

Chapter 5. Divorce in Biblical times

As confused as our understanding of marriage has been, divorce is even more confusing. For example, today, when we say “divorce” we conjure up an image of filing papers in a local court asking a judge to declare a state-granted marriage terminated. But the interesting question is whether this is what the authors of the Bible thought. Clearly, it is not.¹⁸

In the Old Testament, while marriage goes back to Adam and Eve, no reference to divorce is found until the Law of Moses. In Deuteronomy 24, Moses wrote,

1 If a man marries a woman who becomes displeasing to him because he finds something indecent about her, and he writes her a certificate of divorce, gives it to her and sends her from his house, 2 and if after she leaves his house she becomes the wife of another man, 3 and her second husband dislikes her and writes her a certificate of divorce, gives it to her and sends her from his house, or if he dies, 4 then her first husband, who divorced her, is not allowed to marry her again after she has been defiled. That would be detestable in the eyes of the LORD. Do not bring sin upon the land the LORD your God is giving you as an inheritance.

We’ll have occasion to study this passage again. For now, it’s enough to note that the process of ending a marriage was simply for the husband to send his wife from his house. There was no intervention of a judge. No court filing. No civil process at all. Thus, when “divorce” is mentioned in the context of the Law of Moses, the speaker was thinking in terms of violating the marriage covenant, particularly by sending the wife out of the house. When God says through Malachi, “I hate divorce” (Mal. 2:16), God was not condemning filing court papers—he was condemning violating the marriage covenant so as to end the marriage.

In Greek and Roman society, the law regarding divorce was not greatly different.¹⁹ In the First Century, Roman marriage was a “free marriage” based on mutual consent. Although in earlier years more formal arrangements were recognized, by New Testament times, these had long been forgotten. Divorce, accordingly, was accomplished by either party’s repudiating the marriage. Under Augustus (emperor at the beginning of the First Century), the divorce need only be announced in the presence of seven

¹⁸ The following arguments are heavily based on John L. Edwards, *An In Depth Study of Marriage & Divorce* (hereinafter “Edwards”). I will not cite to Edwards in every place on which I rely on his efforts, because I rely so often and so heavily on this book. Edwards is a much longer, much more thorough discussion than this work, and I highly recommend it.

¹⁹ See Pat E. Harrell, *Divorce & Remarriage in the Early Church* (R. B. Sweet Co., Inc., 1967) (hereinafter “Harrell”); and 5 W. G. Smith, *The Catholic Encyclopedia*, “Divorce in Civil Jurisprudence” (1909), <http://www.newadvent.org/cathen/05064a.htm>.

witnesses. Thus, as was the case with the Jews, a “divorce” was the act of ending the marriage—not filing a suit in court.

In both cases, the law allowed the wife to remarry. Under the Law of Moses, the wife was given a certificate of divorce by her husband, essentially verifying that she’d been divorced so that she could remarry freely. The standard form of certificate explicitly allowed the right to remarry. In fact, the notion of divorce without the right to remarry would have been unthinkable.²⁰ Of course, husbands were allowed multiple wives, so remarriage was not an issue for them. Under Augustus, witnesses were required, evidently also to allow the wife to prove her eligibility to remarry.

This is easily confirmed by looking at the words the writers use to described what some versions translate as “divorce”:

Verse	KJV translation	NIV translation
1 Cor. 7:10	“depart”	“separate”
1 Cor. 7:11 & 12	“put away”	“divorce”
1 Cor. 7:13	“leave”	“divorce”
1 Cor. 7:15	“depart”	“leaves”
1 Cor. 7:27	“be loosed”	“divorce”
Matt. 5:31&32	“put away”	“divorce”

Strong’s *Greek Dictionary of the New Testament* defines *apoluo*, the Greek word translated several places as “put away” (KJV) or “divorce” (NIV), as including the meanings forsake, lay aside, leave, and yield up. Zodhiates in *The Complete Word Study New Testament Dictionary* includes the meanings to send away, to dismiss, to forsake, to leave, and to omit or neglect.

Of the 69 uses in the New Testament, *apoluo* is translated “divorce” 14 times in the NIV. All of these are in the Gospel passages discussed in the main text with one exception. In Matthew 1:19, “Joseph had in mind to put her away privately.” Because Joseph and Mary were not married, but engaged, *apoluo* plainly means to end their covenant to be married—not just to divorce.

Other NIV translations of *apoluo* include depart, dismiss, divorce, forgive, let go, loose, put (send) away, release, set at liberty. For example—

²⁰ Instone-Brewer, pp. 117 ff.

“Depart” (2x): Luke 2:29, Simeon—let me **die** in peace; Acts 23:22, the commander **dismissed** the young man.

“Dismiss” (2x): Acts 15:30, **sent off** to deliver the letter in Antioch; Acts 19:41, city clerk **dismissed** the assembly.

“Forgive” (2x): both in Luke 6:37, **forgive** and you shall be **forgiven** (ironic, isn’t it, that the same word can be translated “divorce” and “forgive”!)

“Let go” (10x): Pilate wanted to **let** Jesus **go**, the Sanhedrin **let** the apostles **go**, etc.

“Loosed” (2x): servant **loosed** from debt, Matthew 18:27; Luke 13:12, woman **loosed** from being bent over.

“Put away” (12x): Matthew 1:19, Joseph had in mind to **put her away** privately. 13 other times in Gospel passages on divorce.

“Send away” (12x): eleven times in Gospels, Jesus **sent away** the multitudes or someone. Acts 13:3, they **sent away** Paul and Barnabas on their mission.

“Release” (17x): all 17 are about Pilate wanting to **release** Jesus.

Of a total 69 uses, only 14 refer to a marriage break up. Plainly, “divorce” is always a translator’s conclusion from context.²¹

In each case, the *context* is clear that the word used means “end a marriage,” but in no case is a court proceeding or any action by the government or church involved. In each case, it is simply one spouse ending the marriage by leaving, departing, separating, loosing the other from the bonds of marriage, or putting the other away. It is always purely an action between the spouses themselves. Thus, the sin of divorce is the sin of the spouse who violates the marriage covenant so as to end the marriage, whether by putting away, neglect, abandonment, forsaking, or the like.

For example, imagine a married couple today. The husband abandons the wife, perhaps not even leaving a forwarding address. If we were to think of “divorce” in modern terms, we’d say that they are still married. If the wife were to go to the courthouse and file for a divorce, many would declare her a sinner because God condemns divorce. And yet in the context of what “divorce” meant in the First Century and earlier, we’d clearly see that the sinner is the husband who abandoned his wife. He ended the marriage by severely violating his marriage covenant. When the wife goes to the courthouse to obtain a divorce, she is only asking the court to declare as ended a marriage that is already ended. In Biblical terms, she has not sought a divorce. Rather,

²¹ Thanks to Buddy Jones for his notes on the use of *apoluo*.

her husband put her away, and now she simply wants the government to recognize that her marriage has already ended.

Another example might help. Suppose a husband emotionally abuses his wife and refuses to repent despite counseling and urging from the elders. The husband is unhappy with his life situation and takes out his frustration by belittling and constantly criticizing his wife. His sadism has eroded the love from the marriage and made his wife's life a living hell. Having exhausted all avenues of persuading him to be a husband to her, she concludes that she can no longer live with the man. Because she needs his financial support to finish school and become self-supporting, she files for divorce, seeking alimony. He continues his resentful, sadistic ways by resisting her petition, causing her untold expense and heartache.

Under the traditional view, she is a sinner for seeking a divorce and he very properly is resisting her sinful effort to end a God-ordained marriage. In reality, he is the sinner and she is the victim, and in reality the Bible says so. He "put away" his wife long before she went to court to formally end a marriage long ago ended in fact.

Now, I readily admit that drawing lines here is hard. But that suggests that we are truly on the right path. I mean, it's also hard to draw a line as to when a Christian has fallen away and become lost. It's hard to know if someone has truly repented. It's hard to know who is really qualified to be an elder.

The point is that God judges the heart (1 Sam. 16:7), and we have trouble making Godly judgments because we aren't equipped to judge as God judges. And so when I find that drawing a line like this requires knowing someone's heart, rather than a law book, I figure I'm close to the truth of the matter.

Let's be quite clear: "divorce" in Biblical terms is the ending of marriage, and marriages are ended by husbands and wives, not judges. The sinner is the spouse who breaks the marriage covenant—not necessarily the spouse who goes to court.