

The Implications of Domestic Abuse for Marriage, Divorce and Remarriage

18/18 The nature of marriage

(A report of the Sydney Diocesan Doctrine Commission.)

1. The reference

In Resolution 18/18, the Synod of the Anglican Diocese of Sydney, 'noting that it has been sadly aware for some years of the misuse by some husbands of the biblical teaching on marriage to justify abuse of their wives,' requested Diocesan Doctrine Commission –

- (a) to acknowledge the extreme urgency of addressing prevention of domestic abuse of women within our Diocesan churches; and therefore
- (b) to bring to Synod in 2019, and no later, its conclusions on the referral to it, by Standing Committee, concerning how 'the Biblical material on [two matters, namely (i) divorce and remarriage, and (ii)] the nature of marriage, including the relevance of submission and headship, intersects with domestic abuse, its prevention, and the care of victims in our midst.'

2. The essential questions

2.1 The Synod has put forward a question concerning the biblical teaching on marriage, divorce and remarriage in the light of domestic abuse (sometimes known as intimate partner abuse).¹ In response to the question of divorce, the overwhelming emphasis in Scripture is that marriage is a life-long commitment of loving faithfulness. However, the Bible recognises our fallen human condition. Even in Christian communities we must be realistic about sin's destructive presence among us until Jesus' return. This means that although we are commanded not to break a marriage, marriages are sometimes broken because of sin. The patterns of behaviour that lead to marital breakdown always involve sin. None of us are sinless and no marriage is immune from the impact of sin. Sometimes it is the particular sin of one partner that is decisive in a particular marriage breakdown, sometimes the sin of both parties, and sometimes the situation is compounded by the sin of others outside the marriage. Nevertheless, while some sin has wider and more enduring consequences than others, all sin requires the forgiveness that comes only from the mercy of God in the atoning death of Jesus Christ. Divorced people need to be assured that the same mercy and forgiveness available to all who place their trust in Christ is available to them.

2.2 However, in relation to domestic abuse, the issues become more complicated. Here the culpability for a marriage breakdown will rarely be equally shared between the two parties, since often there will be a clear perpetrator whose actions attack the very fabric of the marriage. In the past, many perpetrators' actions have been hidden, which has further empowered them. Sadly, churches have not always been vigilant in this area, and appropriate church discipline has not been exercised. However, recently there has rightly been a shift to address this behaviour publicly. Scripture utterly opposes all forms of marital abuse. This is why it is reprehensible that it should be hidden or that Scripture would be used to validate such behaviour. In cases of normal marital conflict, couples should address the issues within their marriage and with whatever outside help is necessary. However, domestic abuse is not a matter of normal marital conflict. It is important to emphasise that someone should never be told to stay with their spouse if they or their dependents are in danger. No one should live in fear of harm, especially from those closest to them. Rather, victims must be protected. Congregations should actively assist them as they seek safety and offer them ongoing support.

2.3 As noted above, the Bible recognises the reality of marital breakdown in a fallen world. While neither desirable nor inevitable, divorce and remarriage are real possibilities under certain circumstances. To understand the Bible's teaching on divorce and remarriage we must consider the Bible's teaching on the nature of marriage; the legitimate grounds for divorce and remarriage; and the place of

¹ While domestic abuse occurs in many different kinds of intimate relationships and living arrangements, the focus of this report is upon acts of cruelty, violence or abuse between married couples. Domestic abuse includes physical, sexual, verbal, social, emotional, psychological, social and spiritual abuse. One common feature of domestic abuse is that of an ongoing pattern of behaviour aimed at controlling one's partner through fear (e.g., threatening behaviour). Some domestic abuse is criminal in nature and some non-criminal in nature.

2 The Implications of Domestic Abuse for Marriage, Divorce and Remarriage (2019)

singleness as an alternative to marriage. Once these issues are examined, we can then address the question as to whether domestic abuse is grounds for divorce and, if so, whether it is also grounds for remarriage. Needless to say, this report addresses a deeply painful subject. It should not be treated as a stand-alone report but should be read in conjunction with the Sydney Diocesan Domestic Abuse policy,² training on domestic abuse and in consultation with domestic abuse advisors. Without this wider context, the danger is that pastoral advice may be insensitive and incomplete. Ministers should be conscious that they have a position of power and that this should be exercised with compassionate understanding, especially when they are ministering to vulnerable people who have already suffered because of the misuse of power in their marriages.

- 2.4 In addition to this question of divorce and remarriage, the second question posed concerns the nature of marriage and asks if the biblical doctrine of submission and headship justifies, produces, promotes or creates the conditions for domestic abuse. This question does not, in the first instance, relate to the breakdown of marriage but to its essential design and asks if this design is good or dangerous. It must be stated that it is beyond the scope of this report to research each of the distortions and misrepresentations of this doctrine and precisely how they have been used in cases of domestic abuse. However, it must also be affirmed that this would be an important avenue of further study where an inappropriate use of the Bible needs to be identified and held to account. As stated above, the pastoral implications are substantial.

3. The four fundamental principles guiding this report

- 3.1 This report has been compiled with four fundamental principles in mind. First, what the Bible teaches about moral action in the world (e.g., about marriage and divorce) is as good and true a guide today as when it was written. This principle is based on three related theological truths:
- (a) that all knowledge and experience of goodness and truth come from the infinitely good and true God, whose goodness and truth is evident in all that he has made, but has been revealed most perfectly in Jesus Christ;
 - (b) that knowledge of God's perfect self-revelation in Christ is given to us in an inspired and objective form exclusively in the Scriptures, which also authoritatively reveal the truth about what it means to act rightly within the moral order of the world; and
 - (c) that the goodness of the world's moral order is an objective and abiding feature of its createdness, and that although the world is disrupted and damaged by the effects of the fall, it remains the field for our moral action now, as it has been for all of humanity throughout all of history.
- 3.2 Second, the scriptural revelation of what it means to live rightly within the moral order of the world comes to us in various forms (law, wisdom, prophetic history, gospel, epistle, and so on) – all of them set within particular contexts and situations, and all of them embedded within the long unfolding biblical history of the Father's purpose to glorify his Son in the redemption of sinful people and the restoration of fallen creation. This history has the shape of promise and fulfilment (2 Cor 2:20), of shadow and reality (Heb 10:1), of being under a guardian to the freedom and maturity of sonship (Gal 3:23-26).
- 3.3 Third, as the church, we joyfully submit to the authority of this Scriptural revelation as those 'upon whom the end of the ages has come' – that is, as God's people in the final chapter of the story, redeemed from the slavery of sin, groaning for the redemption of our bodies, and set free to live godly lives of faith, hope and love within the good order of creation. This means that we read and apply the moral truth of Scripture through the lens of the apostolic gospel and by following the apostolic example. We learn, for example, that while the Old Testament speaks truly about the same moral order we inhabit today, it does so in an elementary or provisional way that finds its fulfilment in Christ (Gal 3:23-26; Heb 10:1f.).
- 3.4 Fourth, applying the teaching of the Scriptures to various situations today requires moral reasoning and deliberation – that is, a movement of thought from a theologically determined truth to a form of action that is good and/or right for the particular situation we are confronting. Scripture not only provides the materials for this process of moral thought but is our teacher in how it is conducted – that is, it not only reveals morally significant theological truths, and many examples of their application in specific commands and virtues, but also trains us in how to apply which theological

² Anglican Diocese of Sydney, *Responding to Domestic Abuse: Policy and Good Practice Guidelines* (2018): https://www.sds.asn.au/sites/default/files/Responding%20to%20Domestic%20Abuse%20-%20Policy%20Guidelines%20and%20Resources.complete.pdf?doc_id=NTUyOTc=.

truths to which sort of morally significant situations. By reading and applying the Bible as devoted apprentices to its own forms of moral reasoning, we can avoid distorting or misusing the Bible's teaching for our own foolish and sinful ends.

4. The biblical teaching on marriage

- 4.1 The Bible presents the joining of a man and a woman in the one-flesh relationship we call marriage as part of God's good and perfect creational design. In Genesis 1, male and female together are described as 'in the image of God' (vv. 26-27) and in Genesis 2, the man and his wife are described as both 'naked' and 'not ashamed' (v. 24). Union, delight and a complete openness to one another, from whom they fear no threat, is God's original design for marriage and the picture of the marriage relationship given to us in Genesis 1–2. Although marriage is a creational good, it must be remembered that it is not the only good. The Bible commends both singleness and marriage as modes of life that bring glory to God (Matt 19:1-12; 1 Cor 7:7-9, 32-35).
- 4.2 In light of this, it is not surprising that when questioned by the Jewish leaders about the grounds for divorce, Jesus appealed to the Genesis account with its exposition of God's intention for marriage 'from the beginning.' It also explains why he redirected the question from divorce to God's original intention for marriage. The critical issue was how to honour, guard and rejoice in marriage as God's good gift, not how to enlarge or reduce the grounds on which it might be dissolved. Jesus also spelled out the unavoidable implications of Genesis 2:24, adding the comment, 'So they are no longer two but one flesh. What therefore God has joined together, let not man separate' (Matt 19:6). In so doing, he was not simply agreeing with one side of a contemporary debate on the question of divorce but was challenging both sides with God's original design.
- 4.3 In his teaching on marriage, Jesus emphasises the primary concern of the Scriptures: the divinely forged, one-flesh union of marriage ought to be honoured, nurtured, protected and not broken by human beings. Life-long union is God's intention, not separation. Divorce is always a tragedy and an acknowledgement that in one way or other sin has played havoc with a relationship which God intended to be loving, exclusive and permanent.
- 4.4 That sin should distort and undermine marriage, as it does every other aspect of human life, is not surprising and is demonstrated from Genesis 3 onward. Indeed, the first casualty of the Fall was the innocent delight of the man and the woman in each other. 'They were naked and were not ashamed' (Gen 2:25) quickly becomes 'Then the eyes of both were opened, and they knew that they were exposed. And they sewed fig leaves together and made themselves loincloths' (Gen 3:7). Self-protection and mutual recrimination characterise their conversation before the LORD God following their sin. Married life is not as it was before. The good and ordered relationship between the man and the woman is reaffirmed by God but from this point on it will exist with strain. There will be a struggle between the woman and her husband which will play itself out in different ways in different contexts (Gen 3:16). Just as sin has marred the image of God in us and yet it has not obliterated it, so sin has marred the relationship between the man and the woman and yet the essential goodness of marriage remains.
- 4.5 At various points throughout the Old Testament, the concept and terminology of marriage is applied to the relationship between the LORD and his chosen people Israel. Often the faithfulness of LORD as the 'husband' of Israel is contrasted with the faithlessness of Israel as his bride. This is an analogy which, like all analogies, contains both similarities and differences. Therefore, 'we must avoid too close an identification between human marriage and the divine marriage.'³ Nevertheless, this connection is an important preparation for developments in the New Testament, as well as a testimony to the significance of the human marriage bond in God's sight.
- 4.6 The fact of marriage is always presented positively in the Bible. As the *Book of Common Prayer* service for the 'Solemnization of Matrimony' notes, the first of Jesus' signs was performed at the wedding in Cana (as recorded in John 2). As seen above, in Matthew 19, Jesus appealed to God's creational intention to insist that marriage is something to be valued and protected. Furthermore, he used the imagery of marriage, and especially the wedding feast, to speak of the end for which God's redeemed people need to be prepared (Matt 25:1-13). He also identified himself as 'the bridegroom'

³ Geoffrey. W. Bromiley, *God and Marriage* (Edinburgh: T. & T. Clark, 1981), 33.

4 The Implications of Domestic Abuse for Marriage, Divorce and Remarriage (2019)

with whom the wedding guests rejoice (Matt 9:15). John the Baptist, too, confirmed Jesus' identity as 'the bridegroom,' for he is 'the one who has the bride' (John 3:29).

- 4.7 This imagery is taken further and put to a particular use by the apostle Paul, as he explains what it means to walk 'not as unwise but as wise, making the best use of the time, because the days are evil' (Eph 5:15). In an intriguing and deeply challenging passage, Paul sees human marriage as an analogue of the relationship between Christ and the church. In particular, a husband is to act towards his wife in self-sacrificial love modelled on that of Christ's love for the church; in particular, the fact that he 'gave himself up for her' (Eph 5:25). It is significant that this is presented as an indispensable element of Christian discipleship; a key part of what it means to be 'filled with the Spirit' (Eph 5:18). The apostle Peter insists that the way a husband acts towards his wife cannot be separated from his relationship with God and, in particular, his prayer life (1 Pet 3:7). Marriage is God's good gift which is 'to be received with thanksgiving by those who believe and know the truth' (1 Tim 4:3). It is to be held in honour by all and the marriage bed is to be undefiled because 'God will judge the sexually immoral and adulterous' (Heb 13:4).
- 4.8 Furthermore, this is not just the case when the marriage is between believers. Marriage is, after all, anchored in God's creational intention for all humanity and not just his redemptive purposes for his people. In 1 Corinthians 7 the apostle Paul writes that 'the unbelieving husband is made holy because of his wife, and the unbelieving wife is made holy because of her husband' (v. 14). He then described the children of that union in the same terms: 'they are holy' (v. 14). While this does not mean that an unbeliever is 'saved' because of the faith of his or her believing spouse (see v. 16), it does demonstrate that God views a marriage involving an unbeliever as a valid marriage. Therefore, the conversion of one marriage partner should not lead the believer to separate from their unbelieving spouse (vv.12-13).
- 4.9 In the light of such teaching, we should be careful to avoid addressing the realities of life in our fallen world in any way that might undermine God's intention that marriage be life-long, generous, and loving. Jesus made clear that God's original intention for marriage is still his intention for marriage. Nevertheless, there is only one perfect marriage and that is the union of Christ and his bride, the church. The full and final reality of this marriage will be seen on the last day when Christ will 'present the church to himself in splendour, without spot or wrinkle or any such thing' (Eph 5:27; cf. Rev 21:9–22:5).
- 4.10 All human marriages have difficulties this side of the Fall – even those that seek to pattern themselves on the model of Christ and the church. As one important study puts it, 'Two partners in marriage have to consider that, in spite of romantic views of one another, both are sinful and therefore their love will also have to be grace on both sides, a love for someone who really does not merit love.'⁴ In practice this means that repentance and forgiveness are important features of married life, just as they are in every other dimension of our fallen human existence. Grace acknowledges that as God has reached out to us in the midst of our brokenness and rebellion, so we ought to forgive as we have been forgiven (Matt 6:12, 14-15; Col 3:13). Reconciliation remains a priority in our relationships with each other, as it is in our relationship with the God who saved us. Repentance and forgiveness need to be real, of course, and a sham repentance that is little more than regret, with no genuine amendment of life, can do further harm to the marriage relationship. Even where there is sincere repentance and forgiveness, human sinfulness may still have ongoing consequences. Moreover, in cases of domestic abuse, separation for the sake of the protection of those under threat and even legal action against the perpetrator may be necessary. These actions are not inconsistent with forgiveness.
- 4.11 Since marital love is modelled on the character and actions of Christ there can be no place for domination, bullying, manipulation, or any other form of abuse. However, the Bible's teaching on headship and submission in marriage has sometimes been twisted – beyond recognition – to justify abusive behaviour by husbands. This is not a reason to abandon what the Bible teaches. However, it is vitally important that it is taught accurately and carefully; that husbands are called to account if they misinterpret Scripture as justifying abuse in the name of 'headship;' and that wives are helped to understand that Scripture does not require them to 'submit' to abuse.
- 4.12 The Bible's teaching about headship and submission in marriage cannot properly be considered apart from Jesus Christ. He is the context in which the New Testament speaks in terms of the relationship between a husband and a wife. Christ's exercise of headship is not coercive but loving and self-sacrificial. He sought the welfare of others at enormous cost to himself. He expresses his

⁴ Bromiley, *God and Marriage*, 34.

headship of the church by dying for her. When, in Ephesians 5, a husband is spoken of as head of his wife, 'as Christ is the head of the church,' it is explicitly filled out in terms of self-sacrificial love for the sake of her godliness: 'as Christ loved the church and gave himself up for her' (v. 25). A husband's headship involves taking the initiative in serving his wife, seeking her welfare above his own, bearing the cost of enabling her to flourish as a disciple of Christ and in every other way. The fuller New Testament picture of Christ's service, involving humility, gentleness, compassion, bearing without retaliation the hostility of those he had come to save, adds depth to the picture in Ephesians. Unlike Christ, a husband is not the saviour of his wife – there are limits to this analogy too – yet his love for his wife is to be modelled on that of Christ's love for the church.

- 4.13 In such a context, a wife's submission recognises and makes room for the exercise of that self-sacrificial love. It is a particular expression of the mutual submission that is to characterise the relationships of all who are 'filled with the Spirit' (Eph 5:18). It is not something that is demanded by the husband but something that is freely given, once again in the light of all that Christ has done: 'as to the Lord' (v. 22). It is not to be confused with subservience or docility but is rather an active partnership in life and ministry. The partnership of Priscilla and Aquila (Acts 18; Rom 16:3; 1 Cor 26:19) is an example of faith worked out in the context of a gospel-shaped marriage.
- 4.14 Headship is briefly mentioned again in 1 Corinthians 11. What is particularly significant in that instance is that both headship and submission are modelled on Christ.

But I want you to understand that the head of every man is Christ, the head of a wife is [her] husband, and the head of Christ is God (1 Cor 11:3).

The central clause of this sentence is the relationship between 'a wife' and 'a husband.' For both the husband who is the head, and the wife who recognises this headship, their pattern is Christ. He is the head of every man, and the way he exercises this headship is the model for the husband. At the same time, Christ lived in joyful recognition of his Father's headship, and this becomes the model for the wife. To exercise headship in a way that is inconsistent with the character and the self-sacrifice of Christ is a misunderstanding and abuse of the biblical teaching. Similarly, to exercise submission in a way that is inconsistent with the character and self-sacrifice of Christ is a misunderstanding and abuse of the biblical teaching. There is no biblical basis for a husband demanding submission in any sphere of the couple's life together. Similarly, there is no biblical basis for a wife demanding her husband's self-sacrifice.

- 4.15 Since headship means taking the initiative in self-sacrificial service, and submission means recognising, respecting and rejoicing in the leadership expressed in this way, it is clear that any appeal to these biblical concepts to justify domineering, harsh or manipulative treatment, or to insist upon simply enduring such treatment, is an abuse of biblical teaching. That abuse needs to be called out and addressed by a return to the biblical texts explored above. Again and again, we need to return to the example of Jesus. A spouse who abuses their partner is denying the faith by their actions. They are not following the pattern of Christ. A spouse ought never to think that Christian discipleship requires the bearing of such abuse.

Biblical Teaching on Divorce and Remarriage

The Old Testament

- 5.1 There are several key passages of the Old Testament – especially Deuteronomy 24:1-14, Exodus 21:7-11 and Malachi 2:10-17 – which are potentially relevant to the issues of divorce and remarriage. In addition, the marriage analogy in the Prophets, in which God's people have been 'unfaithful' to the Lord, and to which the Lord responds with 'a certificate of divorce', provides an important parallel.
- 5.2 The key Old Testament text on divorce is Deuteronomy 24:1-4. The surprising thing is that the focus is not on divorce *per se*, but on a particular limit to remarriage. Specifically, a man is prevented from remarrying a woman he has previously divorced and who in the interim has been married to someone else. The text describes a scenario in which a husband finds 'a cause of indecency' in his wife, writes her a certificate of divorce and 'sends her from his house.' The woman remarries, but this second marriage comes to an end, either because the second husband dies, or because he 'dislikes' (literally 'hates', Heb. *sana*) his wife, and he too writes her a certificate of divorce and sends her from his house. In this scenario, the first husband cannot remarry his ex-wife, because she had become 'unclean' (Heb. *tama*) for her former husband to remarry. The text is silent as to whether it was

6 The Implications of Domestic Abuse for Marriage, Divorce and Remarriage (2019)

appropriate for the first husband to have divorced his wife because of 'a cause of indecency' and whether it was appropriate for the second husband to divorce her because of dislike/hate. The text assumes and regulates the then-current practice of divorce and remarriage.

- 5.3 Deuteronomy 24:1-4 emphasises the seriousness of the decisions that have been made and the fact that they have, and continue to have, consequences. Both the original 'sending away' and the subsequent remarriage to another were public realities which substantially changed the nature of the relationship between the woman and her first husband. For him to take her back would be so serious that it would 'bring sin upon the land that the LORD your God is giving you for an inheritance' (v. 4). Deuteronomy 24:1-4 is not an endorsement of divorce but a recognition that when it does happen it has permanent consequences.
- 5.4 Exodus 21:7-11 is argued by some to be relevant to the issue of divorce, not so much because of the subject matter of the text, but because of the subsequent rabbinic extrapolation from the text.
- (a) The text addresses the situation of a man who acquires a female slave. Whereas male slaves had to be released in the seventh year, female slaves were not to be released, because they had become part of the family of the owner. If the owner had selected her for himself, and she subsequently became displeasing to him, he must allow her to be redeemed (presumably by a kinsman-redeemer, so that she could return to live with her original family). If the owner selected her for his son, he must treat her like a daughter (v. 9). If the owner 'takes another for himself', he must continue to provide the first woman with food, clothing and habitation/cohabitation (v. 10).⁵ If the owner does not provide these three things, then she is to be freed, without payment (of the redemption price – cf. v. 8). Rabbinical interpretation extrapolated a broader principle about marriage from these verses about female slaves. It was reasoned that since Exodus 21:10-11 permits a female slave to leave a master who neglected her, then surely a wife should not have less protection than a female slave, and therefore any woman (slave or free) should be free from a master/husband who neglected to provide food, clothing and (co)habitation.⁶
- (b) However,
- (i) because the female slave is nowhere described as a wife – at most she might be a concubine, but even this is not clear,
- (ii) the 'going out' of the female slave is not a 'divorce.' The condition of slavery is ended either by payment of a redemption price (v. 8) or by redemption without price in the case of neglect (v. 11), and the female slave is able to leave a neglectful master.
- (iii) the text, then, is silent as to the implications that this freedom has for her marriage to another man.
- (c) Exodus 21, then, is best understood as addressing the particular circumstance of female slavery, and not as a paradigm for divorce. Indeed, neither the Old Testament nor the New Testament uses female slavery as an analogy of marriage. It is, therefore, unwise to accept the rabbinic extrapolations from Exodus 21.⁷
- 5.5 Several of the prophets use the analogy of marriage to describe the relationship between the Lord and his people, whose *idolatry* is represented by the metaphor of *adultery* (Hos 1:2). The punishment for idolatry is *exile*, which is generally represented in the marriage metaphor by *divorce* (Isa 50:1; Jer 3). These texts do not seek to modify the laws of marriage and divorce. They have no legal force. On the contrary, they use a shared understanding of the Mosaic law to strengthen the rhetoric of judgment and mercy. The analogy moves from the human experience to the relationship between God and his people (the former providing a way of understanding the latter rather than the other way around). Because adultery was a shameful violation, it was an effective way to attach shame to Israel's covenant violation; and the shocking idea of a man returning to his adulterous wife helps Hosea's listeners feel the shock of God's decision to keep loving his people (Hos 3:1). Jeremiah quotes Deuteronomy 24:4 for the same purpose. To paraphrase Jeremiah 3:1: 'The wife in

⁵ C. Pressler, 'Wives and Daughters: Bond and Free: Views of Women in the Slave Laws of Exodus 21:2-11,' in V. H. Matthews (ed.), *Gender and Law in the Hebrew Bible and the Ancient Near East* (JSOT Supp. 262; Sheffield: Sheffield Academic Press, 1998), 147-172.

⁶ The word '*onah*' occurs only in Exodus 21:10. If it is from the root '*nh*' 'to answer,' then it means 'intercourse' (i.e., conversation), cf. LXX *homilia* 'intercourse, association, company, sexual intercourse.' Alternatively, if '*onah*' is related to the word *me'onah* 'habitation' (from the root '*nn*' 'to dwell') then it refers to the woman's dwelling place.

⁷ For the later Rabbinic interpretation, see further David Instone-Brewer, *Divorce and Remarriage in the Bible: The Social and Literary Context* (Grand Rapids: Eerdmans, 2002), 23, 214ff.

Deuteronomy married another, but you, Judah, have had many lovers. So if the husband may not return to his ex-wife, how much more may you not return to God!' When God then calls adulterous Israel to return (Jer 3:6-14) he is not legitimising remarriage but highlighting the unthinkable lengths to which God will go out of love for his people. If anyone had thought God was now legitimising an ex-wife's remarriage to her first husband, the whole point of Jeremiah's analogy would be lost.

5.6 Malachi 2:16 – Translation

- (a) Malachi 2:16a is the most challenging of the prophetic texts, and the fact that RSV and NIV 1984 differ from ESV and NIV 2011 requires a careful historical explanation. The verse may be woodenly rendered as follows:

'If he hates by divorcing [or, divorces hatefully], says Yahweh the God of Israel, then he covers his garments with violence, says Yahweh of hosts.'

The key translation questions are: (i) Who is doing the hating? (ii) What is the link between hating and divorcing? (iii) How do the 'if' and 'then' sections relate to one another?

- (b) The earliest translators, both Jewish and Christian, (i) read the whole verse as describing the husband; (ii) discerned a reference to Deuteronomy 24:3, which contains the verbs 'he hates ... he divorces'; and (iii) concluded that Malachi was quoting Deuteronomy 24:3 in order to accuse his listeners of abusing it (see Mal 2:14f.). As Jerome explains, 'this indeed was commanded in the law, but [only] because of the hardness of your heart ... [However,] whoever unjustly dismisses his wife, except for the case of fornication, "iniquity shall cover his garment."⁸

- (c) The Geneva Bible (1599) follows the reading above, but the KJV says:

'For the LORD, the God of Israel, saith that he hateth putting away: for one covereth violence with his garment, saith the LORD of hosts.'

This reading (i) makes Yahweh the one hating; (ii) takes 'divorcing' to mean 'divorce' ('putting away'); and (iii) begins both halves with 'for.'

- (d) Although many modern versions follow KJV, the expression 'God says that he hates' is almost certainly wrong. Not once in the many hundreds of times a divine speech is announced does God then refer to himself in the third person. Eventually, the Revised Version (1884) removed the problem by (i) emending the Hebrew text: 'For I hate putting away, saith the Lord'; and by (ii) taking the second part of the verse as an independent statement: '... and him that covereth his garment with violence.' This was the reading that influenced most major 20th century Bible translations, including RSV, NRSV, and NIV 1984.

- (e) Major English versions in this century (ESV, NIV 2011, CSB and REB) have moved back towards the earliest translations, by rightly rejecting the nineteenth-century emendation of the Hebrew and restoring the 'if ... then' connection. Thus NIV 2011:

'The man who hates and divorces his wife,' says the Lord, the God of Israel, 'does violence to the one he should protect,' says the Lord Almighty.

5.7 Malachi 2:16 – Interpretation

- (a) Hating is a powerful attitude or emotion (Mal 1:3; 2 Sam 13:15) that in Deuteronomy 24:3 leads to divorce. The divorce in Malachi 2:16 is depicted as an act of violence or injustice. Whereas Deuteronomy makes no judgment about the second husband's action, Malachi uses Deuteronomy in a context where hating and divorcing is clearly wrong. Yet that context is one of spiritual adultery (Mal 2:10; 'unfaithful' alludes to Jer 3:8). It is not the 'adultery' of Baal worship, which Hosea and Jeremiah condemned as a breach of the Sinai Covenant, but the 'adultery' of mixed marriages (2:11), which Malachi condemns as a covenant violation against one another. By using the language of covenant in 2:14, Malachi strengthens the parallel between unfaithfulness to one's wife (by means of re-marriage) and unfaithfulness to God (by means of idolatry).

- (b) Unfaithfulness to the wife of one's youth evokes Israel's abandonment of God (Jer 2:2). This does not mean we should spiritualise Malachi 2:16, which clearly applied to actual marriages

⁸ Jerome, *Commentaries on the Twelve Prophets, Volume 2*. Ancient Christian Texts (Downers Grove: IVP, 2016), 134.

being terminated in the context of marrying foreign women (cf. 2:10). Rather, Malachi makes a strong connection between the violation of the marriage covenant and the Sinai Covenant. This helps to explain why Ezra, at around the same time, commanded Jewish men to divorce their foreign wives (Ezra 10). Why were some divorces commanded and others prohibited? The principle underlying both was that the marriage covenant should not undermine the Sinai Covenant. (Note that all the above points are consistent with the older English versions as well.)

5.8 A Summary of the Teaching of the Law and the Prophets.

- (a) Commandments 5–10 of the Decalogue gave practical expression to the first. The essence of the covenant was exclusive loyalty to Yahweh, and to turn from him to idols was no ordinary sin but destroyed the relationship and the nation with it (Deut 29:18-28). Loyalty in marriage was to echo this. While divorce and remarriage were not forbidden, to return to a marriage once the covenant had been dissolved and a second marriage contracted was to undermine the permanence and seriousness of the marriage covenant itself, and to turn it into an arrangement of convenience. Hosea and Jeremiah use this marriage law, which Israel recognised, to expose the people's covenant infidelity (idolatry), which Israel did not recognise. However, in Malachi's time the problem was no longer idolatry, but marital infidelity, and he reverses the analogy: Do not betray your wife as Israel betrayed God when they turned away from him to serve idols. When your wife is faithful to the Sinai and marriage covenants (as implied by 'wife of your youth'), do not betray her and God by divorcing her. To hate and divorce a faithful wife is a form of abuse (violence).
- (b) The Old Testament begins (Gen 2:24) by establishing marriage as a union that binds any and every human who enters it. The analogy of the Sinai Covenant helped to clarify for Israel the obligations marriage brings with it. It is always wrong to be the one who violates a marriage covenant, whether by turning from your spouse to seek another, or by hating and abusing them. By the end of the Old Testament, we see Israelites marrying outside the Sinai Covenant. The problem here is not that a mixed marriage is somehow invalid or non-binding, but that it must not be allowed to destroy the covenant community. Likewise, divorcing a fellow covenant-member (Mal 2:14) betrays both the marriage covenant and the Sinai Covenant. Marriage must exemplify covenant faithfulness, not undermine it.

The New Testament

- 5.9 Jesus spoke about divorce briefly in the Sermon on the Mount (Matt 5:31-32). The context is Jesus' insistence that 'unless your righteousness exceeds that of the scribes and Pharisees, you will never enter the kingdom of heaven' (v. 20). Jesus used a number of examples to challenge a use of the Law which seeks to limit its application and to evade its intention. Addressing the command against adultery, he first spoke of committing adultery in one's heart. The physical act does not need to have been performed in order for the law to be broken. He then raised the prospect of divorce. Surely when a divorce has taken place, and a legal 'certificate of divorce' has been provided, seeking another wife is not adultery. Jesus' reply was 'Everyone who divorces his wife, except (Gk. *parektos*) on the ground of sexual immorality, makes her commit adultery, and whoever marries a divorced woman commits adultery' (v. 32). The exception clause ('except on the ground of sexual immorality') is often called 'the Matthean exception.' Where one's spouse has committed sexual immorality, then not only is divorce permissible but remarriage also.
- 5.10 There are several observations that need to be made about this important passage. First, Jesus' aim is to teach a high view of marriage over against a lax view of divorce and remarriage. Second, Jesus names a single exception to this teaching: sexual immorality (Gk. *porneia*). His point is that only sexual immorality has the potential to sever the one-flesh union of marriage. The decision to divorce does not in and of itself do that. Third, we need to recognise the danger of probing Jesus' words in order to find ways around God's law and creational intention. This is precisely the attitude of the Pharisees, which Jesus condemned.
- 5.11 Jesus addressed the issue of divorce and remarriage once more in the encounter with the Pharisees recorded in Matthew 19:1-12 (cf. Mark 10:1-9). The context is an attempt by the Pharisees to 'test' Jesus (v. 3). It is widely recognised that the background to Matthew 19 is the debate in first century Judaism between the rabbinical schools of Hillel and Shammai about the meaning of Deuteronomy 24:1, which refers to divorce for 'a cause of indecency.' The Hillelites interpreted Deuteronomy 24:1

as allowing two distinct types of divorce – for ‘indecenty’ and for ‘[any] cause.’ The Shammites interpreted Deuteronomy 24:1 as allowing divorce for ‘nothing except indecenty.’⁹

- 5.12 Jesus responds to a question about the legitimate grounds for divorce (‘Is it lawful to divorce one’s wife for any cause?’ v. 3), not by taking one side or the other but by returning to God’s creational intention for marriage (vv. 4-5). Marriage is not merely a social or covenantal contract between two parties – it is also a one-flesh union, established by God. This leads to Jesus’ conclusion: ‘What therefore God has joined together, let not man separate’ (v. 6).
- 5.13 The attempt by the Pharisees to refocus the debate on divorce involved an appeal to the certificate of divorce mentioned in Deuteronomy 24. Jesus responded by citing ‘your hardness of heart.’ Because the hearts of husbands were hardened by selfishness, stubbornness, and indifference to the needs of their wives, the Mosaic law relates the practice of divorce based on the issuance of a ‘certificate of divorce’ (v. 7). Yet Jesus immediately went on to say, ‘but from the beginning it was not so’ (v. 8).
- 5.14 In this context, Jesus reiterated the ‘Matthean exception’ (‘except for sexual immorality’). However, as the structure of the sentence makes clear, Jesus’ emphasis is not on the exception but on all other cases but the exception. Divorce followed by marrying another entails adultery – except where the divorce was the result of sexual immorality. This is not remotely an endorsement of divorce, even if Moses, faced with Jewish hardness of heart, regulated divorce under God’s instruction. The new element in Matthew 19, though, is the explicit mention of remarriage: ‘whoever divorces his wife, except for sexual immorality, *and marries another*, commits adultery’ (v. 9). It is not the divorce itself which makes a person an adulterer but divorcing and then marrying another. This leaves open the possibility that there might be circumstances in which it is permissible to divorce, but which do not entail a freedom to remarry. But, based on Matthew 19, the only ground on which remarriage would not be adulterous (and therefore permissible) is that of a spouse’s sexual immorality.
- 5.15 This understanding of Matthew 19 has been questioned in recent years, most notably by David Instone-Brewer and those who have built on his conclusions. Instone-Brewer argues Matthew 19 has been almost universally misunderstood for two millennia. This is, in his view, because of a failure to recognise it as a highly summarised account of a first century rabbinic debate involving semi-technical jargon, in which Jesus was asked for his view on ‘any cause’ divorce (that is, Hillel’s interpretation of Deuteronomy 24:1), rather than his view on ‘divorce for any cause.’ Instone-Brewer argues that Jesus rejects Hillel’s ‘any cause’ interpretation and affirms Shammai’s interpretation, that Deuteronomy 24:1 only permits divorce for a ‘cause of indecenty.’ However, according to Instone-Brewer, this still leaves open the question as to whether Jesus permitted divorce on other grounds, as permitted by other Scriptures. He points to the fact that both the Hillelites and the Shammites allowed a divorce on the three grounds arising from Exodus 21 (failing to provide food, clothing and (co)habitation – see section 5.4 above and comments there on the applicability of this text). He argues,

Jesus used the same terminology as the Shammites, in the same context, at the same period, and in a debate where Shammites or their rivals the Hillelites were present. We may therefore confidently conclude that he meant to convey the same meaning by these words that the Shammites were trying to convey. When the Shammites said ‘except ... for a matter of indecenty’ in the context of this debate about ‘any matter’ divorces, they meant that Deuteronomy 24:1 allows no type of divorce except that for indecenty. They did not mean that Scripture allows no divorce except that for indecenty because they allowed other divorces on the grounds in Exodus 21.¹⁰

Consequently, Instone-Brewer concludes that, since Jesus makes no comment either way about other divorces on the grounds of Exodus 21, ‘in the absence of further evidence, we have to assume that [Jesus] accepted all four Old Testament grounds for divorce, as did all other Jews.’¹¹

- 5.16 There are several reasons why this interpretation is unlikely to be correct. Firstly, it does not work as an explanation of what Jesus says about divorce in Matthew 5:31-32. Matthew 5 makes no reference

⁹ Instone-Brewer, *Divorce and Remarriage in the Bible*, 110-114.

¹⁰ Instone-Brewer, *Divorce and Remarriage in the Bible*, 186.

¹¹ David Instone-Brewer, ‘Divorce for “Any Cause,”’ *Whitefield Briefing* 8, no. 5 (December 2003), 3: <https://static1.squarespace.com/static/5c9e3e63e8ba4496c1df9458/t/5caf915b71c10b0d272bf8f3/1555009884870/8.5+WB+Instone+Brewer.pdf>. For an extensive critique of Instone-Brewer’s methodology, see Daryl Wingerd, ‘Dr. David Instone-Brewer’s *Divorce and Remarriage in the Bible: A Critical Review*,’ *Christian Communicators Worldwide* (April 9, 2009): <https://www.cwtoday.org/2009/04/dr-david-instone-brewers-divorce-and-remarriage-in-the-bible-a-critical-review>.

– explicitly or implicitly – to the rabbinic debate about ‘any cause’ divorce versus ‘cause of indecency’ divorce. Although it is true that Matthew 5:31 begins with an allusion to Deuteronomy 24:1, what Jesus says in response is not an interpretation of that verse alone, but a statement of principle about marriage and divorce.

- 5.17 Secondly, the argument fails to recognise that Jesus’ words in Matthew 19:4-5 are the primary answer to the question he was asked in verse 3 (‘Is it lawful to divorce ...’). Instone-Brewer regards these verses as a ‘digression’ that are not directly relevant to the question at hand. However, when Matthew 19:4-5 is given due weight, it cannot be said that Jesus has taken no position on divorce generally and is only offering an opinion on a rabbinic debate about Deuteronomy 24. Rather, in Matthew 19:4-5, Jesus establishes, on the basis of Genesis 1–2, that every marriage is meant to be a lifelong one-flesh union, as the two have been joined together by God. They are not, therefore, to be separated by just any human action or decision. Given the force of this statement and its context, the naming of a single exception (‘except for sexual immorality’) should be read as the *only* exception (not merely the only exception from Deuteronomy 24:1) to the lifelong unbreakable one-flesh union.
- 5.18 Thirdly, and perhaps most significantly, the argument assumes that Jesus has agreed with the Shammaites against the Hillelites. This, however, does not take seriously enough Jesus’ words in verse 6, nor does it account for the reaction of the disciples in verse 10. It is more likely, then, that Jesus fully affirms neither position. As was noted above in relation to Matthew 5, Jesus expects those who belong to the kingdom of God to live by a higher standard than the Law (as interpreted by the religious leaders of the day) required. Jesus’ words in Matthew 5:20 are apposite: ‘For I tell you that unless your righteousness surpasses that of the Pharisees and the teachers of the law, you will certainly not enter the kingdom of heaven.’ And so, even if both Shammaites and Hillelites permitted divorce on the grounds of Exodus 21, we should not assume that this is a pattern of behaviour that Jesus allows for his followers. Moreover, even where the Old Testament does permit a divorce, Jesus describes this as a concession to ‘hardness of heart.’
- 5.19 For these three reasons, we conclude that this new interpretation of Matthew 19 is not correct. In Matthew 19, as in Matthew 5, Jesus teaches that a divorce does not necessarily bring to an end that which God has joined together. For a couple who seek to live in obedience to God’s pattern for marriage, divorce and remarriage are not options. The only exception that Jesus grants is in the case of sexual immorality (Gk. *porneia*) by one of the spouses.
- 5.20 Notwithstanding the flaws in Instone-Brewer’s approach, it is worth asking what it is about *porneia* that prompts Jesus to nominate it as the sole exception in Matthew 5:32 and 19:9. Given Jesus’ reference to Genesis 2:24 (in Matthew 19:5), it would seem that sexual immorality on the part of one of the marriage partners strikes at the very heart of the one-flesh bond that constitutes marriage, making it possible (although not always necessary) for the marriage to come to a legitimate and real end. Such an understanding is supported by Paul’s teaching in 1 Corinthians 6:16, where he asks: ‘Or do you not know that he who is joined to a prostitute becomes one body with her? For, as it is written, “The two will become one flesh.” This implies that the act of *porneia* is creative of a new (illicit) ‘one flesh’ union. Hence the command and explanation of verse 18: ‘Flee from sexual immorality (Gk. *porneia*). Every other sin a person commits is outside the body, but the sexually immoral person sins against his own body.’¹² Consequently, when a married person commits *porneia*, they compromise something fundamental to the union that God has established, such that while the wronged spouse may choose to pursue restoration and reconciliation, should divorce ensue, a subsequent marriage is permissible.
- 5.21 Jesus does not explicitly address the question of mixed believer/unbeliever marriages. This matter is, however, addressed by the Apostle Paul in 1 Corinthians 7:10-16. Immediately prior to these verses Paul writes of the value and special challenges of singleness (vv. 6-9), an important subject in itself that is neglected in our contemporary culture and even in many Christian circles. He then addresses believing couples, insisting they should not separate from each other or divorce each other, but if they do, then they must remain unmarried, or else be reconciled to one another (vv. 10-11). Paul is evidently aware of the teaching of Jesus in relation to divorce and remarriage, since he gives the source of the command in 1 Corinthians 7:10-11 as ‘not I, but the Lord.’ Consistent with Matthew 19, remarriage to another is not one of the possibilities – the only options for believing couples are either to remain separate/unmarried or to be reconciled. It should be noted that

¹² While there is some debate about whether the words ‘Every [other] sin a person commits is outside the body’ are Paul’s own or a Corinthians slogan, the apostle’s point would seem to be that ‘sexual sin is uniquely body-defiling because it is inherently body-joining.’ See Bruce N. Fisk, ‘Πορνεία as Body Violation: The Unique Nature of Sexual Sin in 1 Corinthians 6.18,’ *NTS* 42 (1996), 557.

remaining unmarried – the chaste, single life of one who was previously married – is considered a genuine, liveable option. This is all the more remarkable in a culture where there was ordinarily very little support for women who were unmarried. Paul does not consider the single state to be one of deprivation but of opportunity.

5.22 The second paragraph in this passage (7:12-16) addresses the case of a marriage between a believer and an unbeliever. Paul recognises that Jesus' explicit teaching about marriage does not directly apply to this scenario: the source of the teaching is 'I, not the Lord' (v. 12). It is evident from vv. 12-14 that the Corinthians assumed a believing spouse should leave their unbelieving partner. Paul's explanatory language – 'sanctified ... unclean ... holy' – suggests that they thought a believer and their children would be defiled by such a marriage. This holiness language derives from the Old Testament. In the Mosaic covenant intermarriage was banned on the grounds that the unbelieving spouse 'will turn your children away from following me' (Deut 7:2f.). Mixed marriages threatened the covenant community. Now, however, the unbelieving partner is 'sanctified' through the believing partner. The believer, 'sanctified in Christ' (1 Cor 1:2), has a holiness that cleanses what it touches: in other words, the gospel has the power to protect the believer and the body of Christ.¹³ Therefore in mixed marriages 'the Christian partner is not to take the initiative in a move towards separation.'¹⁴ However, if the unbeliever decides to leave the marriage (v. 15), then Paul reasons that the abandoned believer is not to consider themselves bound to the marriage, because they cannot count on the possibility that their (ex-)spouse will turn to Christ.¹⁵ Paul does not require the believer to stand in the way of separation, no matter how heartbreaking that may be. Separation can occur and the believer is free to take advantage of the opportunities for serving the Lord that singleness offers (v. 16).

5.23 1 Corinthians 7:15 is difficult because Paul's apparent silence on the question of remarriage is ambiguous. For instance, Paul explicitly disallows remarriage in verse 11, but not here. Should we carry the prohibition forward, or take the absence of a prohibition as permission? Two lines of argument are possible.

(a) Four points may be made against seeing verse 15 as entailing a freedom to remarry:

- (i) In Romans 7:2 and 1 Corinthians 7:39, Paul teaches that a wife is *bound* (Gk. *deō*) to her husband as long as he is alive. Only his death frees her to remarry. If Paul had remarriage in view in 7:15, why does he use a different verb to say, 'the brother or sister is not *bound*' (Gk. *douloō*, 'bound [as a slave]')? The lack of an explicit affirmation of the believer's freedom to remarry in 7:15 leaves us with no grounds to insist that *douloō* entails this freedom.
- (ii) While, in Paul's time, it is likely that divorce entailed the right to remarry,¹⁶ the Church was a deeply counter-cultural institution. The teaching of Jesus (which Paul appears to reference in 7:10-11) cuts across the standard first century expectations of divorce and remarriage in delineating sexual immorality as the only circumstance under which remarriage after divorce is permissible.
- (iii) Throughout the early part of this chapter, Paul gives fresh and counter-cultural prominence to the single life. He does not command singleness, and recognises that 'each has his [or her] own gift from God' (v. 6), but he does commend it as a good option 'to the unmarried and the widows' (v. 8). Given this encouragement, we have reason to be cautious in interpreting the silence on remarriage in 7:15 as permission to remarry.
- (iv) The theme of the chapter is that a believer should not seek to change their status. There are exceptions to this rule, allowing a change in status from single to married or vice versa, but these exceptions do not involve a change in partner.¹⁷

(b) Four points may also be made in favour of seeing a right to remarry in verse 15:

¹³ See the discussion in Ciampa and Rosner, *First Letter to the Corinthians*, 297-302.

¹⁴ O'Brien, 'Divorce and Remarriage,' 181.

¹⁵ Commentators and translations are divided over whether 1 Cor 7:16 is primarily pessimistic or optimistic. The wider context is optimistic, but the immediate context of vv. 15f. brings the negative possibility into prominence.

¹⁶ This is the contention of David Instone-Brewer who claims that 'all Jewish divorce certificates and most Greco-Roman ones contained the words "you are free to remarry any man you wish," or something very similar' (*Divorce and Remarriage in the Bible*, 191).

¹⁷ Gordon D. Fee, *The First Epistle to the Corinthians*, NICOT (Grand Rapids: Eerdmans, 1987), 303.

- (i) It is important not to overplay the difference between the meaning of the two verbs used to describe a woman who is 'not bound,' given that they are used synonymously elsewhere in Paul (Rom 7:1-6).
- (ii) Variations in meaning arise from usage. Given that *deō* is used by Paul for being bound as long as a husband lives, it is not surprising that he would use a different term (*douloō*) to describe a bond broken while a husband or wife is still alive. The change in verb is not the reason for the absence of explicit permission to remarry in 7:15. Rather, the positive 'bound to her husband' in 7:39 leaves the post-marriage situation unspecified, and so requires the positive qualification 'free to marry.' However, the negative 'not bound' of 7:15 already describes the post-marriage situation without further qualification.¹⁸
- (iii) While the Church of Christ cuts across Jewish and Roman expectations and norms, given the failure of the Corinthians to grasp their Christian counter-culture, would we not have expected Paul to be explicit in excluding permission to remarry in 7:15, as he did in 7:11?
- (iv) While affirming that 'remaining as you are' should always be one's first choice, 1 Corinthians 7 does provide for second choices, and '*not bound* ... would be a curious expression to use if Paul meant "is bound to remain unmarried".'¹⁹

A majority of the Doctrine Commission takes the view that 1 Corinthians 7:15 grants abandoned believers the freedom to remarry, but it is recognized that there are good arguments on both sides, and that the difference comes down to judging the onus of proof in the absence of an explicit positive instruction. Some caution must therefore be exercised in resting on 1 Corinthians 7:15 alone as the basis for a doctrine of divorce and remarriage.

Synthesis of the biblical teaching

5.24 No single text settles all the questions of divorce and remarriage. We need to bring all the biblical evidence together and engage in theological synthesis.

- (a) First, the overwhelming emphasis of the Scriptures, Old Testament and New, is on the sanctity of marriage, understood as the life-long, exclusive sexual union of a man and woman. Whatever else we might say, this truth must not be compromised or undermined. A divorce does not, in and of itself, dissolve the one-flesh union. The only action the Bible explicitly tells us will allow a divorce to dissolve this union, so that a subsequent remarriage is not adulterous, is sexual unfaithfulness. Even here, genuine repentance and forgiveness are also appropriate responses.
- (b) Second, marriage is not merely a private affair, and in Israel the marriage covenant was brought into close relationship with the Sinai covenant. In the New Covenant, marriage is a foreshadowing of the perfect union of Christ and the Church, and in heaven marriage will give way to the greater reality to which it points. In both Testaments, marriage among members of the covenant was expected to reflect God's ideal for humanity. It is an expression, on an individual level, of the relationship between God and his people as a whole (see §5.8). This connection is especially significant when we come to reflect more deeply on 1 Corinthians 7:10-16. Why is a deserted believer no longer bound to their unbelieving ex-spouse? It is not because of *porneia*, but it may well be because the unbeliever is not a member of the body of Christ, and there is no spiritual union to be honoured.
- (c) Finally, both Paul and Jesus recognise the ongoing reality of sin in the lives of the regenerate. Divorce still occurs, even between believers, and it is no mere legal fiction. It terminates the marriage *covenant*, whatever we may think about the subsequent status of the one-flesh *union*. It is the responsibility of the church to care for the members of a broken marriage so that they will be able to remain as they are. It is the responsibility of separated and divorced believers not to cause a breach in the body of Christ by forming new bonds of marriage within the body of Christ. In contrast, where an unbelieving spouse abandons a believer and initiates a divorce, the believer is not bound to the marriage. Under such circumstances, the majority of the members of the Doctrine Commission take the view that while it is good for such a person to remain as they are, it is permissible for an abandoned believer to remarry without the new marriage being considered adulterous. However, in both situations – divorce between

¹⁸ It is interesting that in neither verse does Paul say, 'you are loosed,' which would be the normal negation of 'bound' (e.g., 1 Cor 7:27). In 7:39 it would be stating the obvious and fall short of permission to remarry. The same is true in 7:15, as it would simply be specifying that the unbelieving partner's desertion amounted to divorce, whether formal or de facto. The stronger negation, 'not bound as a slave,' equates to 'you are free' rather than 'you are loosed.'

¹⁹ Leon Morris, *1 Corinthians*, TNTC (Leicester: IVP, 1985), 107.

believers who do not remarry, and abandonment by a non-believer resulting in freedom from the marriage – the church must be consistent in its witness to the world: its married members must exhibit a faithfulness in marriage and even in divorce that bears testimony to God's faithfulness to us in Christ.

- 5.25 The biblical texts considered above do not explicitly address the situation of domestic abuse, where the safety of a spouse (and/or children) is at risk, and where there is no genuine repentance, nor any serious prospect of repentance, and the basic trust which should characterise marriage relationships has been irreparably destroyed. The application of the principles above to the situation of domestic abuse will be addressed in section 7.

6. Divorce and Remarriage in Church History and Current Practice

Divorce and Remarriage in the Early Church Fathers

- 6.1 In general, the early church fathers were very strict on the issue of divorce and remarriage. In the second century, *The Shepherd of Hermas* (c. 140) considered it sinful for a Christian man to remain married to an adulterous wife, except where the wife repented and the two were reconciled. There was no remarriage. In fact, for many of the pre-Nicene fathers the marriage bond continued beyond the grave.
- 6.2 Tertullian (c. 200) in his *Treatise on Marriage and Remarriage* strongly objected to a woman's remarriage even after her husband's death since, he reasoned, she would have two husbands in the New Creation. Further, he claimed that the new law of Christ had annulled the Old Testament laws permitting divorce and remarriage. The only possibility for remarriage existed in circumstances where a man or woman was married prior to conversion. By way of contrast, Origen in his *Commentary on Matthew* was less strict. In his reading of Matthew 19:1-9, Christ had rejected the possibility of a wife being 'put away for any cause.' Yet he writes of some church leaders permitting a divorced woman to remarry, even while her ex-husband lived, since this was a lesser of evils (*Comm. Matt.* 1.14.23).
- 6.3 Some later views, like that of Ambrosiaster (c. 366–383), went against the historic trend by allowing an 'innocent' husband (but, curiously, not an innocent wife) to remarry after adultery. Furthermore, in line with the (so-called) 'Pauline privilege' of 1 Corinthians 7:15, any deserted Christian spouse (male or female) was able to remarry. Augustine, however, stood against such views, insisting that 'a marriage once for all entered upon in the City of our God [i.e., by Christians], where, from the first union of the two, the man and the woman, marriage bears a certain sacramental character, can no way be dissolved but by the death of one of them' (*On the Good of Marriage*, §17). In other words, the marriage bond is of such a nature that it cannot be 'loosed, save by the death of the husband or wife' (*On the Good of Marriage*, §32). Consequently, a divorced believer (even when their former spouse has committed adultery) is not permitted to remarry as long as their former spouse lives. This understanding of the marriage bond, with further articulation and refinement from theologians such as Thomas Aquinas, was eventually enshrined in the canon law of the Western Church.

Divorce and Remarriage at the Time of the Reformation

- 6.4 At the time of the Reformation, the Roman Catholic Church conceived of marriage as a sacrament, regulated through the church courts, and (death excepting) understood to be indissoluble. With the rejection of the sacramental status of marriage, the Reformers strove to understand marriage and divorce according to the Scriptures. There was a variety of positions among the Reformers, with Martin Luther on the restrictive end of the spectrum and Martin Bucer on the more permissive end.
- 6.5 During the reign of Edward VI, a number of English Reformers drafted a major revision of canon law called the *Reformatio Legum Ecclesiasticarum*, which took a moderate position on the subject. Divorce was permissible in several circumstances, the logic of which largely revolved around the grounds of adultery and desertion. In the *Reformatio*, the discussion of deadly hostility and ill-treatment as grounds for divorce does not neatly map onto contemporary debates over domestic abuse as a ground for divorce. The presupposed processes of discipline are largely absent in today's church and society, and the fundamental argument behind both grounds was the impossibility of cohabitation due to an unrelenting intention to murder one's spouse (seen as a recurring pattern of violent and reprehensible behaviour). The *Reformatio* was ultimately a failure in that it was vetoed by Lord President Northumberland and was thus never implemented. This alerts us to the danger of ascribing too much significance to the *Reformatio*. Its approach was never formally adopted.

Additionally, the shrouding of individual contributions behind the collective nature of its composition should warn us against ascribing too much to particular theologians (e.g., Thomas Cranmer). While the thought-provoking arguments for divorce and remarriage of the *Reformatio* deserve our consideration, the major point of contemporary significance is its reminder for evangelical theologians to submit to the authority of Scripture – a salient point on which all the Reformers agreed, despite their divergent positions on divorce and remarriage.

- 6.6 Notwithstanding the recognition in the *Reformatio* that adultery and desertion constituted grounds for divorce and remarriage, when the church ultimately revised its canon law on this issue, the 1604 canons set forth parameters for marriage and divorce more restrictive than the pre-reformation situation: impediments were small in number, separation was permitted, but divorce itself was not. The sacramental status of marriage had been rejected but the indissolubility of marriage had not.

The Current Situation in the Diocese of Sydney

- 6.7 Following the enactment of the *Matrimonial Causes Act 1892* (NSW), the Bishops of the Province of NSW issued a circular to all Church of England clergy to remind them that ‘the Church of England recognises Divorce for one case only, viz. infidelity to the Marriage Vow,’ and that any application for remarriage after divorce required the approval of the Bishop, and that no remarriage would be permitted for ‘the guilty party in a Divorce suit.’ Moreover, Holy Communion should not be administered to the guilty party in a divorce suit unless there had been public repentance and amendment of life.
- 6.8 The practice of requiring episcopal permission for remarriage after divorce continues to be the case. Successive Archbishops of Sydney have only permitted remarriage after divorce in such circumstances as ‘God’s word doth allow.’
- 6.9 The enactment of the *Family Law Act 1973*, which provided for ‘no fault’ divorce, led to protracted debates about divorce both at the General Synod, and within the Diocese of Sydney.
- 6.10 The General Synod’s *Marriage of Divorced Persons Canon 1973* was declared by the Appellate Tribunal in 1973 to be inconsistent with the Constitution (and therefore invalid) because it was too permissive in allowing remarriage after divorce. According to the Appellate Tribunal, the only permissible grounds for remarriage were:
- (a) *porneia*, that is, adultery or other such sexual offences as the word *porneia* connotes; or
 - (b) any other exception which is recognised in the New Testament.
- 6.11 The 1980 Opinion of the Appellate Tribunal established that it would be permissible to permit remarriage after divorce in such cases where the Diocesan Bishop believed that the remarriage ‘did not contravene the teaching of Holy Scripture.’
- 6.12 On this basis, the General Synod provisionally passed the *Marriage of Divorced Persons Canon 1981*, and this Canon came into effect in 1985. Clause 4 of the Canon requires that
- Consent shall not be given by a bishop under this canon unless the bishop and the proposed celebrant are satisfied that the marriage of the divorced person would not contravene the teachings of Holy Scripture or the doctrines and principles of this Church.
- 6.13 This Canon was in force in the Diocese of Sydney between 1985 and 2011. In 2011, the operation of the Canon was excluded in the Diocese, and replaced by the *Solemnisation of Marriage Ordinance 2011*. This ordinance only permits remarriages after divorces which are ‘in accordance with the laws of this Church,’ which similarly rules out any remarriage which contravenes the teachings of Holy Scripture or the doctrines and principles of this Church.
- 6.14 The Sydney Doctrine Commission produced a report in 1984 to assist in the determination of when a remarriage would not contravene the teachings of Holy Scripture.²⁰ The report concluded that there were two circumstances where the absolute prohibition against divorce and remarriage were qualified in the Scriptures.

²⁰ Sydney Diocesan Doctrine Commission, ‘21/82. The Remarriage of Divorced Persons (1984)’: <https://www.sds.asn.au/sites/default/files/reports/R/Remarriage%20of%20Divorced%20Persons%20%2821.82%29%20%281984%29.pdf>.

- (a) Adultery: When one spouse has acted decisively to repudiate a marriage by entering into some other sexual relationship, the other spouse is free to divorce and to remarry. (see §4.5.)
 - (b) Abandonment: In the situation where a Christian is married to an unbeliever who desires to separate ... the Christian is to let the unbelieving partner separate in this case and is 'not bound' (1 Cor 7:15). The majority of the Doctrine Commission, following a long history of interpretation, believes that this permission means 'not bound' to the prohibition of Christ against the dissolution of a marriage and, therefore, free to remarry (see §4.8).
- 6.15 Successive Archbishops of Sydney have regulated the practice of remarriage after divorce in a manner consistent with the conclusions of the 1984 report. Permission for remarriage are recorded in a register, citing the reason why remarriage was permitted. In the majority of cases, the reason given is 'adultery.' In some cases, it is 'abandonment'.
- 6.16 In July 2019, the Archbishop, cognisant of the contents of this report, issued a circular to clergy explaining the current practice in relation to divorce and remarriage in the Diocese of Sydney. This circular is included as an appendix to this report. In relation to the issue of remarriage after a divorce on the grounds of domestic abuse, the Archbishop's circular makes the following statement:
- In many cases of domestic abuse, it is evident that the abusing spouse is an unbeliever who has demonstrably 'abandoned' the marriage by the manner in which they have treated their spouse (notwithstanding the fact that the victim may be the one who leaves the marital home for reasons of safety). Even in cases where the abusing spouse still claims to be a believer, the bishops recognise that he or she is acting like an unbeliever in perpetrating domestic abuse. In such cases the principles of Matthew 18:15-17 and 1 Corinthians 5:11 may well apply, so that the person is treated as an unbeliever. It is also possible, however, that there are circumstances where there are legitimate grounds for divorce, which may not satisfy the biblical grounds for remarriage.

7. Domestic abuse and the marriage bond

- 7.1 While it has been important to outline the broad biblical teaching on the subjects of marriage, divorce and remarriage, the nub of the issue, as far as the reference to the Doctrine Commission is concerned, surrounds the issue of domestic abuse. Though this has been touched upon in earlier sections of this report, it is important that it be addressed directly at this point.
- 7.2 There is no justification under any circumstances for domestic abuse. The marriage relationship, as God intends it, is a good gift of God in which a man and a woman ought to feel safe and experience the loving care of each other that enables them to thrive as human beings and as disciples of Christ. There is no place for domination or control, manipulation or aggression, self-centredness or intimidation. There is no place for threats or violence of any kind. In particular, biblical headship does not mean dominance or control, but taking the initiative in sacrificial service. Similarly, biblical submission does not mean servility or subservience, but a free and joyful recognition of that headship modelled on Christ's self-sacrificial service of his bride.
- 7.3 Domestic abuse is a particularly egregious expression of human sin and one that affects people in all communities. Section 4 outlines the biblical view of marriage and argues that, rightly understood, it is antithetical to any and every form of domestic abuse. Nevertheless, this does not mean that the biblical teaching on marriage cannot be twisted and distorted in order to support of domestic abuse. This disturbing phenomenon deserves further research and examination, as any views that malign the gospel and pervert God's good design for marriage need to be exposed and challenged. Ultimately, domestic abuse needs to be seen for the evil it is, and those who perpetrate it should to be held to account, while victims are offered care, support and protection.
- 7.4 Domestic Abuse is not restricted to cases of physical violence. It can be emotional and psychological, involving the intimidation and manipulation of the victim. Various forms of control and domination may be involved: physical, sexual, financial, social, spiritual, intellectual. Victims are often isolated from anyone who might enable them to recognise the abuse and provide them with support. Confidence and resilience are broken down, trapping the victim in a cycle of abuse. In cases of domestic abuse within Christian marriages, the abused spouse may wrongly believe that their Christian discipleship requires them to suffer quietly, to forgive whatever is done to them no matter how many times it occurs, and to believe that there is no way out. The Christian abuser might express

remorse and even ask for forgiveness after each incident of abuse only to return to this behaviour and continue the cycle. This, however, is not genuine repentance. Furthermore, while forgiveness is an important part of a victim's healing, patterned on that shown to us by Christ, it is not to be naïve. Domestic abuse in any form is entirely unacceptable and no Christian is required to endure it.

- 7.5 While none of this should be qualified in any way, it needs to be recognised that there is a difference between an abusive marriage and a difficult marriage. Because of the Fall, all marriages are affected by sin. Husbands and wives will inevitably sin against each other from time to time and in various ways. Consequently, repentance and forgiveness are regular features of even the best of Christian marriages and, while God's design for marriage is clear in the Bible, there is no promise that we will all have happy marriages. However, domestic abuse is different from these general difficulties. It is important that church members, and especially leaders, familiarise themselves with the unique dynamics of domestic abuse, such as the perpetrator's controlling behaviour and the victim's feelings of fear or humiliation. For a more expansive description of domestic abuse, see Appendix 1 of the diocesan Policy, *Responding to Domestic Abuse*. If indicators of domestic abuse are present in a marriage, the 'Good Practice Guidelines' outlined in Section 2 of the Policy, should be followed.
- 7.6 Most domestic abuse occurs away from the public eye in the privacy of the home. As a result, while some evidence and indicators of domestic abuse are visible to those outside the relationship, many are not. The deeply traumatic nature of domestic abuse often makes it difficult for victims to seek help. In a large number of cases a significant part of the abuse involves the abuser blaming the victim and, sometimes, the abused person blaming themselves. This only further compounds the problem. For these reasons it is important to involve trained professionals as early as possible in the care of domestic abuse victims. It is also important for the local congregation to be a safe place where victims can be supported and encouraged as they escape the abuse cycle and seek the help they need.
- 7.7 A paramount concern in circumstances of domestic abuse is the safety of victims. It is entirely right for an abused spouse to flee to safety, especially where the marital home has become a place of control and domination expressed through violence of any kind. The flight to safety might be a temporary arrangement while attempts are made to rescue the marriage. Depending on the circumstances, reporting the abuse to legal authorities may be necessary. Help should be sought from those qualified to provide it with the hope that genuine repentance and forgiveness might lead to reconciliation and a restoration of the marriage. However, this may not be possible. Too much harm may have been done and it may not be possible to re-establish confidence that the other partner will always seek the welfare of his or her spouse. If so, it may be necessary to separate permanently and even seek the legal protections that come from divorce.
- 7.8 It is not wrong for a victim of domestic abuse to separate and/or divorce an abusing spouse. According to 1 Corinthians 7:10-11, a believing couple should either reconcile or remain separated/divorced.²¹ Tragically, reconciliation is often impossible in situations of domestic abuse, and therefore permanent separation or divorce are necessary. However, as we have seen in the survey of biblical material, not every instance of divorce carries with it the right to remarry. The one clear situation in the Scriptures where remarriage is permissible is where the other spouse has committed sexual immorality (Matt 19:9), but this is not necessarily relevant in situations of domestic abuse.
- 7.9 In the view of the majority of the Doctrine Commission, remarriage may be permissible after divorce in circumstances other than those envisaged in Matthew 19. Jesus' words in Matthew 19 do not speak exhaustively about every possible circumstance of remarriage after divorce. This is evident from the fact that Paul feels able to address the situation of believer/unbeliever marriages as a scenario not directly addressed by Jesus (cf. 'I, not the Lord' in 1 Cor 7:12). This is especially the case if, as argued above, 1 Corinthians 7:15 allows for remarriage after abandonment by an unbelieving spouse, since Paul has recognised an 'exception' not covered by Jesus (abandonment), just as Jesus has recognised an 'exception' not mentioned by Paul (sexual immorality).
- 7.10 There is an important principle of method here (cf. §3.4 above). Given that the Scriptures speak authoritatively to the moral order of the world, our approach to applying them in any particular aspect or situation – particularly one that is not exactly the same as the one addressed by Scripture – is to learn from and submit to the theological judgments and moral reasoning of the biblical passages we have

²¹ Under Jewish law, only the husband could initiate a 'divorce,' whereas the wife could 'separate' from a husband. In 1 Corinthians 7:10-11, 'separate' and 'divorce' are not describing sequential stages in a marital breakdown (as in contemporary usage – i.e., first separate, then divorce). Rather, they are describing the marriage-terminating action undertaken by a wife and a husband respectively. 'A wife must not separate from her husband' (v. 10) is functionally equivalent to 'a husband must not divorce his wife' (v. 11).

considered. Faithful Christian living constantly requires us to undertake redeemed moral reasoning, in which we recognize the order and patterns of moral life in the world, having been taught how to respond to them by the theological reasoning of Scripture, even though each new situation we confront will have its own features that vary in particulars from the contexts explicitly addressed in Scripture.

- 7.11 This is relevant to the discussion of domestic abuse. Following the work done by the Diocesan Task Force on Domestic Abuse, we take 'domestic abuse' to refer to a dysfunctional pattern of destructive power, in which one partner dominates, controls and humiliates the other through the threat or actuality of physical violence, or through other forms of demeaning emotional or psychological manipulation. The kind of behaviour pattern described by the contemporary term 'domestic abuse,' and its destructive effects, is not explicitly addressed by either Jesus or Paul.
- 7.12 How then should we reason morally about the effects of domestic abuse on marriages, and are these effects of such a nature that a victim of domestic abuse should be deemed free not only to divorce an abusive spouse but to marry someone else?
- 7.13 A case can be made for answering the question in the affirmative by first taking note of the moral logic of Paul's argument in 1 Corinthians 7:15 regarding remarriage after abandonment by an unbelieving spouse. Typically, in situations of domestic abuse, the abusing spouse does not abandon the marital home – it is usually the abused spouse who is forced to flee from the home. However, the principle is not so much about the abandonment of the marital home, but the abandonment of the *marriage* through unrepentant abusive actions. By making it impossible for their believing spouse to remain in the marriage, it may be argued that the abusive spouse has unilaterally abandoned the marriage. Following the moral logic of 1 Corinthians 7:15, this would suggest that in such circumstances the believing spouse is no longer bound to the marriage and is free to remarry.
- 7.14 But what if the abusing spouse is a believer (or claims to be a believer)? Such a person is acting like an unbeliever, by abusing their spouse. In this case, the principle of 1 Corinthians 5:11 applies. In 1 Corinthians 5:11, Paul says 'I am writing to you not to associate with anyone who bears the name of brother if he is guilty of sexual immorality or greed, or is an idolater, reviler, drunkard, or swindler – not even to eat with such a one.' In such cases, Paul counsels the withdrawal of fellowship and exclusion from the Christian community (5:13), to demonstrate to one who purports to be a believer the need for repentance (cf. 5:5). Matthew 18:15-17 describes a three-stage process by which the brother or sister who sins is made aware of their sin and called to repentance. If they refuse to listen, the church should regard them as a 'a gentile and a tax collector'; that is, as someone outside the community of faith. So if a person purports to be a Christian but abuses their spouse then the church has a responsibility to show him or her the error of their ways, and call for repentance. But if, after the careful three-stage process has occurred there is no repentance, then the church should 'expel the wicked person from among you' (1 Cor 5:13). Since their sinful action amounts to an abandonment of the marriage, then, on the basis of the argument from 1 Corinthians 7:15 accepted by the majority of the Doctrine Commission, the believing spouse is freed from the marriage and therefore free to remarry.
- 7.15. The caution raised above at 5.23 needs to be reiterated at this point. There is room for legitimate disagreement regarding the meaning of 1 Corinthians 7:15 and, in particular, its application to the marriage of a man and woman who both profess faith in Christ. Some Christian scholars remain unconvinced that the principle of 1 Corinthians 5:11 can be extended in this way as part of a justification for the freedom to remarry. The difficulty is compounded by a realisation that every situation is different and each needs to be considered carefully in a way that takes all the circumstances into account. Considerable pastoral wisdom is necessary in assessing how the Bible's teaching applies in each particular situation.

8. Conclusion

- 8.1 The issues surrounding marriage and divorce are deeply personal. They require sensitivity and compassion. This is all the more the case when the collapse of a marriage is associated with the trauma of domestic abuse. In such situations, the first priority is the safety and protection of the victim. To ensure this, it may be necessary for the victim to flee from the abusive marriage.
- 8.2 In all cases it is important that Christian pastoral practice should be theologically driven, which means it should be shaped and directed by the word of God given to us in Scripture. Theology must interpret

experience and shape practice rather than the other way around. Our doctrines of marriage and divorce are to reflect the teaching of the Bible rather than the current cultural consensus or even that of the ancient Near East or the Graeco-Roman world.

- 8.3 God's created intention for marriage must provide the framework for any discussion of these topics and how they intersect. God intends the marriage of a man and a woman to be characterised by grace, intimacy, self-sacrificial love and life-long faithfulness. The behaviour of both partners is to be modelled on Christ, whose love was epitomised by his sacrifice on the cross and whose commitment to the mission entrusted to him led him to always seek to do his Father's will. Marriage is to be held in honour by all (Heb 13:4) and seen as a good gift given to humanity by our Creator (1 Tim 4:3).
- 8.4 We must recognise the terrible impact of sin on all our relationships. Life in this fallen world exhibits brokenness, sinfulness and hard-heartedness in these areas, as it does elsewhere. Consequently, no human marriage is perfect and genuine repentance and forgiveness are vital features of any healthy marriage. Nevertheless, despite the impact of sin, marriage is still good.
- 8.5 The biblical focus on God's creational intention for marriage (itself exemplified in Jesus' response to the Pharisees in Matthew 19) explains why divorce is never viewed positively in the Bible. It is always a tragedy, even if it is possible to see good arising from it (e.g., a freedom from abuse and violence). This is not what God intended.
- 8.6 Since spousal love is modelled on the character and actions of Christ there is no place for domination, bullying, manipulation, or any form of abuse. The biblical teaching on headship and submission in marriage, understood rightly, is a challenge to such behaviour. Only by separating this teaching from its anchor in Christ and ignoring the way it is explained in the New Testament can a distortion of it be used to justify abusive behaviour. When that is the case it needs to be exposed as the distortion it is and the truth of the doctrine, as taught in the New Testament, needs to be presented with clarity and confidence. It also needs to be presented with an awareness that those who have suffered abuse may hear a justification of that behaviour in the words, 'headship' and 'submission.' Therefore, we need to be careful to explain what these words really mean in the Bible with a deep attentiveness to these concerns. Once again, it is by careful attention to the way both are exemplified in Christ, and are patterned in his relationship to the church, that such a mishearing of the doctrine can be rectified.
- 8.7 Domestic abuse of any kind is sinful and unacceptable. It needs to be confronted and addressed. The safety and protection of victims is of paramount importance. Fleeing to safety is an entirely appropriate course of action. Professional help and the love and support of the Christian congregation are critical in such cases. Some of these actions will be time critical – safety first. However, working toward the eventual goal of reconciliation will include the three-stage process in pursuit of the abuser's repentance (Matt 18:15-17), even as the victim is preparing for the possibility of permanent separation. It may be that such harm has been done that there is no reasonable prospect of reconciliation and the separation needs to be permanent and secured by law through a divorce. This does not mean that domestic abuse ought to be considered an additional ground for divorce but that divorce is properly a way of protecting victims in an exceptional and deeply tragic situation.
- 8.8 Divorce does not always and necessarily entail a freedom to remarry. The circumstances leading to the divorce need to be weighed in the light of the Bible's teaching. The New Testament envisages alternatives to remarriage such as reconciliation and remaining unmarried (1 Cor 7:11). Even if one is persuaded that Paul permits a believer who has been deserted by their unbelieving spouse to remarry, it is another step again to extend this exception to a Christian marriage – albeit an abusive one. Nevertheless, in cases where domestic abuse amounts to an abandonment of the marriage and the abuser remains adamant in their refusal to follow Christ, remarriage after divorce may be permissible. However, careful, prayerful thought and consultation are needed to discern what is both possible and advisable in each case.
- 8.9 We need to give fresh attention to the value and significance of a life of singleness, including the single life of those who were once married. In a culture which is highly sexualised and in which there are few models of single men and women rejoicing and functioning effectively in life and ministry, this is an urgent need. The New Testament teaching about the advantages of a devoted single life needs more prominence than it has been given. Furthermore, we ought to challenge any suggestion that our identity is secured by, or our value is located in, our marital status. Single people make a vital contribution to the life and ministry of God's people. It is also important that Christian congregations give renewed attention to how they might provide a rich and deep environment of

familial love and support for those who are unmarried. Pastoral care of those who for whatever reason find themselves single needs to be an important priority for each local church.

- 8.10 It is essential to remember that the gospel of Jesus Christ is a gospel of grace, of sins forgiven and washed away, of reconciliation, freedom from guilt, and new life. Jesus died to deal with all sin, even sin in this area and so we should be careful not to create barriers to fellowship and service that are inconsistent with this truth.
- 8.11 In the light of this report, the Doctrine Commission urges every church to treat questions of discipline and community with the utmost seriousness. It takes a strong culture of godly discipline and accountability to help Christians in relational turmoil make wise and godly decisions, especially when these decisions are difficult. Regretfully, many divorced Christian couples remarry because the church fails to be a community that makes singleness a plausible alternative, a community in which 'everyone who has left houses or brothers or sisters or father or mother or wife or children' for Jesus' sake receives a hundred times as much (Matt 19:19). Unless the church can model whole-hearted discipleship, provide proper counsel and discipline, and be a new family for those who have lost family for Christ, it will fail to be the community of love that it is called to be.

MARK D. THOMPSON
Chair, Diocesan Doctrine Commission

15 August 2019

Bibliography and further reading

- Ash, Christopher. *Marriage. Sex in the Service of God*. Nottingham: IVP, 2003.
- Baldwin, Joyce. G. *Haggai, Zechariah, Malachi*. Nottingham: IVP, 2009.
- Bromiley, Geoffrey. W. *God and Marriage*. Edinburgh: T. & T. Clark, 1981.
- Burk, Denny. *What Is the Meaning of Sex?* Wheaton: Crossway, 2011.
- Carson, D. A. "Matthew." In *The Expositor's Bible Commentary*, Vol. 8, edited by Frank E. Gaebelin, 3–599. Grand Rapids: Regency, 1984.
- Ciampa, Roy E., and Brian S. Rosner. *The First Letter to the Corinthians*. Grand Rapids: Eerdmans, 2010.
- Comes, Andrew. *Divorce and Remarriage: Biblical Principles and Pastoral Practice*. Repr. Fearn: Christian Focus, 2002.
- Craigie, Peter C. *The Book of Deuteronomy*. Grand Rapids: Eerdmans, 1976.
- Fee, Gordon D. *The First Epistle to the Corinthians*, NICOT. Grand Rapids: Eerdmans, 1987.
- Fisk, Bruce N. "Πορνεία as Body Violation: The Unique Nature of Sexual Sin in 1 Corinthians 6.18." *NTS* 42 (1996): 540–58.
- Heth, William A. 'Jesus on Divorce: How My Mind Has Changed.' *Southern Baptist Journal of Theology* 6/1 (2002):4–29.
- Hill, Michael. *The How and Why of Love: An Introduction to Evangelical Ethics*. Sydney: Matthias Media, 2002.
- House, H. W. *Divorce and Remarriage: Four Christian Views*. Downers Grove: IVP, 1990.
- Instone-Brewer, David. *Divorce and Remarriage in the Bible: The Social and Literary Context*. Grand Rapids: Eerdmans, 2002.
- Instone-Brewer, David. 'Divorce for "Any Cause."' *Whitefield Briefing* 8, no. 5 (December 2003): <https://static1.squarespace.com/static/5c9e3e63e8ba4496c1df9458/t/5caf915b71c10b0d272bf8f3/1555009884870/8.5+WB+Instone+Brewer.pdf>.
- Köstenberger, Andreas and David W. Jones. *God, Marriage and Family: Rebuilding the Biblical Foundation*. 2nd edn. Wheaton: Crossway, 2010.
- Morris, Leon. *1 Corinthians*, TNTC. Leicester: IVP, 1985.
- O'Brien, Peter. T. 'Divorce and Remarriage.' In *Agenda for a Biblical Church: 2. Debates & Issues from the National Evangelical Anglican Congress*, edited by A. Nichols & J. W. Williams, pp. 175–84. Sydney: AIO Press, 1981.
- Pressler, C. 'Wives and Daughters: Bond and Free: Views of Women in the Slave Laws of Exodus 21:2-11.' In *Gender and Law in the Hebrew Bible and the Ancient Near East*, edited by V. H. Matthews et al., pp. 147–72. JSOT Supp 262; Sheffield: Sheffield Academic Press, 1998.
- Stott, J. R. W. 'The Biblical Teaching on Divorce.' *Churchman* 85/3 (1971):165–174.
- Sydney Diocesan Doctrine Commission, '21/82. The Remarriage of Divorced Persons (1984)': <https://www.sds.asn.au/sites/default/files/reports/R/Remarriage%20of%20Divorced%20Persons%20%2821.82%29%20%281984%29.pdf>.
- Turner, David L. *Matthew*, Baker Exegetical Commentary on the New Testament. Grand Rapids: Baker, 2008.
- Wenham, Gordon J. & Heth, William A. *Jesus and Divorce*. 2nd edn. London: Hodder & Stoughton, 1997.
- Wenham, Gordon J., Heth, William A. & Keener, Craig S. *Remarriage after Divorce in Today's Church: 3 Views*. Grand Rapids: Zondervan, 2006.
- Wingerd, Daryl. 'Dr. David Instone-Brewer's *Divorce and Remarriage in the Bible*: A Critical Review.' *Christian Communicators Worldwide* (April 9, 2009): <https://www.ccwtoday.org/2009/04/dr-david-instone-brewers-divorce-and-remarriage-in-the-bible-a-critical-review>.

Divorce and Remarriage at the Time of the Reformation

On the Eve of the Reformation

At the time of the Reformation, the Roman Catholic church considered marriage one of the seven sacraments. Due to its sacramental nature, marriage was regulated through church courts rather than civil courts. Moreover, because of its sacramental nature, marriage was generally considered indissoluble until death (in which instance, remarriage was permitted). Based on this indissolubility, divorce was not lawful. However, while divorce was not permitted, other options were. There was provision for the annulment of a marriage, and provision for the separation of a spouse from bed and board. Annulment did not dissolve a marriage but rather declared that it had always been null and void. The legal ground of an annulment was the presence of an impediment to marriage (e.g., marriage within the degrees of consanguinity, precontract of marriage to another party, coital incapacity, insufficient age, prior religious vows, etc.). Like annulments, separation did not dissolve a marriage, but it enabled marriage partners to live independently without continued sexual relations. The legal grounds for marital separation were generally related to adultery, domestic violence, and heresy. Despite this provision of separation, the ecclesiastical magistrates throughout Europe were reluctant to grant it, and often worked hard to reconcile marriage partners. Notwithstanding the dominance of the church courts and their administration of canon law, there were notable Roman Catholics, such as Erasmus of Rotterdam (1466–1536) and Thomas More (1478–1535), who tentatively approved of divorce on the eve of the Reformation. However, with the ensuing revolution of the Protestant Reformation, the Council of Trent formally codified the principle of the indissolubility of marriage into canon law: those who said the church has erred in its doctrine of marriage were to be anathematised.

Wittenberg and Northern European Directions

Martin Luther (1483–1546) repudiated the sacramental status of marriage in his *Babylonian Captivity of the Church* (1520). In this treatise Luther also railed against certain annulling impediments set forth in canon law, which he considered without basis in Scripture. Furthermore, he equivocated about divorce, even suggesting that bigamy be preferable (which Luther elsewhere suggested in the case of Henry VIII and Katherine of Aragon, and which later embarrassed him with the actual bigamy of Philip of Hesse). By the publication of *The Estate of Marriage* (1522), Luther's position had evolved, and not only did he provide a sharper analysis of the canonical impediments to marriage, but he specified various grounds for divorce which he believed to be based upon Scripture: impotence (he previously discussed this as a legitimate impediment), adultery (as per the Matthean Exception), and through sexual deprivation and physical avoidance (through his understanding of 1 Cor. 7:4-5). This latter ground first required spousal admonition and ecclesial rebuke, and only afterwards the intervention of the civil magistrate. Luther provided one further ground for divorce: 'some reason other than conjugal duty.'²² This was a largely undefined category, but included the examples of a bitter wife, and a rude, brutal, and unbearable husband. Philip Melancthon (1497–1560), Johannes Bugenhagen (1485–1558), and the various jurists within the University of Wittenberg held reasonably similar views to Luther, and their teaching on marriage and divorce filtered down into the civil courts and was dispersed throughout the northern Germanic and Scandinavian regions. In their implementation of marriage law, virtually none of these civil courts adopted a Scripture only approach, but rather held to the supremacy of Scripture while implementing Scripturally compatible aspects of marriage and divorce law from the received body of civil and canon law.

Zürich and Southern European Directions

Like Luther, the reformers of Zürich rejected the sacramental status of marriage and understood it to be a divine institution involving a social contract. Huldrych Zwingli (1484–1531) wrote the *Marriage Ordinance* which was promulgated by the city magistrates in 1525. This document outlined the constitution and legislative principles of the matrimonial council for Zürich. As with Luther, the traditional impediments to marriage were discussed. Impotence was stated as a legitimate ground for divorce (after a one year waiting period). Adultery was also a valid ground for divorce, with the innocent party given the freedom to remarry,

²² Martin Luther, "The Estate of Marriage, 1522," in *Luther's Works* (55 vols.; eds. Jaroslav Pelikan and Helmut T. Lehmann; Philadelphia: Muehlenberg and Fortress, and St. Louis: Concordia, 1955-86), 45:34.

and the guilty party handed over to the civil magistrate for punishment. Divorce was also provided for by 'greater reasons than adultery': danger to life, lunacy, desertion, remaining abroad for a long time without permission, having leprosy, 'or other such reasons.'²³ The unstated logic in this approach to divorce is likely similar to that specified in Heinrich Bullinger's (1504–1575) *The Christian State of Matrimony* (1540):

What the right occasion of divorce is, Christ has mentioned in the Gospel and named whoredom or adultery. With the which no doubt he has not excepted like and greater occasions but understood and comprehended them therein.²⁴

As he spelt out elsewhere in the treatise, Moses and the Apostle Paul demonstrated that other grounds for divorce exist, and it was theologically reasonable to argue for more serious attacks on marriage than adultery. Nevertheless, Bullinger was insistent that divorce was a last resort, and that all manner of reconciliation should be attempted while there was hope of amendment. This general approach to divorce was followed in the matrimonial courts of Oswald Myconius (1488–1552) and Simon Grynaeus' (1493–1541) in Basel and that of Joachim Vadian (1484–1551) in St. Gallen.

John Calvin (1509–1564), like the Swiss reformers Zwingli and Bullinger, viewed marriage as more than a social contract. It was a divinely instituted covenant between man and woman. In Calvin's Geneva, however, a far more conservative approach was taken to divorce law than in Zürich. In 1545, Calvin and four members from the Small Council of the city drew up the *Marriage Ordinance* which regulated marriage formation and dissolution. The consistory court could provide annulments where a small range of impediments for marriage were proven, and it could provide divorces where properly contracted marriages could be dissolved. Calvin was nervous about granting divorce for slight causes and rash reasons, holding that marriage could only be dissolved on the biblically obvious grounds of adultery and desertion (not cruelty, leprosy, or other grounds granted in Zürich and its surrounds). In the case of adultery, the innocent party could remarry but the guilty party faced criminal punishment. Desertion was more complicated to prove (evidenced by the protracted divorce case of Calvin's own brother). For example, cases where a husband went overseas for business but could not be found required a ten-year waiting period before he was presumed dead, and cases where a husband was found overseas but refused to return required various efforts to cajole him back (and face discipline) before eventually a divorce would be granted. Although Calvin wrote regularly on marriage in his *Institutes* and throughout his commentaries, it was Theodore Beza who incorporated Calvin's ideas into his own exhaustive treatise on the subject, *De Repudiis et Divortiis* (1563). The conservative Genevan approach to divorce and remarriage found its way into Scotland via John Knox (though with a four-year period required to prove desertion), Holland (though over time the Dutch civil authorities' concept of desertion expanded well beyond Calvin's view), and the ideas of prominent English Puritans.

The English Reformation and its Legacy

On 23 May 1533 the marriage of King Henry VIII and Queen Katherine was annulled (importantly, not divorced). The European wide debate over the legitimacy of this annulment centered upon whether the Pope could have formerly dispensed with the Levitical prohibition against sexual relations between a man and his brother's wife (Lev. 18:1-19; cf. Lev. 20:21, Deut. 21:5), and thus whether Henry was ever validly contracted to Katherine of Aragon, who was previously married to Henry's brother, Arthur. In short, it was a complicated debate over biblical interpretation and the extent of the Pope's powers of dispensation. We need not concern ourselves with the unfolding of the debate, except to note that Protestants themselves were divided over the key exegetical question. Luther and Melancthon believed that Henry's marriage was valid (since the Levitical prohibitions did not apply to Christians) and that he ought to choose bigamy over divorce. However, Basel's Johannes Oecolampadius (1482–1531) and Zürich's Zwingli believed that Henry's marriage was invalid (since the Levitical prohibition stood as an impediment to marriage for Christians) and he was therefore free to marry Anne Boleyn.

In contrast to the reformations on the European continent, reformation England continued to regulate marriage law within the framework of the ecclesiastical rather than civil courts. Thus, King Henry attempted to revise the traditional canon law with his own native canon law in 1535 (largely a scissors and paste job from the *Corpus iuris canonici*). The work of the committee which drew up the Henrician canons was interrupted for unknown reasons, and the project failed to progress much further. However, during the reign of Edward VI, the revision of canon law received another lease of life through an act of parliament in 1549.

²³ Samuel Macauley Jackson (ed.), *Selected Works of Huldreich Zwingli (1484-1531): The Reformer of German Switzerland* (Philadelphia: University of Philadelphia Press, 1901), 122.

²⁴ Modernised from Heinrich Bullinger, *The Christen State of Matrimonye* (Antwerp: M. Crom, 1541 [1540]), RSTC 4045, sig. K.6^r.

On 6 October 1551, the Privy Council commissioned thirty-two men to attend to the reformation of canon law. This commission was comprised equally of bishops, divines, civilians, and lawyers – even including two foreign divines, Peter Martyr Vermigli (1499–1562) and John à Lasco (1499–1560). One month later, the illustrious group of thirty-two was narrowed down to a more manageable eight persons, including Archbishop Thomas Cranmer (Canterbury), Bishop Thomas Goodrich (Ely), Richard Cox, Peter Martyr Vermigli, William May, John Taylor, John Lucas, and Richard Goodrich.²⁵ This committee drafted up the canon law, and the larger committee finalised it during February 1552.²⁶ However, when the newly reformed canon law was finally presented to parliament in April the following year, the work of the English reformers came to nothing, for the *Reformatio Legum Ecclesiasticarum* was vetoed by Lord President Northumberland himself.

Notwithstanding its eventual failure within the Church of England, the *Reformatio* provides a unique insight into the collective thought of senior English reformers concerning marriage and divorce. Just as with the marriage courts on the continent, the *Reformatio* plundered the traditional body of canon law according to its compatibility with Scripture. Separation from bed and board was abolished, impediments to marriage were reformed, and divorce was permitted. Grounds for divorce that were explicitly rejected included minor disagreements and incurable diseases occurring after lawfully contracted marriage. Grounds for divorce which were accepted included adultery (although reconciliation was strongly preferred), desertion, prolonged absence without news (presumed death), deadly hostility (attempted murder), and the crime of ill-treatment (domestic abuse).

The latter two grounds require some explanation. Deadly hostility covered a wide set of circumstances where a spouse was proven guilty in court of attempting to take the other spouse's life. The logic of this argument was that an attack on life constituted a greater attack on marriage than adultery or desertion, and since there could not be any fellowship in such a circumstance, the marriage partners could not live together, and the marriage ought to be dissolved. The ground of ill-treatment depended on the logic of the ground of deadly hostility. In the circumstances where the ecclesiastical magistrate could not coerce the spouse guilty of 'excessive harshness of word or deed' to abandon such cruelty, the victim of such ill-treatment was considered at risk of life, and the situation allowed for divorce as in the situation of deadly hostility. Therefore, the fundamental argument behind both grounds of deadly hostility and ill-treatment was the impossibility of cohabitation due to an unrelenting intention to murder one's spouse. As to the biblical basis for this argument, the *Reformatio* stated that it is 'according to the teaching of Paul.'²⁷ We cannot be certain, but this most likely refers to Paul's teaching about a believer not being bound to an unbelieving spouse who wishes to separate from them (1 Cor. 7:15). That is, repeated and recalcitrant attempts to take the life of one's spouse were tantamount to an unbeliever's actual abandonment of their spouse. As the English Puritan, William Perkins, would summarily put it many years later, 'For to depart from one, and drive one away by threats, are aequipollent.'²⁸

It is sometimes argued that the matrimonial canons in the *Reformatio* are indebted to the great Alsatian reformer, Martin Bucer (1491–1551). However, while Bucer exerted considerable influence upon various theological matters from his position as Regius Professor of Divinity in Cambridge, this was not the case for the canons concerning marriage and divorce. He had died before the *Reformatio* was drafted, and his views set forth in *De Regno Christi* (1551) not only envisaged civil jurisdiction over matrimonial disputes but contained other views out of step with the *Reformatio*. Bucer, for example, held that marriage required cohabitation, deep love and affection, the leadership of the husband and helpfulness of the wife, and conjugal benevolence. If anyone, through stubbornness or inability, could or would not perform these duties, then there was no true marriage and they ought not to be counted man and wife. To Bucer's mind, divorce could even be granted by sheer mutual consent of the marriage partners. His liberal views on marriage and divorce were well-known, with one evangelical writing to Heinrich Bullinger that 'Bucer is more than licentious on the subject of marriage. I heard him once disputing at table upon this question, when he

²⁵ The initial subgroup (4 November, 1551) also included Bishop Nicholas Ridley (London), Richard Cox, Bartholomew Traheron, and John Gosnold, who were replaced with the above listed members on the revised subgroup (11 November 1551).

²⁶ The members of the commission included the bishops: Thomas Cranmer (Canterbury), Nicholas Ridley (London), John Ponet (Winchester), Thomas Goodrich (Ely), Miles Coverdale (Exeter), John Hooper (Gloucester), William Barlow (Bath and Wells), and John Scory (Rochester); the divines John Taylor of Lincoln, Richard Cox, Matthew Parker, Anthony Cooke, Peter Martyr Vermigli, John Cheke, John à Lasco, and Nicholas Wotton; the civilians: William Petre, William Cooke, Rowland Taylor of Hadley, William May, Bartholomew Traheron, Richard Lyell, and Richard Reade; the common lawyers James Hales, Thomas Bromley, Richard Goodrich, John Gosnold, William Stamford, John Caryl, John Lucas, and Robert Brooke.

²⁷ Gerald Bray (ed.), *Tudor Church Reform: The Henrician Canons of 1535 and the Reformatio Legum Ecclesiasticarum* (Woodbridge, Suffolk: Boydell Press, 2000), 271.

²⁸ William Perkins, *Christian Oeconomie: or, A short survey of the right manners of erecting and ordering a familie according to the scriptures.* (London: Felix Kyngston, 1609), 107.

asserted that a divorce should be allowed for any reason, however trifling.²⁹ Given the controversial nature of Bucer's views, it is not surprising that Cranmer rejected his suggestion to revise the 'Solemnization of Matrimonie' service in the *Book of Common Prayer* by raising mutual help to the foremost purpose of marriage (before procreation and sex).

Just as with many of his theological convictions, Cranmer's views evolved slowly. In 1540, Cranmer wrote to his father-in-law, Andreas Osiander (1498–1552), indicating his belief in the indissolubility of marriage. However, by 1547 Cranmer and a theological committee, which included Nicholas Ridley and William May, found that the previous separation of William Parr from his adulterous wife in 1543 was in fact a circumstance which afforded divorce, and thus Cranmer granted the Marquis of Northampton the freedom to remarry. By the time of the *Reformatio*, Cranmer's opinion clearly evolved and became agreeable to the view that desertion was a legitimate ground for divorce. If any other divine on the drafting committee of the *Reformatio* had a significant hand in its matrimonial discussion, it would likely have been Peter Martyr Vermigli. He argued, that the Israelite civil law concerning marriage was repudiated by Christ (along with the ceremonial laws), and thus concluded, contra Bucer, that Deuteronomy 24:1 was not applicable to a Christian theology of divorce – i.e., the New Testament only sanctioned divorce for adultery and desertion.³⁰ Therefore, although we cannot be certain of the primary contributors to the matrimonial sections of the *Reformatio*, we can be reasonably confident that Cranmer and Vermigli were agreed that the two major grounds for divorce were adultery and desertion, with the latter providing the foundation for divorce upon the grounds of deadly hostility and ill-treatment.³¹

By the end of King Edward VI's reign, the *Reformatio* was a dead letter. It had not passed through Parliament, nor through Convocation. It was again floated during the reign of Queen Elizabeth but debates over ecclesiastical polity took precedence over ecclesiastical law. Indeed, only in 1604 would the Church of England produce its own body of canon law. The irony of this achievement of a reformation goal was that the 1604 canons set forth parameters for marriage and divorce more restrictive than the pre-reformation situation: impediments were small in number, separation was permitted, but divorce itself was not. The sacramental status of marriage had been rejected but the indissolubility of marriage had not. As Diarmaid MacCulloch writes,

So the Church of England remained without divorce law, and in fact, through this accident rather than any basic theological conviction, right up to the end of the twentieth century, it kept the strictest laws on marriage in all western Christendom, scarcely mitigated by the numerous ingenious reasons for annulment with which the Roman Catholic Church lawyers relieve Catholic canon law on marriage.³²

²⁹ John Burcher to Heinrich Bullinger, 8 June 1550, in Hastings Robinson (ed.), *Original Letters Relative to the English Reformation*, 2 vols. (Cambridge: Cambridge University Press, 1846), 2:665-666.

³⁰ Pietro Martire Vermigli, *The common places of the most famous and renowned diuine Doctor Peter Martyr ...* (London: Denham and Middleton, 1583), RSTC 24669, 463.

³¹ Interestingly, some on the larger *Reformatio* finalising committee took the view that adultery was the sole ground for divorce. See John Ponet, *A Defence for Mariage of Priestes ...* (London: Reynold Wolff, 1549), RSTC 20176, B.iii^{rv}, *An Apologie Fully Aunsvveringe by Scriptures ...* (Strasbourg: Kopfel, 1556), RSTC 20175a, 19, and John Hooper, *A Declaration of the Ten Holy Commandments ...* (Zürich: Augustin Fries, 1549), RSTC 13746, CLXIII-CLXVII.

³² Diarmaid MacCulloch, *Reformation: Europe's House Divided* (London: Penguin Books, 2004), 660-661.

Letter to Members of Synod Regarding Domestic Abuse and Remarriage

I am writing to you in regard to resolution (50/18) which was passed at the last session of Synod.

Synod, noting that it is the prerogative of the Archbishop or a Regional Bishop, in accordance with the laws of this Church, whether or not to approve the remarriage of a divorced person, requests the Archbishop and Regional Bishops to consider approving the remarriage of a divorced person, where that person has been abused physically or emotionally by their former spouse.

While the resolution did not ask for a response from the Archbishop and Regional Bishops, I thought it would be helpful for members of Synod to know that we have carefully considered this request. I met with the Regional Bishops and Archdeacon for Women's Ministry, for a full day's reflection on the issue, in Bible study, prayer and discussion. I also thought it wise to consult the Doctrine Commission, who are preparing a further report on the topic of divorce and remarriage, which is in the final stages of completion.

The approval of the remarriage of divorced persons is regulated by the *Solemnisation of Marriage Ordinance 2011*, which states:

Marriage shall not be solemnised in the Diocese...where either or each of the parties to be married is a divorced person, unless, in accordance with the laws of this Church, the Archbishop has given permission for the solemnisation of the marriage in this Diocese or a regional bishop has given his permission for the solemnisation of the marriage in his region.

It has long been the practice in the Diocese of Sydney for the Archbishop to allow the remarriage of a divorced person on certain grounds, namely, where the previous marriage was broken by the sexual immorality of one of the parties, or where an unbelieving spouse has abandoned the marriage. These grounds reflect the teachings of Jesus in Matthew 19:1-9 and of Paul in 1 Corinthians 7:15, and are effectively the same grounds for divorce reflected in the Doctrine Commission's Report of 1984. Nonetheless, the Standing Committee has asked the Doctrine Commission to revisit this issue with a fresh report.

Jesus' teaching is that marriage is for life: 'what therefore God has joined together, let no one put asunder' (Matthew 19:6). These words are echoed in the service for the Solemnization of Marriage in the *Book of Common Prayer*. Yet, Jesus recognises the effects of sin in a fallen world, and the hardness of heart, even of God's people. Whereby, he reiterates the exception of 'sexual immorality' as a legitimate ground for divorce. This is widely seen as a reiteration of the Mosaic provision established in Deuteronomy 24:1.

The further ground that the apostle Paul allows is when a believer is married to an unbeliever, and the unbeliever no longer wishes to remain in the marriage, in which case the believer is 'not bound' (1 Corinthians 7:15). It is generally acknowledged that those who are 'not bound' are free to remarry, and this understanding has informed the practice of successive archbishops.

Paul also recognises that there are situations for believers where a separation or divorce from the marriage does occur, other than on grounds of sexual immorality. In such circumstances, he exhorts the two parties to remain separated or else be reconciled (1 Corinthians 7:11).

In the Synod debate last year, members recognised the sensitive nature of the topic of domestic abuse and the deep emotions bound up in questions about divorce and remarriage within the Christian community. I want to make it quite clear that any kind of domestic abuse, especially violence, is abhorrent. It is contrary to Christ's teaching and deserves our strongest condemnation. It has no place in the life of a marriage, especially within the covenant community. I also recognise that we have a responsibility to uphold the sanctity of marriage and its permanence, but this is not always possible, and situations sadly exist where it is a proper course of action for one spouse to leave the other. Domestic abuse is one such circumstance where separation may, for example, be the only safe option for a woman, whose husband blatantly abrogates his responsibility to love his wife as Christ commands.

It is appropriate for a person to separate from their spouse in a situation of domestic abuse which puts the safety and well-being of that person (and their children) at risk. Ministers should never counsel a person to remain in an unsafe environment where they would continue to suffer abuse. While domestic abuse may lead to separation, each situation is different and the circumstances will determine the appropriateness of considering divorce and remarriage.

The Regional Bishops assess each application for remarriage on a case by case basis. In many cases of domestic abuse, it is evident that the abusing spouse is an unbeliever who has demonstrably 'abandoned' the marriage by the manner in which they have treated their spouse (notwithstanding the fact that the victim may be the one who leaves the marital home for reasons of safety). Even in cases where the abusing spouse still claims to be a believer, the bishops recognise that he or she is acting like an unbeliever in perpetrating domestic abuse. In such cases the principles of Matthew 18:15-17 and 1 Corinthians 5:11 may well apply, so that the person is treated as an unbeliever. It is also possible, however, that there are circumstances where there are legitimate grounds for divorce, which may not satisfy the biblical grounds for remarriage.

I can assure Synod members that the Regional Bishops are well aware of the complexities of marital breakdown and sensitive to the needs of those who are victims of domestic abuse. They are especially aware of the likelihood that the existence of domestic abuse is often hidden. They exercise pastoral care when responding to applications by clergy for the remarriage of divorced persons. Moreover, any application from a member of the clergy must include a statement to the effect that they believe the remarriage is in accordance with the teaching of the Bible and the Anglican Church in this diocese.

In responding to applications for remarriage, the Regional Bishops' responsibility is to uphold the doctrine of Christ, which includes their showing the compassion of Christ. These issues require much wisdom and sensitivity, but I have no doubt that each Regional Bishop seeks to exercise his delegated responsibility with pastoral care and integrity, so that Christ may be honoured in our Church.

Dr Glenn N Davies
Archbishop of Sydney

17 July 2019