

THE NEW TESTAMENT ON DIVORCE AND REMARRIAGE: SOME LOGICAL IMPLICATIONS

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General disapproval of divorce, and correlatively of marriage of divorced persons, is evident in NT teaching. Indeed, if it were not for a few phrases the expression of disapproval would be total and complete. In this paper I shall discuss the apparent exceptions mentioned in the NT. I shall confine my attention to the logical implications of the relevant statements rather than attempt to include the much larger problem of historical interpretation. The statements I shall consider derive from Matthew and 1 Corinthians.

Matthew's record of the teaching of Jesus contains the following statement:

"Whoever divorces his wife, except for unchastity,¹ and marries another, commits adultery" (19:9 RSV).

(1)

A few preliminary comments are in order. First, the statement parallels statements in Mark 10:11 and Luke 16:18, except that Matthew is the only one of the three to include the all-important clause "except for unchastity." Mark enunciates an analogous principle pertaining to women divorcing their husbands (10:12). For ease of exposition I will discuss the question of divorce and remarriage in connection with the party referred to in the text—for example, to men in Matt 19:9. I assume, however, that what is said about one party shall apply *mutatis mutandis* to the other. Second, the text at 19:9 admits of variations—specifically, of various readings that include additional phrases. One variation is as follows: "Whoever divorces his wife, except for unchastity, makes her commit adultery." This is substantially what is found in Matt 5:32, so we need not be detained concerning the authority of this variation on 19:9. The other variation on 19:9 is the insertion of the additional clause "whoever marries a divorced woman commits adultery," but this too is contained in 5:32, so again there is no novelty that requires attention. The statements of Jesus found in 5:32 are as follows:

"Everyone who divorces his wife, except on the ground of unchastity, makes her an adulteress,"

(2)

and

"Whoever marries a divorced woman commits adultery."

(3)

I shall begin my study by examining the logical implications of these three statements, and then I shall turn to consider Paul's teaching in 1 Corinthians.

What does (1) mean? In particular, how is the exceptive clause to be under-

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¹I am following the rendering of the Greek *porneia* by "unchastity." I shall assume that extramarital sexual union constitutes an instance of *porneia* in what follows.

stood? Logicians have expressed some disagreement over what an exceptive clause asserts and what it contextually implies or suggests. I shall briefly examine a different example before turning to the text at hand. Consider this statement: "All major political parties in Canada, except the Parti Quebecois, support the continuation of a united Canada." Logicians are agreed that this statement asserts that any major political party in Canada that is not the Parti Quebecois supports the continuation of a united Canada. But the question that arises is whether or not the original statement also asserts or only suggests² that the Parti Quebecois does not support the continuation of a united Canada.

The concept of one statement's suggesting or contextually implying another is not an exact one. The general idea that is meant to be conveyed is that a statement *s* contextually implying another statement *s'* does not explicitly assert *s'* but can be interpreted in a special context as asserting *s'*. A contextual implication *s'* frequently goes beyond what a literal interpretation of *s* would warrant. An example is provided by statements having the "if. . . then" form. They are often interpreted in a given context as having the stronger "if and only if" form. For instance, the statement "If you work harder you will receive a Christmas bonus" said to a recalcitrant worker by his boss might be intended by the boss to mean not only if the worker works harder he will receive a Christmas bonus but also if the worker does not work harder he will not receive the bonus. That is, the boss is trying to say, "You will receive a Christmas bonus if and only if you work harder."

There is good reason, I think, to support Copi's interpretation of the exceptive clause in the above example. Consider the conjunction of the original assertion and the denial of the disputed claim: "All major political parties in Canada, except the Parti Quebecois, support the continuation of a united Canada; moreover, the Parti Quebecois also supports the continuation of a united Canada." This conjunction appears to be self-contradictory, and thus we have good reason to think that the original statement asserts the disputed claim. I shall adopt Copi's interpretation of statements that include an exceptive clause in what follows.

The presence of the exceptive clause in (1) results, then, in its making two assertions:

"If a man divorces his wife, and the ground for the divorce is not his wife's unchastity, and the man marries another, then he commits adultery,"

(4)

and

"If a man divorces his wife, and the ground for the divorce is his wife's unchastity, and the man marries another, then he does not commit adultery."

(5)

It is the latter claim, of course, that is significant in the whole discussion of divorce and remarriage, for it asserts that it is permissible for a man to divorce his unchaste spouse and marry another without guilt of adultery on that account. This should be extended, of course, to allow women to divorce their unchaste husbands and marry again without committing adultery.

²I. M. Copi supports the first position and S. F. Barker the second. See Copi, *Introduction to Logic* (4th ed.; New York: Macmillan, 1972) 215; Barker, *The Elements of Logic* (2d ed.; New York: McGraw-Hill, 1974) 74.

It should be noted that (4) and (5) are logically distinct—that is, neither entails the other, nor does either one entail the denial of the other. In particular, from (4), which clearly asserts that a man divorcing for grounds other than unchastity and marrying another commits adultery, one cannot conclude either that divorce for unchastity and subsequent remarriage is permissible or that it is not.

Statement (2) is interesting for several reasons. Because it, like (1), has an exceptive clause, it asserts:

“A man who divorces his wife, where the ground is unchastity, does not make her an adulteress.”

(6)

as well as

“A man who divorces his wife, where the ground is unchastity, does not make her an adulteress.”

(7)

Moreover, (2) introduces a new matter into the discussion, for it deals with the question of adultery in connection with the person who is divorced (“put away”) rather than the person doing the divorcing—that is, initiating the divorce.

Statement (2) requires careful consideration even after the two related statements (6) and (7), implicit in (2), are made explicit, for the meaning and significance of (6) and (7) are not at all obvious. Statement (2) has commonly been understood to mean that a woman becomes an adulteress not merely upon being divorced but upon remarriage after having been divorced. So (6) would mean that a wife divorced for some reason other than unchastity commits adultery upon marrying another. The meaning of (7), given this interpretation, is by no means obvious, but perhaps emphasis must be placed on the word “make.” For a wife who is unchaste and is then divorced is already an adulteress, it seems, by virtue of her unchastity. She is not in the position of first becoming one upon marrying after being divorced—that is, she is not made an adulteress by the joint action of having being divorced by her husband and then remarriage.

The common interpretation of (2) as stated, however, has difficulties. It is not obvious, for example, why a woman who is divorced by her husband and then remarries is made an adulteress by her husband. It seems more reasonable to claim that in the situation described by that interpretation she, as much as anyone else, makes herself an adulteress. The point of the common interpretation seems to be that the husband, in divorcing his wife, puts her in the position of becoming an adulteress if she remarries again. The divorced wife, however, surely does not have to remarry, so why should her husband, rather than she, be responsible for her being an adulteress? He only divorced her, while she on the other hand remarries. Secondly, the common interpretation of (2) yields a highly peculiar consequence when considered in connection with (1), in particular with (5). Consider the situation in which a man is being unfaithful to his faithful wife. On the assumption that the principles of legitimate divorce apply equally to men and women, the wife has the right to divorce her husband and to remarry without guilt, according to (5). If on the other hand the husband divorces his wife in order to marry the one with whom he is having the affair—that is, the ground for the divorce is not unchastity on the part of his wife—then on the common interpretation of (2) if the wife remarries after being divorced by her husband she is guilty of adultery (is an adulteress). The peculiar result is that the chaste wife is an

adulteress if she is divorced by her husband, but is not an adulteress if she divorces her husband. Since the meaning of (1) is quite straightforward, it is evident that the common interpretation of (2) is the source of the difficulty.

It is obvious that (2) requires interpretation. What I am calling "the common interpretation" admits as much when it imports an additional condition for holding a woman to be an adulteress—a condition for which there is no textual support, either in Matthew 5 or elsewhere. Are there reasonable alternatives that avoid some or all of the difficulties noted in connection with the common interpretation? I shall offer three alternatives, although none seems to me to be entirely satisfactory.

It is evident that (2) is meant to discourage men from divorcing their wives. The stress seems to be placed, in fact, on the guilt that the man who divorces his wife incurs rather than on the guilt that the woman who is put away incurs, even though she is referred to as an adulteress. The only condition under which a man is free from guilt in putting away his wife is when she is unchaste. He can then put her away without making her an adulteress. What about this phrase "make her an adulteress"? Is it possible to interpret it in a way that would not impute moral guilt to a woman who was divorced by her husband for no good reason?

It is noteworthy that words used in moral contexts can be used equivocally. They can be used in a strictly descriptive way, or they can be used in a combined descriptive and evaluative way. The phrase "to kill" shows this flexibility. It can be used simply to describe the act of deliberately taking someone's life without implying a moral evaluation to the act. But in cultures in which killing is generally condemned it is frequently used not only to describe the act but also to evaluate it. When "to kill" is used in the dual evaluative-descriptive sense it is impossible to raise the questions of whether killing is right or wrong, for then the statement "killing is wrong" is an empty truism and "killing is permissible" is self-contradictory. In order to discuss the rightness or wrongness of killing, one must use the word in a strictly descriptive, nonevaluative sense—for example, in the sense of "an act of deliberately taking another's life"—which has no implicit presumption about how the act is to be evaluated.

Is it feasible that "adulteress" is being used in a strictly descriptive and nonevaluative way in (2), so that the presumption of moral guilt on the part of the woman who is divorced by her husband, normally associated with the word "adulteress," is not intended? The word "adulteress" normally refers to a woman who violates the marriage bond by a deliberate act of marital infidelity, and it typically carries with it an imputation of moral guilt. It is possible, however—although probably uncommon—to interpret "adulteress" in a purely descriptive and morally neutral sense so that it might refer to a woman whose marriage bond has been broken. There would be no imputation of moral guilt in such a description, and that feature of this interpretation of (2) accords with the view that I am taking toward (2)—namely, that (2), when understood just exactly as written, implies wrongdoing on the part of the husband rather than on the part of the divorced wife. It is significant that those who have offered the common interpretation of (2) appear to concur with me on this point, for they introduce an additional condition in order to justify identifying as an adulteress a woman who is put away by her husband for some reason other than unchastity. On the interpretation just advanced, (6) would mean that a man who divorces his wife for some reason other than her unchastity performs an act that causes his wife to be in a

state in which her marriage bond is broken. Statement (7) would mean that a man who divorced his wife for unchastity does not perform an act that causes his wife to have her marriage bond broken, for she has already done this herself by virtue of her unchastity.

It might be objected that it is unreasonable to think that the word "adulteress" could be understood in more than one sense. Although I concur with the Occamian principle of interpretation that meanings of words should not be multiplied beyond necessity, it should be remembered that NT Greek, like any other natural language, uses words equivocally. It might be noted in favor of the interpretation just presented that it does not yield an objectionable result in conjunction with (1). There is one other point worth considering in connection with the interpretation of (2) just offered. Statement (4), entailed by (1), identifies a man as an adulterer if he divorces his wife for a reason other than her unchastity and then remarries. Statement (6) says that a wife divorced for a reason other than her unchastity is an adulteress. It is conceivable that the reason for her being identified as an adulteress here is simply the fact that her former husband is an adulterer (with all the moral disapprobation normally accompanying that designation in the Scriptures). This designation of the wife who is put away by her husband need not imply moral guilt on her part but might only imply that her marriage bond has been broken (not on her initiative).

There is a third interpretation of (2) that perhaps ought to be mentioned. Sometimes guilt is imputed in the Scriptures to persons even though they have not deliberately transgressed or violated an approved standard of conduct. There is reference to this in Leviticus, for example, where moral guilt is imputed to persons for events befalling them, such as having leprosy or certain bodily discharges. It is conceivable that (2) should be interpreted as saying that moral guilt is imputed to a woman who is divorced for a reason other than unchastity, in spite of the fact that she did not transgress any approved standard of conduct. Although this interpretation of (2) remains as a bare possibility, it is contrary to the more acceptable position that moral guilt of a specific kind is imputable to persons only if they could have avoided the events that befell them or, in the case of conduct, only if they have done otherwise.

A fourth interpretation remains as a possibility, an interpretation that is really a variation of the first one identified as "the common interpretation." Statement (2) might be construed as asserting that a woman who is divorced by her husband for a reason other than unchastity is an adulteress (with the usual disapprobation accompanying the term) if she remarries before her erstwhile husband does, but is not if she remarries after he does. This suggestion introduces two conditions into the interpretation of (2)—one of them identical with the condition introduced by the common interpretation, the other a time factor. Again, there is no textual support for this interpretation, although it should be noted that it avoids the problem discussed above in connection with the common interpretation.

It is difficult to make a choice between the four interpretations offered, although the choice clearly would be between the second and the fourth. Perhaps more ingenuity than I have been able to display is required to arrive at a definitive interpretation. Considerable tentativeness must be attached to any conclusions or recommendations for action based on (2) alone.

This brings us to (3), which asserts that a man marrying a divorced woman

commits adultery. It is of interest not only in its own right but also in relation to the other statements that have been considered.

There are two preliminary matters to which attention should be drawn. First, (3) deals with grounds for attributing adultery to someone on account of the act of marrying rather than the act of divorcing another. Second, understanding (3) requires an understanding of the term "divorced," which admits of two senses—namely, (a) a person might be divorced in the sense of "having been put away," with the clear implication that the other party to the marriage initiated (or sued for) it; and (b) a person might be divorced in the sense of "being no longer married," with no implication about who initiated it—that is, a person who initiates divorce and the person who is put away could both be described as divorced in this sense. These two senses are evident in the statement forms " x divorced y " and " x is divorced," in which "divorced" is used, respectively, as a two-place and as a one-place predicate. The first sense of "divorced" is apparently used in (3) so that it asserts that a man marrying a woman who is divorced by her husband commits adultery.

Statement (3) apparently makes the blanket statement:

"Any man marrying any woman divorced by her husband on any ground whatever commits adultery."

(8)

It could be interpreted differently, however. It might be thought that there is an obvious connection between (2) and (3), where (2) supplies the context in the light of which (3) should be interpreted, so that (3) should be understood to mean:

"Any man marrying an adulteress [as meant by (2)] commits adultery."

(9)

Two comments are in order. First, the obvious point is that (9) inherits all of the difficulties outlined above in connection with (2). Second, the contextual implication from (2) to (3) is much weaker than the contextual implication discussed in connection with (1) above. It can be reasonably doubted if there is one at all, and so it seems prudent to turn our attention to (8).

Above we discussed the situation in which an unfaithful husband divorces his faithful wife in order to marry the one with whom he is having the affair. Statement (8) as it stands charges with adultery a man who marries the divorced woman. Again, it is clear from (5) that the faithful wife could have divorced her husband for his unfaithfulness if she had chosen and married another without being guilty of adultery. This would not clear her husband of moral guilt according to (8), however, for (8) says that the man who marries a divorced woman commits adultery. In this situation, then, the "innocent party" to the divorce is not guilty of adultery—by extending the exception in (5) to those who can legitimately divorce their spouses but do not—but her second husband is. This result is odd, for it seems reasonable to hold that x is guilty of adultery in marrying y if and only if y is also guilty of adultery in that marriage—that is, when parties are guilty of adultery by reason of marriage either both are guilty of adultery or neither one is. Perhaps this is the real import of (3)—that is, what I have identified above as (9), but without the gloss:

"Any man marrying an adulteress commits adultery."

(9)

The sense of "adulteress" in (9) is the common one referring to a woman who has broken her marriage bond by her unfaithfulness, thus making (9) tantamount to the assertion that any man who marries a woman divorced by her husband for her unchastity commits adultery. It is tempting to say that this is contextually implied by (2), but this suggestion is not very helpful in this situation, as I noted above.

In conclusion, it appears that (8) can be advanced as an interpretation of (3) only by denying the plausible principles: (a) If the "innocent party" may initiate divorce and remarry without being guilty of adultery, then the "innocent party" may remarry when divorced by his/her spouse; and (b) either both parties of a marriage are guilty of adultery in marrying or neither is. When both of these principles are endorsed, (3) is best understood as asserting (9).

I shall now consider the statements of Paul in 1 Corinthians 7. The following bear on the question at hand:

"The wife should not separate from her husband, but if she does let her remain single or else be reconciled to her husband" (v 10),

(10)

and

"If the unbelieving partner desires to separate, let it be so; in such a case the brother or sister is not bound" (v 15).

(11)

The injunction in (10) prohibiting separation, and by implication divorce, must be understood in conjunction with the exception allowed by Jesus. Statement (10), however, disallows divorce and subsequent remarriage in any other circumstance. It is worth noting that (10) speaks of those who initiate separation or divorce. Although Paul instructs Christians not to separate, he does seem to allow it—provided that the person doing so does not remarry.

Statement (11), by contrast, pertains to those who are abandoned or perhaps put away. The interpretation of the phrase "is not bound" is important, and other translations of it include "is not tied to marriage" (Moffatt), "is not under bondage" (*KJV*), "is not enslaved" (Pulpit Commentary), and "need not consider himself bound" (Phillips). The implication is clearly that any Christian abandoned by one's unbelieving spouse is freed from one's marriage relationship. There is no explicit statement asserting the right of such a person to remarry, but perhaps that is hinted at. This text is probably the most unrestrictive of any found in Scripture.

There is another line of reasoning that supports the unrestrictive position just considered. Divorce by its very nature terminates a marriage relationship, so that a person is in effect in a position substantially equivalent to that of one who has never married at all, unless one divorces on objectionable grounds or is divorced for objectionable conduct. If a person is in a divorced state without any basis for imputing moral guilt—for example, because one has divorced one's unfaithful spouse or because one has been abandoned—then a person may also marry without moral guilt—that is, without committing adultery.

The foregoing discussion makes abundantly clear, I believe, that nothing like a completely worked-out position on divorce and remarriage is found in Scripture. The general opposition to divorce is evident from many passages, none of which apart from those including apparent exceptions has been quoted. But it is

also evident that Jesus and at least one apostle thought there were exceptions to the general rule.

The foregoing discussion can be summarized in the following set of principles:

(I) Initiating divorce is permissible when one's spouse is unchaste. Remarriage, without guilt of adultery, is permissible for those initiating divorce. [From (5).]

(II) Initiating divorce and subsequently remarriage is not permissible when the divorce is initiated for reasons other than one's spouse's unchastity. Initiating divorce for reasons other than one's spouse's unchastity is generally discouraged but nevertheless permitted, it seems. [From (4) and (10), respectively.]

(III) Those put away (divorced) by their spouses for reasons other than unchastity may remarry without guilt. [From (11).]

(IV) Those put away (divorced) by their spouses for their unchastity are guilty of adultery, and those marrying such are also guilty of adultery. (From the common definition of adultery and from (9), respectively.)³

³It should be noted that (IV) puts a restriction on (I) and (III). According to (I) remarriage of the "innocent party" is permissible, but (IV) qualifies this by requiring that the person married by the "innocent party" should not be a person guilty of adultery. Statement (III) is similarly qualified.