

JESUS' TEACHING ON DIVORCE

Deuteronomy 24:1-4
Malachi 2:13-16
Psalm 86
1 Corinthians 3:1-17
Mark 10:2-12

We have a new law on divorce in Canada. It doesn't happen very often. What are we to think of it? There were some inadequacies to the old law - people staging adultery in order to avoid the three year separation time. Now, the one cause for divorce is marriage breakdown with one year of separation, there are no three month quick divorces - is this an improvement?

We who are trying to follow Jesus have to ask what was Jesus teaching on divorce. That should surely give some guidance in evaluating the divorce laws that we advocate for our own society.

- 1) Mark 10:2-12 - sounds like a hard saying: it sounds like no divorce followed by remarriage, under any circumstances. It doesn't absolutely rule out divorce providing the divorced people do not marry anyone else. Verse 11 says a man who divorces his wife and marries another woman commits adultery against her. And similarly with the woman who divorces her husband. *St. Paul*

In 1 Corinthians 7, which is earlier than Mark, St. Paul takes a similar position (verse 10). "For married people I have a command which is not my own but the Lord's. A wife must not leave her husband; but if she does, she must remain single or else be reconciled to her husband; and a husband must not divorce his wife".

Even divorce without remarriage is not what God intends for people. Jesus quotes Genesis 2:24, and adds his own comment "What God has joined together let no one separate".

In Matthew's account of this incident Jesus is quoted as saying "A man who divorces his wife, except for unchastity, and marries another, commits adultery." Most scholars think that the author of Matthew added the "except for unchastity" because Matthew was written later than Mark and clearly builds on Mark's material.

Even if Jesus did say no divorce (followed by remarriage) except for unchastity, it still sounds like a very hard saying. Does this mean that Jesus and God would condemn all divorced people who remarry? Not only that but by calling it adultery, that is a very hard conclusion - and yet it seems to follow pretty clearly from the sayings of Jesus that we are looking at today. Jesus would be condemning people to death because in his society the penalty for adultery was to be stoned to death.

- 2) It seems to be the message of the scripture lesson - unless we learn a bit more about the situation that Jesus was speaking to at the time. If we understand the historical and cultural background of this scripture lesson there is a surprisingly different message in the story. Specifically, if we understand the customs of marriage and divorce in Jesus' time it throws an entirely different light on what he said.

- a) In the first place polygamy was still legal according to Jewish law. A man could have more than one wife without breaking the law of Moses. (Remember Jacob who had at least two wives - Rachel and Leah, Solomon 700 wives and 300 concubines). It was not until around 1,000 after the Death of Jesus that Jewish law officially changed to prohibit a man having more than one wife. In his answer to the Pharisees Jesus quote Genesis 2:24 which says that in marriage the man shall leave his father and mother and be united with the woman and the two shall become one. This is a statement that clearly says that God's intention for marriage is that it should be monogamous. A woman does not become one with a man and his other women. The oneness of marriage, Jesus implies, is meant for one man and one woman, not one man and more than one woman. So Jesus' answer to the Pharisees is a statement that favours the plight of women who by the law of the time had to tolerate polygamous marriages. Jesus' answer to the Pharisees was that Moses' law was wrong in allowing polygamy which is unfair to women.
- b) A second point is that in Jesus' time women could not divorce men but men could divorce women. The law of Moses allowed men to divorce their wives but there was no provision for women to divorce their husbands. Further more, in Jesus' time there were two schools of thought on what constituted acceptable grounds for a man to divorce his wife. The strict school of Rabbi Shammai held that only unchastity was legal ground for divorce e.g., Matthew. The school of Rabbi Hillel was much less strict holding that a man could divorce his wife on a wide variety of grounds, including even the offense of "burning the bread". This left the door open for a great deal of cruelty to women. Again Jesus' quotation from Genesis spoke against the indiscriminate divorce of women by men that was common in his day. He says in effect God does not intend that women should be treated in this way - a man should leave his father and mother and be joined to his wife and not discard her whenever he feels like it. It was not uncommon for men to simply abandon their wives without even giving them a divorce, leaving them in a terrible position economically and socially. Moses commanded men to give their wives a bill of divorce rather than simply discarding them because if they were still legally married without a divorce bill and a man had intercourse with them they were guilty of adultery - for which the penalty was death by stoning. The divorce bill that Moses required was meant to protect women from even worse fate than the arbitrary divorce by men. Jesus said Moses required the divorce bill because of the hardness of men's hearts. Women in history have suffered much from the hardness of men's hearts and Moses had recognized this - but Jesus said even Moses did not go far enough. Men should not divorce women at will and furthermore if divorce is possible by men it should also be possible by women. In verse 12 Jesus is reported to say "if she divorces her husband and married another she commits adultery". In the circumstances of the times Jesus clearly implies that women should be legally entitled to divorce men if men are legally entitled to divorce women. Jesus challenged the Jewish law head on by suggesting that women might divorce men - when the Jewish law explicitly held that only men could divorce women. When Jesus said "if a woman shall divorce her husband" he knew full well that this would make the point with his enemies for whom it was unthinkable that women might have such equal rights with men. Jesus was saying in effect

"What's sauce for the goose is sauce for the gander". God cares as much for the justice and well being and dignity of women as God cares for men.

- c) This is seen in one more aspect of this story. In Jesus' society adultery was defined solely as a female offense, namely, as a married woman having intercourse with a man to whom she was not married. A man, even a married man, could have intercourse with any number of women and not commit adultery against the women. It was an offense, of course, for a man to have intercourse with another man's wife but this was an offense against the other man, not against the woman, although she would be held to be guilty of adultery. Cuckolding another man was the offense that men could be punished for. It was not an offense for a man to have intercourse outside his marriage providing the women were not married or betrothed to another man. It was adultery, however, if a married woman had intercourse outside her marriage. This was a clear double standard that has frequently been in practise in male dominated societies of all kinds, including our own. It ~~was~~ is a double standard that is cruel to women because they have to tolerate their husbands sexual exploits outside the marriage whereas they could be put to death for doing the very same thing.

Jesus explicitly rejects this double standard about what constitutes adultery. In verse 11 he said "Whoever divorces his wife and marries another commits adultery against her". It was a very radical thing to say under the circumstances where men took it for granted they could divorce their wives and where they did not think it was even possible to commit adultery against their wife. Jesus was clearly defending the rights of women here. He was attacking the double standard that was embodied in Mosaic law and that was the custom in his society.

This situation of continuing polygamy, cruelty to women by arbitrary divorce and a double standard that favoured the men - was the situation in which the Pharisees came to Jesus seeking to trap him. They must have suspected that Jesus might disagree with the law of Moses on divorce. If he could be drawn into making an outright criticism of Mosaic law he could be accused of blasphemy which was a criminal offense. You remember that when Jesus was finally put on trial by the Sanhedren the charge was blasphemy against the temple and the Mosaic law.

So they ask him the leading question? It is lawful for a man to divorce his wife? And Jesus comes back with the question 'What does the law say?' They answer Moses permitted divorce bills. Jesus said in effect, 'Yes, because men were abusing women by abandoning them without divorce bills. Furthermore, Jesus said, God's intention is that marriage should be monogamous, the two shall become one and as for divorce which is your male privilege, think about it - if God has joined the two in one, should men put it asunder? As for adultery that women alone can be charged with and stoned to death for - a man can equally commit adultery against his wife - what's sauce for the goose is sauce for the gander.

This contextual understanding of what was going on in this story gives a different message from and about Jesus than a superficial reading of the story which only sees it as Jesus laying down an absolute law against divorce.

What we see here is Jesus expressing, at great personal risk, this concern for the way women are unjustly treated in the divorce customs and laws of his society. He confronts and criticizes the prevailing

customs of his society for being unfair and cruel to women. He risks a criticism of the law of Moses because it favoured men and did not give women adequate protection.

If we see that this was Jesus' intention in what he said about divorce it is good news rather than a hard nosed law condemning divorced people. Remember the story of the woman caught in adultery who was brought to Jesus by the Pharisees again to trap him - Jesus answered: let him who is without sin cast the first stone - and then said to the woman "neither do I condemn you - go and sin no more".

To be sure, Jesus believed that God's intention for people was that marriage should be monogamous and without divorce or adultery or cruelty of any kind to either partner. There should certainly be no double standard that favoured the men at the expense of the women. We can and should hear God's intention for marriage as good news. It is what we hope for everyone when they get married.

We should not hear the good news of God's purposes for marriage as a hard nosed law that condemns people who are divorced. We know that this was not Jesus' intention. If we share Jesus' concern for justice and against cruelty it has to be applied to marriages that are not working and if we share Jesus' capacity to forgive people it has to be applied to those who have been divorced. It seems as if some marriages are not in fact "What God has joined together" but rather what have been wrongly and unwisely and wilfully put together when they should not have been joined together.

In any case, if we are to be worthy followers of Jesus we have to know him as he was - know his intentions and his Spirit and try to work out in our lives and in the world his intention to eliminate injustice and cruelty.

We have a long way to go yet in eliminating the double standards that operate against women.