

Marriage, Divorce and Remarriage

Ellen Fein and Sherrie Schneider sparked significant controversy when they released their 1995 book, *The Rules of Love: Time Tested Secrets for Capturing the Heart of Mr. Right*. The very popular book was full of simple advice such as “Don’t see him more than once or twice a week” and “don’t stare at men or talk too much.” However, Fein and Schneider faced embarrassment in 2001 when they released another book titled *The Rules for Marriage: Secrets for Making Your Marriage Work*. The authors were embarrassed because Ellen Fein and her husband of sixteen years, Paul Feingertz, filed for divorce in 2000. Fein claimed the sudden fame that came as a result of her first book was the main cause of her marriage’s dissolution. On his part, her husband, a pharmacist, claimed abandonment. Ms. Fein remarried on July 27, 2008 to Lance Houpt. Ellen Fein’s divorce coming at the very moment when she released a book on successful marriage strategies is symptomatic of the confused state of marriage in the United States.

The state of marriage in the United States is confusing indeed. Current efforts to redefine marriage as something other than one man and one woman follow closely on the heels of forty years of marital dissolution on a mammoth scale. Ministering in the United States in the Twenty-First Century means ministering to divorced people and sharing the Gospel with people who have been divorced. Furthermore, we will minister to children of divorce: boys, girls, young men and young women who carry the emotional scars of living through their parents’ divorce. One twenty-five year longitudinal study of children whose parents divorced in the 1970s revealed that when these children became adults they continued to struggle emotionally and relationally as a result of their parents’ divorce.¹ When one considers these factors along with the anger and resentment that accompanies divorce, it is not without cause that one of my colleagues refers to divorce as the “third rail” of pastoral care.

I. Brief History and Legal Background

A. Legal Definition

Divorce is the termination of a marriage by legal action, requiring a petition or complaint for divorce by one party. A *no-fault divorce* is a divorce in which neither spouse is required to prove fault or marital misconduct on the part of the other spouse. Instead, a spouse merely asserts “incompatibility” or “irreconcilable differences.”²

¹ Amy Desair, “Divorce and Public Policy Fact Sheet,” electronic resource located at www.family.org/cforum. Accessed 9/12/2001. Desair refers to Judith Wallerstien, *The Unexpected Legacy of Divorce* (New York: Hyperion, 2000).

² This definition is from www.dictionary.law.com, electronic resource accessed 12/21/2004.

B. Brief History

1. First Century

Divorce was rather common and easy in Roman, Greek and Jewish culture of the First Century. In Rome and Greece, women could initiate divorce. In Jewish culture, only the man could initiate divorce. C. Everett Ferguson comments on First Century divorce practices and says, "Divorce required little formality. A simple oral or written notice was sufficient, by one or both parties."³ The maxim, "matrimonia debent esse libera" ("marriages ought to be free") was common. In 19/18 B.C., Emperor Augustus had legislation passed which attempted to regulate family, marriage, and divorce. The new law provided husbands with the opportunity to prosecute their wives for adultery within 60 days of divorce. The wives did not have the right to prosecute their husbands for adultery.

Seneca (4 B.C. – 65 A.D.), a Roman Stoic philosopher, commented in *De Beneficiis* ("On Benefits") that many women in his day "reckon their years not by the number of consuls but by the number of their husbands. They leave home in order to marry and divorce."⁴ Karl Christ summarizes the moral environment saying "promiscuity was the rule and, particularly in the governing class, a colorful succession of marriages and divorces was quite usual."⁵ Thiselton summarizes the modern scholarly consensus concerning the status of divorce in the first century as follows: "In Jewish, Greek, and Roman law a husband could divorce his wife for a variety of reasons, and in Greek and Roman law divorce could be initiated freely from either side."⁶ This cavalier attitude towards divorce and remarriage in the First Century mirrors many attitudes towards divorce in our own era.

2. Early Twentieth Century

Some early feminist leaders saw less restrictive divorce laws as central to the liberation of women. They argued consistently that divorce laws in the United States should be significantly modified. The picture below was a full page add in *Life* on November 15, 1905 and reflects the way some women viewed divorce laws at that time.

³ C. Everett Ferguson, *Backgrounds of Early Christianity* (Grand Rapids: Eerdmans, 1987), 56.

⁴ Seneca, *De Beneficiis*, 3.16.2.

⁵ Karl Christ, *The Romans*, Christopher Holme, trans. (Berkeley, CA: University of California Press, 1984), 101.

⁶ Anthony Thiselton, *First Corinthians: A Commentary on the Greek Text* (Grand Rapids: Eerdmans, 2005), 523.



Notice that the woman in the photograph is shackled to her husband. Under this bondage, she is reaching for the gate called “Divorce” which has a beautiful garden on the other side. However, her path is blocked by another man who wears both the vestments of the church and who also carries the symbols of law (police hat and billyclub).⁷

In 1931, Nevada lawmakers lowered that state’s residency requirement for a divorce to six weeks. Thus, Nevada, and Reno in particular, soon became known as the “quickie-divorce” capital of the United States. By 1940, Nevada accounted for 49 out of 1,000 divorces in the United States despite having a very small population.

3. Recent History

The first state to legalize “no-fault” divorce was California when Governor Ronald Reagan signed into law the Family Law Act of 1969. Today, every state but New York has a “No-Fault Divorce” statute. In New York, both parties have to notarize a separation agreement and live apart for one year. At the end of that time, the separation is converted into a divorce.

C. How Many Divorces?

What percentage of marriages in the United States actually end in divorce? To clarify this issue, I will use the divorce data from Missouri for 2003- 2005 as “random” examples.⁸

	<u>Marriages in Missouri</u>	<u>Divorces in Missouri</u>
2003	41,295	22,166
2004	40,824	21,700

⁷ Illustration scanned and modified by Jone Johnson Lewis, 1999.

⁸ Data is from Munson ML, Sutton PD. Births, marriages, divorces, and deaths: Provisional data for 2005. National vital statistics reports; vol 54 no 20. Hyattsville, MD: National Center for Health Statistics. 2006.

2005

47,017

20,952

The data for Missouri mirrors the data nationally. A quick glance at this table demonstrates why the claim that “half of all marriages” end in divorce is often repeated. If one compares the number of marriages and divorces every year, it appears as if 50% of all people who ever get married will eventually become divorced. However, that is a wrong interpretation of the data. The annual divorce statistics are somewhat skewed by the inclusion of people who have multiple divorces. Pollster George Barna offers some clarification to the data and says that there is approximately a 34% statistical incidence of divorce among people who have ever been married.⁹ This means that about two-thirds of the people who get married in the United States actually stay married until the death of one or both of the spouses.

Data for divorce in the United States consistently shows that women more frequently initiate a divorce than men. About two-thirds of divorces in the United States are initiated by women.

Sadly, that statistical incidence of divorce for people who classify themselves as “born-again” is not much different from the national average. While “born again” adults are less likely to cohabitate prior to marriage (a 25% statistical incidence as opposed to 33% nationally), they are almost as likely to divorce as someone who does not self-identify as “born again.” George Barna states, “Overall, 33% of all born again individuals who have been married have gone through a divorce, which is statistically identical to the 34% incidence among non-born again adults.”¹⁰ In fact aside from Nevada, no region in the United States has a higher divorce rate than the Bible Belt. The states of Tennessee, Arkansas, Alabama and Oklahoma rounded out the top five for highest divorce rates in 1999.¹¹

II. Common Causes of Divorce

Christian psychologist Gary Collins lists six common influences that are sometimes cited as reasons for one or both of the spouses in a marriage to initiate a divorce action.¹² To his list of six influences, I will add two more.

A. Sexual Unfaithfulness

B. Desertion

C. Escalating Incompatibility

⁹ George Barna, “Born Again Adults Less Likely to Co-habit, Just as Likely to Divorce,” electronic resource located at www.barna.org, accessed 3/18/2004.

¹⁰ Ibid.

¹¹ David Crary (AP), “Oklahoma Battles Breakups: Divorce Rates Higher Across the Bible Belt,” *The News and Observer*, November 12, 1999, A1, A4.

¹² Gary Collins, *Christian Counseling: A Comprehensive Guide*, rev. ed. (Dallas: Word Publishing, 1988), 454-456.

D. Social Sanctions

Changes in attitudes over the last fifty years have removed the moral stigma previously associated with divorce. Priorities in our culture include career advancement and personal fulfillment. When one is in a marriage that is perceived by one's friends to be a hindrance to success, there is social pressure to "get out of" a "bad marriage."

E. Immature Attitudes

Collins describes immaturity as "an unwillingness to make and keep commitments, a disinclination to assume responsibility, a tendency to dominate, an insensitivity to the needs or interests of other people, and a self-centered view of life that insists upon the fulfillment of one's own wishes and rights."¹³

F. Persisting Stresses

Substance abuse and physical abuse are included in this category.

G. Financial Mismanagement

Poor money management can be a sign of immaturity and will result in stress. I list it as a separate category because financial problems are so very common in troubled marriages. Gambling can also be listed under this heading.

H. Living Together Before Marriage

Couples who live together prior to marriage have higher incidences of divorce than couples which do not live together prior to marriage. Coinciding with in the increase in divorces has been an increase in cohabitation. The Center for Disease Control completed a detailed study in 2002 titled, "Cohabitation, Marriage, Divorce, and Remarriage in the United States." According to the CDC: "The probability of a first marriage ending in separation or divorce within 5 years is 20 percent, but the probability of a premarital cohabitation breaking up within 5 years is 49 percent. After 10 years, the probability of a first marriage ending is 33 percent, compared with 62 percent for cohabitations."¹⁴ These findings demonstrate that premarital cohabitation is markedly less stable than marriage. People who enter into premarital cohabitation are thus "trained" to think of their relationship as less stable, thus contributing to the higher divorce rates for couples who marry after cohabitation.

¹³ Ibid., 455.

¹⁴ "New Report Sheds Light on Trends and Patterns in Marriage, Divorce, and Cohabitation." Electronic resource available at www.cdc.gov/nchs/releases, accessed 3/18/04.

III. Social Costs of Divorce

A. Poverty For Women

B. Fatherless Children

C. Difficulty in Marriage for Children of Divorce

IV. The Old Testament and Divorce

A. Genesis 2:24 – 25

Genesis 2:24 -25: 24 For this reason a man will leave his father and mother and be united to his wife, and they will become one flesh. 25 The man and his wife were both naked, and they felt no shame.

1. The Foundational Passage for Marriage

Genesis 2:24-25 is the foundational passage of Scripture concerning marriage. This passage affirms that heterosexual and monogamous marriage is God's standard. When asked about divorce, Jesus redirected his questioners to this passage. By so doing, Jesus elevates the issue to a higher moral plane by relating questions regarding divorce to the purpose of God with regards to marriage.¹⁵ Too many conversations about divorce ignore God's ideal plan for marriage. The skews the discussion by focusing on when a marriage can or should end as opposed to God's intention for marriage.

2. Three Aspects to Marriage

Kenneth Matthews suggests that as a model for marriage, this passage involves three factors: a leaving, a uniting, and a public declaration.

Leaving: There is some debate concerning whether vs. 24 should be translated as a future – “will leave”— or a present tense – “leaves.” Matthews says, “The significance of the language “leave” is that marriage involves a new pledge to a spouse in which formal familial commitments are superseded.”¹⁶

Uniting: Matthews says, “The two people, although freed from their parents, are not isolated or independent; they become dependent and responsible toward one another.”¹⁷

Public Declaration: Matthews says, “Marriage is not a private matter. It involves a declaration of intention and a redefining of obligations and relationships in a

¹⁵ See William Lane, *New International Commentary: Mark* (Grand Rapids: Eerdmans, 1974), 355.

¹⁶ Kenneth Matthews, *The New American Commentary*, vol. 1a, *Genesis 1 – 11:26* (Nashville: Broadman, 1996), 223.

¹⁷ *Ibid.*

familial and social setting. In our contemporary climate of sexual freedom and societal tolerance for moral deviance, we would do well to reconsider the biblical viewpoint toward marriage and sexual behavior. Without question 2:24 serves as the bedrock for Hebrew understanding of the centrality of the nuclear family for the survival of society.”¹⁸

3. Covenant Vs. Contract

The terms for “leave” and “cling / cleave” in 2:24 are terms commonly used in the context of a covenant, indicating covenant breach (e.g., Deut. 28:20; Hos. 4:10) or fidelity.¹⁹

Our culture sees marriage as a *contract*.

Scripture views marriage as a *covenant*, an idea of a much deeper commitment than modern ideas of “contract.”

4. Our Culture’s Inverted Order

In Genesis 2:25, shameless intimacy follows leaving and cleaving and is preceded by a public ceremony. Our culture’s view of sexual immorality inverts this order and attempts to begin with shameless intimacy and move towards unity. This “inverted thinking” contributes to permissive attitudes towards divorce.

5. Marriage as a School for Character

Genesis 2:24-25 reminds us that marriage is a school for character. Warren Wiersbe comments, “As two people live together in holy matrimony, the experience either brings out the best in them or the worst in them. It’s an opportunity to exercise faith, hope, and love to mature in sacrifice and service to one another for God’s glory.”²⁰ This approach is in stark contrast to the modern approach too frequently sees problems as an excuse to end a marriage.

B. Exodus 21:10 – 11

Exodus 21:10 – 11: 10 If he marries another woman, he must not deprive the first one of her food, clothing and marital rights. 11 If he does not provide her with these three things, she is to go free, without any payment of money.

David Instone-Brewer, a senior research fellow in Rabbinics at Tyndale House, has generated a great deal of debate by his claim that Exodus 21:10 – 11 is at least a tacit allowance for divorce in cases of abandonment. I will quote him at length:

¹⁸ Ibid., 224.

¹⁹ Ibid., 222.

²⁰ Warren Wiersbe, *Be Basic: Genesis 1 – 11* (Colorado Springs: Victor, 1998), 43.

Although the church forgot the other cause for divorce, every Jew in Jesus' day knew about Exodus 21:10-11, which allowed divorce for neglect. Before rabbis introduced the "any cause" divorce, this was probably the most common type. Exodus says that everyone, even a slave wife, had three rights within marriage—the rights to food, clothing, and love. If these were neglected, the wronged spouse had the right to seek freedom from that marriage. Even women could, and did, get divorces for neglect—though the man still had to write out the divorce certificate. Rabbis said he had to do it voluntarily, so if he resisted, the courts had him beaten till he volunteered!

These three rights became the basis of Jewish marriage vows—we find them listed in marriage certificates discovered near the Dead Sea. In later Jewish and Christian marriages, the language became more formal, such as "love, honor, and keep." These vows, together with a vow of sexual faithfulness, have always been the basis for marriage. Thus, the vows we make when we marry correspond directly to the biblical grounds for divorce.²¹

Thus, Brewer says the Bible allows for divorce in cases of physical or emotional abandonment, and further claims that Paul reaffirmed this in 1 Corinthians 7.

1. The Natural Textual Division

The natural textual division is actually Exodus 21:7-11, not just Exodus 21:10 – 11.

2. Intriguing, not Convincing

In context of Exodus 21:7-11, it is not clear whether or not a marriage was actually consummated. Furthermore, the passage is more clearly a limitation on careless polygamy. In short, Verse 11 seems to me to be describing a situation in which a man buys a slave girl. Prior to consummating a "marriage" with her via sexual intercourse, he considers taking another wife as well. If he cannot adequately meet the needs of a second wife, he must set the first girl free, apparently prior to having sex with her.

I find Instone-Brewer's argument intriguing, but not convincing.

C. Deuteronomy 24:1 – 4

Deuteronomy 24:1 -4: 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

²¹ David Instone-Brewer, "What Has God Joined? What Does the Bible Really Say About Divorce?" Electronic Resource available at <http://www.christianitytoday.com/ct/2007/october/20.26.html>, accessed January 7, 2009. His views are further elaborated in his book, *Divorce and Remarriage in the Church*, InterVarsity Press.

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.

1. King James Confusion

The King James Version perpetuates some confusion concerning this passage by its unfortunate use of the jussive²² in verse 1. The KJV translation is as follows:

Deuteronomy 24:1 – 4 (KJV): 1When a man hath taken a wife, and married her, and it come to pass that she find no favour in his eyes, because he hath found some uncleanness in her: then let him write her a bill of divorcement, and give it in her hand, and send her out of his house.

2And when she is departed out of his house, she may go and be another man's wife.

3And if the latter husband hate her, and write her a bill of divorcement, and giveth it in her hand, and sendeth her out of his house; or if the latter husband die, which took her to be his wife;

4Her former husband, which sent her away, may not take her again to be his wife, after that she is defiled; for that is abomination before the LORD: and thou shalt not cause the land to sin, which the LORD thy God giveth thee for an inheritance.

Notice that the KJV makes divorce a *command*. In reality, verses 1 – 3 are more *descriptive* than *prescriptive*. In fact, the KJV translation perpetuates some of the same mistakes made by religious leaders who wanted to argue with Jesus about divorce!

2. Where's the Command?

As Walter Kaiser points out, it is now “almost universally accepted that the first three verses form the protasis and that the apodosis only comes in verse 4.”²³ For clarification, consider reading the passage as follows:

Description / Protasis: 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,

Prescription / Apodosis: 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

²² A “jussive” is a word, mood, or form intended to communicate a command.

²³ Walter Kaiser, *Toward Old Testament Ethics* (Grand Rapids: Zondervan, 1983, 200). Protasis refers to the subordinate clause of a conditional sentence while apodosis refers to the main clause of a conditional sentence.

the eyes of the LORD. Do not bring sin upon the land the LORD your God is giving you as an inheritance.

Deuteronomy 24:1-4 is not a mandate for divorce, but is in fact intended to be a restraint upon frivolous divorce and remarriage.²⁴ The intention of the passage to be to mitigate against frivolous divorce and the ensuing hardship and injustice towards a wife

3. How Did this Regulation Help Women?

How was Deuteronomy 24:1-4 helpful to women? Walter Kaiser mentions three ways in which the Mosaic regulation gave checks and guarantees against arbitrary divorce:

1. Definite grounds had to be alleged.
2. A proper legal instrument had to be prepared and put into writing.
3. the case (by implication) had to be brought before a public servant or official.²⁵

The bill of divorcement also protected the woman from a false charge of adultery. If she had an official document of divorce, a capricious husband could not drive a woman from his home and afterward claim that she was still his wife. Instead, he had to give her a document that established her right to marry someone else.²⁶

4. What is the “Something Indecent”?

The phrase translated “something indecent” by the NIV or “some uncleanness” by the KJV is the Hebrew phrase *עֲרֻת דָּבָר* (*erwat dabar*). The identical phrase occurs in Deuteronomy 23:14 in reference to excrement. According to Eugene Merrill, the noun *erwa* bears the meaning of both “nakedness” or “pudenda,” meanings combined in Deuteronomy 24:1 -4 to suggest the improper uncovering of genitalia.²⁷ Based on this background, I understand the text to have sexual immorality in mind. If this is indeed the case, then the allowance for divorce (but again note, not the *command* to divorce) is parallel to the “exception clauses” of Matthew 5 & 19.

Students should be aware that some commentators disagree with your professor’s conclusions here concerning the “something indecent” in Deuteronomy 24:1. These commentators insist that Deuteronomy 24:1 – 4 does not have adultery in mind since adultery would have entailed capital punishment (Leviticus 20:10; Deuteronomy 22:22), thus making divorce unnecessary!²⁸

²⁴ See C.F. Keil and f. Delitzsch, *Commentary on the Old Testament*, vol. 1, *The Pentateuch* (Grand Rapids: Eerdmans, 1991 reprint), 417 – 418.

²⁵ Kaiser, *Toward Old Testament Ethics*, 203.

²⁶ This insight is from Leon Morris, *The Gospel According to Matthew* (Grand Rapids: Eerdmans, 1992), 120.

²⁷ Eugene Merrill, *The New American Commentary*, vol. 4, *Deuteronomy* (Nashville: Broadman, 1994), 317. *Pudenda* is the plural noun of *pudendum* and refers to the external genital organs, especially that of a woman.

²⁸ Henry McKeating contends there is no instance in the Biblical record of capital punishment for adultery actually being put into effect. See Henry McKeating, “Sanctions Against Adultery in Ancient Israelite

D. Ezra 9 – 10

Ezra 9:1-2: 1 After these things had been done, the leaders came to me and said, "The people of Israel, including the priests and the Levites, have not kept themselves separate from the neighboring peoples with their detestable practices, like those of the Canaanites, Hittites, Perizzites, Jebusites, Ammonites, Moabites, Egyptians and Amorites. 2 They have taken some of their daughters as wives for themselves and their sons, and have mingled the holy race with the peoples around them. And the leaders and officials have led the way in this unfaithfulness."

Ezra 10:2: 2 Then Shecaniah son of Jehiel, one of the descendants of Elam, said to Ezra, "We have been unfaithful to our God by marrying foreign women from the peoples around us. But in spite of this, there is still hope for Israel. 3 Now let us make a covenant before our God to send away all these women and their children, in accordance with the counsel of my lord and of those who fear the commands of our God. Let it be done according to the Law.

Ezra 10:11: 11[Ezra said], "Now make confession to the LORD, the God of your fathers, and do his will. Separate yourselves from the peoples around you and from your foreign wives."

Following return from the Babylonian exile, Jewish men, including priests and Levites, had married non-Jewish women who were pagan idolaters. These marriages were in strict contradiction to the command of Deuteronomy 7:3: "Furthermore, you shall not intermarry with them [pagans]; you shall not give your daughters to their sons, nor shall you take their daughters for your sons." There is some question about the exact nature of these marriages. J. Gordon McConville points to the fact that the terms for "marriage" and "divorce [putting away]" in Ezra 10 are not the usual terms for marriage and divorce. He says:

The word translated married is not the usual one, but means literally "we have given a home"; Shecaniah's words may imply that these illicit relationships were not marriages in the full sense. . . . Shecaniah's belief that "there is hope for Israel" (v. 2) is dependent on making a covenant with God, meaning in this instance a solemn and binding promise to put away the foreign wives and their children. As with the term for "marriage," this is not the usual expression for "divorce," and may also imply that these were not proper marriages. The word means simply "bring out." In effect, this meant excommunicating them from the community of returned exiles.²⁹

What is clear in Ezra is that the religious conviction of the women in question is the cause for alarm, not just their ethnic background. Edwin Yamauchi says, "A better

Society, With Some Reflections on Methodology in the Study of Old Testament Ethics," *Journal for the Study of the Old Testament*, 11 (1979): 57 – 72.

²⁹ J. Gordon McConville, "Study Notes for Ezra," *The ESV Study Bible* (Wheaton, IL: Crossway Bibles, 2008), 819.

translation than ‘foreign wives’ might be ‘pagan wives,’ implying not only a different nationality, but adherence to a different religion.”³⁰ With this religious concern in mind, Ezra 9 – 10 should not be considered a simple condemnation of inter-racial marriages. At any rate, the situation is somewhat unique.

E. Hosea

Hosea 1:2: When the LORD first spoke through Hosea, the LORD said to Hosea, “Go, take to yourself a wife of harlotry and have children of harlotry; for the land commits flagrant harlotry, forsaking the LORD.”

Hosea 3:1: Then the LORD said to me, "Go again; show love to a woman who is loved by another man and is an adulteress, just as the LORD loves the Israelites though they turn to other gods and love raisin cakes." (HCS)

Gomer is merely called “woman” without a possessive suffix to indicate “your woman,” indicating the degree of estrangement. The life of Hosea offers a dramatic portrayal of God’s redeeming love. While these passages are primarily soteriological in nature [they address salvation], we do see here a willingness to reconcile with a spouse. In this case, the offending spouse is certainly “unworthy,” emphasizing the sacrificial love needed for reconciliation to occur.

F. Malachi 2:13 – 16

Malachi 2:13 – 16: 13 Another thing you do: You flood the LORD's altar with tears. You weep and wail because he no longer pays attention to your offerings or accepts them with pleasure from your hands. 14 You ask, "Why?" It is because the LORD is acting as the witness between you and the wife of your youth, because you have broken faith with her, though she is your partner, the wife of your marriage covenant. 15 Has not the LORD made them one? In flesh and spirit they are his. And why one? Because he was seeking godly offspring. So guard yourself in your spirit, and do not break faith with the wife of your youth.

16 "I hate divorce," says the LORD God of Israel, "and I hate a man's covering himself with violence as well as with his garment," says the LORD Almighty. So guard yourself in your spirit, and do not break faith.

The prophecy recorded here in Malachi was actually predates the events recorded in Ezra. The overall theme of Malachi is that God’s people had been giving God their second best. Malachi challenges them to excellence in several areas including their approach to marriage.

³⁰ Edwin Yamauchi, *The Expositor’s Bible Commentary*, vol. 4, *Ezra* (Grand Rapids: Zondervan, 1988), 671.

1. The Sanctity of the Marriage Covenant is Reaffirmed

In verse 14, the Hebrew word translated “partner” by the NIV is related to the Hebrew root meaning “to be joined,” as in the nailing together of pieces of wood in a construction project (Exodus 26:6).³¹ The language of 2:15 may also imply the shared responsibility of child-rearing.

Malachi 2:15 seems to allude to Genesis 2:24-25 when Malachi reminds his hearers that the LORD has made the husband and wife “one.”³² Though Malachi 2:15 is difficult to render in English, the text is essentially saying that God made monogamous marriage and He intends for unions to last.³³ The importance God places on men in particular being faithful to the marriage covenant is strongly emphasized by the use of three phrases to describe their wives in Malachi 2:14:

1. “The Wife of your Youth.”
2. “She is your partner.”
3. “The wife of your marriage covenant.”

Walter Kaiser suggests these three phrases illustrate more graphically the offense of divorce.³⁴

2. God’s Strong Disapproval of Divorce

Malachi 2:16 is one of the more well-known passages in Bible concerning divorce. The simple statement, “God hates divorce,” has been often repeated. A vocal minority of translators insist that this is a wrong translation, and instead they claim the first phrase Malachi 2:16 should be translated with the husband as the subject connected with the verb “hate.” The following comparison of different translations gives you some idea of the debate. I’ve divided the translations into “traditional” and “recent” categories.

Traditional (The LORD is the Subject)

Malachi 2:16 AMP: For the Lord, the God of Israel, says: I hate divorce and marital separation and him who covers his garment [his wife] with violence. Therefore keep a watch upon your spirit [that it may be controlled by My Spirit], that you deal not treacherously and faithlessly [with your marriage mate].

Malachi 2:16 CEV: The LORD God All-Powerful of Israel hates anyone who is cruel enough to divorce his wife. So take care never to be unfaithful!

³¹ Andrew E. Hill and John H. Walton, *A Survey of the Old Testament*, 2nd ed. (Grand Rapids: Zondervan, 2000), 549.

³² I strongly believe Malachi is alluding to Genesis 2. Some do not think the allusion is quite so clear because a different Hebrew word is used for “flesh” in Malachi 2:15 than in Genesis 2:24.

³³ This is the opinion of Robert Alden, *The Expositor’s Bible Commentary*, vol. 7, *Malachi* (Grand Rapids: Zondervan, 1985), 717.

³⁴ Walter Kaiser, *Malachi: God’s Unchanging Love* (Grand Rapids: Baker Book House, 1984), 72.

Malachi 2:16 KJV: 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: therefore take heed to your spirit, that ye deal not treacherously.

Malachi 2:16 MSSG: "I hate divorce," says the God of Israel. God-of-the-Angel-Armies says, "I hate the violent dismembering of the 'one flesh' of marriage." So watch yourselves. Don't let your guard down. Don't cheat.

Malachi 2:16 NASB: "For I hate divorce," says the LORD, the God of Israel, "and him who covers his garment with wrong," says the LORD of hosts. "So take heed to your spirit, that you do not deal treacherously."

Malachi 2:16 NET: "I hate divorce,"² says the Lord God of Israel, "and the one who is guilty of violence," says the Lord who rules over all. "Pay attention to your conscience, and do not be unfaithful."

Malachi 2:16 NIV: "I hate divorce," says the LORD God of Israel, "and I hate a man's covering himself with violence as well as with his garment," says the LORD Almighty. So guard yourself in your spirit, and do not break faith.

Malachi 2:16 NKJV: "For the LORD God of Israel says That He hates divorce, For it covers one's garment with violence," Says the LORD of hosts. "Therefore take heed to your spirit, that you do not deal treacherously."

Malachi 2:16 NLT: "For I hate divorce!" says the Lord, the God of Israel. "To divorce your wife is to overwhelm her with cruelty," says the Lord of Heaven's Armies. "So guard your heart; do not be unfaithful to your wife."

Recent (Husband is the Subject)

Malachi 2:16 HCS: "If he hates and divorces [his wife]," says the LORD God of Israel, "he covers his garment with injustice," says the LORD of Hosts. Therefore, watch yourselves carefully, and do not act treacherously.

Malachi 2:16 ESV: "For the man who does not love his wife but divorces her, says the LORD, the God of Israel, covers his garment with violence, says the LORD of hosts. So guard yourselves in your spirit, and do not be faithless."

As can be seen, the majority of translations favor the traditional understanding that God is the intended subject of the verb hate in Malachi 2:16. Even the two translations that favor the recent approach, the English Standard Version and the Holman Christian Standard, include translator footnotes for Malachi 2:16 acknowledging debate about the passage:

Malachi 2:16 Translators Note – ESV: Probable meaning (compare Septuagint and Deuteronomy 24:1-4); or “The LORD, the God of Israel, says that he hates divorce, and him who covers.

Malachi 2:16 Translators Note – HCS: Or The LORD God of Israel says that He hates divorce and the one who

In context, I believe the traditional understanding is better attested and more close to the intent of Malachi. Malachi 2:16 is in fact a statement from God expressing his general disapproval of divorce. Walter Kaiser’s comments on Malachi 2:16 are helpful: “Scripture here records one of its strongest protests against divorce, the putting away of wives. In no uncertain terms, God is represented as loathing the practice and the results.”³⁵

3. Divorce and Domestic Violence

God’s hatred towards divorce is connected with the practice of men who were violent towards their wives, as the second phrase of Malachi 2:16 says, “I hate a man’s covering himself with violence as well as with his garment.” (NIV) Kaiser suggests the phrase is better translated “one who covers his garment with violence” and says this is an illusion to the ancient custom of spreading a garment over a woman as Boaz did over Ruth, thus claiming her as his wife.³⁶ What is clear is that God also expresses strong moral disapproval for violent husbands.

4. Points of Application from Malachi

1. God hates divorce.
2. The Text does not say God hates divorced people.
3. God intends marriages to last.
4. God hates domestic violence.

³⁵ Kaiser, *Malachi*, 73.

³⁶ Ibid.