Interpreted from a contemporary perspective, divorce is a manifestation of evil -- the breaking of a primary human relationship that is intended to form the deepest and most intimate tie that can be experienced by two persons.

Some divorces are clearly acts of sin, growing from the selfish decisions and actions of one or both partners. Such motives and deeds stand under a divine judgment which calls for repentance. But other divorces, though resulting from evil and causing much pain, are not acts of sin. They are responsible decisions reached in the context of tragic and limited circumstances. Such actions are not to be repented (though one may feel deep sorrow that they were necessary), but affirmed as thoroughly justified if destructive relationships are to be escaped and the possibilities of new growth achieved.

In the passages quoted above, Jesus addresses himself to the principle of marriage, calling into question the motives of those who would take its significance lightly. Seeing him in a situationist context, I have difficulty imagining that he would rule out the option of divorce and remarriage in every case. Is divorce an evidence of evil? Yes. Is it unforgivable? No!

For the situationist, the issue is never settled by simply answering the question, “Is it a sin?” The choice is one among complex, imperfect options. The question must be more properly put: “Which -- among the choices realistically available -- is the least evil?” or “What is the best alternative at hand?” The issue is not whether divorce is hurtful or a result of sin. It is usually both. The focal question is this: among the available options (desertion; separation, divorce, homicide, suicide, continuation of the marriage), which is the best and most humane solution? The situationist recognizes that divorce, painful as it is, may well be the least harmful option in some situations, and thus it may best fulfill the Great Commandment.

Obedience and Fulfillment

The traditional approach to such issues as divorce has been grounded in what can be termed “a theology of obedience.” The law has been divinely ordained, and humanity is obliged to obey that law if the pain of judgment is to be avoided and the rewards of salvation appropriated. Humanity fulfills its destiny by being responsibly obedient to what God has commanded. Such a theology can easily become distorted into a grim and dutiful legalism, shaping its followers into resolute “true believers” who respond to God more out of fear and dread than from gratitude and joy.

More recently a contrasting emphasis has arisen that can be described as “a theology of fulfillment,” finding as its text Jesus’ words, “I came that they might have life, and that they might have it more abundantly” (John 10: 10, KJV). Christian interpretations of the human potential movement are in comfortable accord with such a point of view.

My own theological position has grown to encompass both emphases, seeing them as complementary. Each alone is inadequate and incomplete. Obedience can degenerate into a pharisaical compliance, and the quest for fulfillment can become a rationale for selfish indulgence. God is still a God of lawfulness and orderliness, and we cut against the grain of that reality at our own peril. God’s orderliness, however, is not intended as a straitjacket. It is designed for our salvation and fulfillment, in order that we might experience the full abundance that is the divine intention for our lives.

Applying this divine order to divorce and marriage, we come to realize that faithfulness to the intention of marriage is the best pathway to human fulfillment and joy. The goal that marriage be lifelong is to be taken with full seriousness; for only as couples commit themselves to this process and discipline can they hope to create the fidelity and mutuality out of which the highest joys of marriage can issue. Those who look to divorce as an easy escape when signs of disappointment and conflict arise will undermine the very possibilities for the happiness which they claim to be seeking. If at all possible, divorce is to be avoided, with both the intentions and principles of marriage being faithfully followed.

God desires such faithfulness, however, not for its own sake, but out of an intention for our fulfillment. This understanding must always inform our ethical response to the laws of God. Therefore, if marriage has become distorted or demonic, if it has become more destructive than fulfilling, then alternatives must be explored. If a marriage cannot be healed or moved toward satisfying fulfillment -- either because of the recalcitrance of one of the partners, or because of the inability of the couple despite their earnest efforts -- then other courses may be searched out. Prime among these options is divorce.

Humankind was not made for the laws of marriage, but the laws of marriage were fashioned for humankind. Whenever marriage serves to crush what is genuinely human, then it must yield to the higher principle of the Great Commandment. Granted, there will still be many divorces brought about by the flawed decisions of individuals, giving witness to the continuing ingenuity of human sin, and creating a painful legacy of injury and evil.

There are occasions, however -- the frequency of which will still be the subject of lively debate -- when divorce is a responsible act. When continuation in an unfulfilling or destructive marriage thwarts and crushes human lives, then provision must be made for ending that marriage. Sometimes divorce may be little other than an escape from the intolerable. On other occasions it may be a clear and creative movement toward fulfillment through which persons recognize that their present relationship no longer gives hope to the growing potentialities of either partner.

In either case divorce may be a justifiable and responsible act. It is an expression of sin in the sense that the partners have failed to attain the ideal, but it is not an unforgivable act. In such a context divorce may be a creative, positive and affirmative response, ethically justified as that option which best approximates fulfilling the Great Commandment in the midst of limited alternatives.

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