The problem of divorce and remarriage is by no means a recent one for the church. From its inception, it has found this problem an irritant. Throughout the centuries, Christian leaders have grappled with the pros and cons of the matter.

I. The Attitudes Of The Early Church

All peoples in the Roman Empire, regardless of their religious affiliation, had the right to divorce their spouses. Marriage was considered a private contract which, like all other contracts, might be dissolved. Divorce was easily attained and, because the state placed heavy financial burdens upon single people, remarriage was encouraged.1

One of the earliest writings (and a book regarded by many in the early church as almost on a par with the NT writings), The Shepherd of Hermas (c. 140), deals with whether a husband sins if he continues to live with an adulterous wife. Hermas gives no option: he must divorce her. At the same time, "for the sake of her repentance," a second marriage was forbidden. Should an erring wife repent, her spouse must take her back in wedlock. Remarriage, other than to the repentant former wife, was regarded as adultery (Book 2, Comm. 4:4–8).2

In his A Plea for the Christians (c. 177), Athenagoras showed that the typical resistance to remarriage was based on the church's understanding of Jesus' teaching on the matter. "Second marriage is only a specious adultery," he declared. "'For whosoever puts away his wife,' says He [meaning Jesus], 'and marries another, commits adultery.'"3 Indeed, the marriage bond for many of the Ante-Nicene Fathers was so indissoluble that it continued beyond the grave. A virtually eternal relationship was established between the spouses, living or dead.4

Tertullian (c. 200), like his contemporaries, held that the marital bond is indissoluble. In his Treatises on Marriage and Remarriage, he strongly objected to a woman's remarrying even after her husband's death, because then she would have "one husband in the flesh and another in the spirit. This would be adultery-joint knowledge of one woman by two men."5 In regard to divorce, he claimed that the new law of Christ had abrogated the OT law permitting divorce; that same new law thereby outlawed remarriage. Tertullian did, however, accept remarriage if the dissolution of the first (either by death or divorce) had occurred prior to one's conversion (for in
Christ, one becomes a new creation).

Origen, in his *Commentary on Matthew*, did not seem as strict as his contemporaries. He noted that Christ rejected "the opinion that a wife was to be put away for every cause" (1.14.16), but he did not seem to rule out divorce completely. Indeed, he admitted that some church leaders "have permitted a (divorced) woman to marry, even when her husband was living," and he confessed that such permission was "not altogether without reason," being undoubtedly a lesser of evils (1.14.23).

The Council of Elvira (c. 300) vigorously opposed remarriage. Women who divorced their husbands, regardless of grounds, were to be excommunicated. If an "innocent" wife (who divorced an adulterous husband) were to remarry, she was to be denied the sacraments until her first husband's death, after which she might find readmission to the church. Because, however, her crime was not as serious as that of a "guilty" party, if she were to die before her first husband, she might receive the sacrament of extreme unction.

The Council of Arles (314) was more lenient. It dealt with the young Christian whose wife became an adulteress. Its counsel was similar to that of Elvira, that he should refrain from marrying a second time as long as the adulterous wife lived. No mention was made, however, of excommunication should he remarry.

II. Roman Catholic Attitudes

The teaching of the Roman Catholic Church was based on the formulations of Augustine of Hippo, who regarded marriage as a sacrament. His views were more clearly organized by Thomas Aquinas and were later incorporated into the Canon Law.

The Fathers of the fourth and fifth centuries were very strict in their interpretation of the NT divorce sayings. Jerome (347–420), for example, believed that a wife might leave a husband who was guilty of sexual perversion; "yet he is still her husband and, so long as he lives, she may not marry another." Should she divorce her husband and remarry, both she and the new spouse would be guilty of adultery. They could not receive the Eucharist (Lord's Supper) until they had done penance by agreeing to refrain from further sexual intercourse.

For Augustine, "even from the union of the two, the man and woman, marriage bears a certain sacramental character, (which) can no way be dissolved by the death of one of them." Such a sacramental bond holds in spite of adultery or divorce. Accordingly, he argued that, while divorce is permissible because of fornication on the part of one spouse (though he candidly admitted that he did not know whether fornication referred to "acts of uncleanness" or to "every transgression of the law on account of unlawful lust," e.g., idolatry or covetousness), remarriage is out of the question, for, regardless of circumstances or who may be the guilty party, the marriage bond remains. Unless and until the original spouse dies, remarriage is adultery.

Thomas Aquinas's *Summa Theologica* set forth systematically what has become the teaching of the Roman Catholic Church on marriage and divorce. Marriage, he declared, "was instituted in the New Law in so far as it represents the mystery of Christ's union with the Church, and in this respect it is a sacrament of the New Law." Nothing—not even adultery—can dissolve the marriage of two communicants. While a husband is bound to divorce a wife who continuously
commits adultery, he may not remarry (to do so constitutes adultery on his part) unless she dies; should she repent, he should be reconciled to her, although he cannot be compelled to do so. In the case where only one of the marriage partners is a believer, Aquinas taught that the unbeliever might be put away, because "spiritual adultery is more grievous than carnal." At the same time, a distinction was made: should a communicant divorce an unbelieving wife who was willing to cohabit, he could not remarry; if the spouse, though, was unwilling, then "the believing husband after parting from her (n-tight) be united to another in marriage."

As products of the Renaissance, the Christian humanists attempted to cast off the tradition of the Church and return to the teaching of Scripture. Thomas More, for example, though he lived and died a Roman Catholic and was even canonized by his church—nonetheless held views on marriage and divorce which were contrary to its tradition (he may have been motivated by having left a life of monkish asceticism to be married!). In his *Utopia*, he suggested that marriage is intended for the pleasure of male and female. He stressed the importance of the marriage bond, but held that if a husband and wife could not live in harmony, by mutual consent of both, they should be allowed to divorce and marry someone else. He also believed that unfaithfulness or intolerable behavior by either spouse breaks the marriage bond. At the same time, "breakers of wedlock are punished by the severest grade of slavery" in his *Utopia* and, for a subsequent offence, should be put to death.

A contemporary and fellow-spirit of More, Desiderius Erasmus, also held views on marriage and divorce which were quite radical for his day. He cast scorn on the total prohibition of divorce and the idea of an indissoluble marriage bond. Commenting on the Gospel of Matthew, he pointed out that the Church interprets Christ's teachings more narrowly than he did, and that such inflexibility is contrary to the general interpretation of the Sermon on the Mount. In treating the Pauline teaching on divorce, he noted a need to allow for remarriage after divorce for sound causes other than adultery, such as cruelty or mutual hatred. Erasmus maintained, though, that he was not seeking to encourage unnecessary divorces, but only to remedy unhappy marriages when all other means had failed.

The twenty-fourth session of the Council of Trent in November of 1563 dealt with and set out the official Roman Catholic position on divorce and remarriage. In reaction against the Reformation, it reaffirmed the indissolubility of the marriage bond and the sacramental character of matrimony. It stipulated that "the bond of matrimony cannot be dissolved on account of the adultery of one of the married parties," and that neither spouse may contract a second marriage during the lifetime of another without committing adultery. If anyone should promote a contrary position, "let him be anathema."

The decisions of the Council of Trent were further strengthened in 1880 by the issuance of *Arcanum Divinae Sapientiae* by Pope Leo XIII. It declared that "Christ the Lord raised matrimony to the dignity of a sacrament ... and by the bond of divine love strengthened the naturally indissoluble partnership of a man and woman." Moreover, Christ gave the Church complete control of marriage legislation. No civil authority has any legitimate right to regulate this realm.

In 1930, Pope Pius X issued the encyclical *Casti Connubi*. Taking Leo XIII's encyclical as his starting point, he too emphasized the dignity of marriage as a perpetual sacrament. Because marriage was instituted by God and affirmed by Christ, it is not subject to "human wills or to
any contrary pact made even by the contracting parties themselves." In regard to the indissoluble character of the marriage bond, the encyclical quoted Augustine of Hippo to the effect that there are no sufficient grounds. A woman's barrenness is not sufficient cause, nor is a husband's infidelity. If a separation occurs, any remarriage while a spouse lives is adultery. 

III. The Continental Reformers

The Protestant Reformation was essentially a reaction against what its proponents considered to be the ecclesiastical, moral, and theological deviations of Roman Catholicism. The Reformers sought to place the Christian faith back on a biblical foundation free of the trappings of magisterial dogma. Because of the varying origins of the Reformation, there is no one position on the ethics of divorce and remarriage. Nonetheless, one may find teachings which may be termed distinctively Protestant. These views are clearly seen in the teachings of Martin Luther and John Calvin, the most influential of the Reformation leaders. In general, they observed the Augustinian view that the good of the marriage involves children and faithfulness, but they rejected the sacramental view of the marriage bond, emphasizing the civil rather than the ecclesiastical aspects of matrimony.

A. Martin Luther

Few men have had a higher view of marriage than Luther. He taught that it "has been instituted by God" and that "marriage by nature is of such a kind that it drives, impels, and forces men to the most inward, highest spiritual state, to faith." He decried attempts by the Roman Catholic hierarchy "to despise matrimony and to lure people away from it to celibacy." Few can remain chaste, and therefore necessity dictates marriage. At the same time, while holding an exalted view of marriage, Luther did not consider it to be a church concern, but a worldly matter for the secular authority. When Jesus spoke on divorce, said Luther, he was not legislating the issue, but preaching against a capricious use of the divorce laws.

In his own preaching on divorce, Luther was quite flexible as to what constitutes just cause. He cited adultery as the only cause given by Jesus. Through the Mosaic Law, adultery was punishable by death. Therefore, an adulterer "has already been divorced, not by man but by God Himself, and separated not only from his wife but from this very life." In such an instance, the other partner is completely free of any obligation to the former spouse. Adultery for Luther, however, was not the only possible ground. Desertion of spouse and family, he felt, was equally legitimate.

In his interpretation of the teachings of Paul, Luther believed that if a Christian hinders a believing spouse from following Christ, divorce is in order, with remarriage a viable option. On the other hand, should the Christian divorce the unbeliever for other causes, there must be reconciliation or the maintenance of a celibate state. Anger was also a just cause. If a husband and wife could not live together harmoniously, but only in hatred and continual conflict, let them be divorced. Once more, however, reconciliation or celibacy were preferred. Nonetheless, in such cases, if a spouse did not desire reconciliation and the other was unable to remain chaste, the latter should remarry, for "God will not demand the impossible."
B. John Calvin

Like Luther, Calvin held a high view of marriage, seeing it as "a good and holy ordinance from God." It was not, however, a sacrament any more than farming, building, or barbering, which were also ordinances, "for it is required that a sacrament be not only a work of God but an outward ceremony appointed by God to confirm a pron-dse. Even children can discern that there is no such thing in marriage." He scorned the Roman Catholic basis for sacramentalizing marriage by translating "mystery" in Eph 5:32 as "sacrament," concluding that Catholics were either deceived by the meaning of the Latin word or else ignorant of the Greek language. At the same time, he insisted that marriage was instituted by God as a perpetual law in force until the end of the world. Any rupture of that law has its origin in the depravity of humanity.

For believers, marriage is an indissoluble bond, and spouses connected by marriage no longer have the freedom to change their mind and go off elsewhere. If they find it impossible to live with each other, they are bound nonetheless and may not take a new spouse. On the other hand, if an unbeliever wishes to divorce a spouse on account of religion, the believer is no longer under marital obligation. In such a case, "the unbelieving party makes a divorce with God rather than with her partner."

Like Luther, Calvin saw adultery as the one cause for divorce in Jesus' teachings. As far as he was concerned, the OT penalty for adultery should be enforced, making divorce unnecessary, but "the wicked forbearance of magistrates makes it necessary for husbands to put away unchaste wives, because adulterers are not punished." Divorce under such circumstances gives the innocent party freedom to remarry, for Jesus' condemnation of remarriage as adultery applied undoubtedly only to "lawful and frivolous divorces."

Although Calvin was very conservative in his theological view of divorce, like Luther his practice was more liberal. His "Ecclesiastical Ordinances," adopted by the Little and Large Councils of 1561, allowed three grounds for divorce and remarriage other than adultery: impotence, extreme religious incompatibility, and abandonment. He also provided for annulment where a spouse could not, because of some physical infirmity, perform the conjugal act.

IV. British Church Attitudes

In the minds of the Continental Reformers, the insistence on the indissolubility of marriage regardless of circumstances was one of the foremost scandals of Roman Catholicism. The British Reformers were equally critical of the Catholic position.

A. The Early Reformers

One of the early English reformers, and a martyr to his faith (d. 1536), was William Tyndale. His thought shows considerable Lutheran influence. Like the founder of the Reformation, he believed that marriage is ordained by God for purposes of love, companionship, and procreation, and to serve as a bastion against illicit sexual activity. It could not, however, be considered a sacrament in the proper sense of the word, for it did not carry with it a promise. Should it be considered such because it is a similitude of the union between Christ and his church, then all
other NT similitudes would have to be considered sacraments.\textsuperscript{47}

Much of Tyndale's consideration of divorce and remarriage was motivated by and applied to the divorce of King Henry VIII from Catherine of Aragon and his subsequent marriage to Anne Boleyn. While not disallowing divorce when it accorded with scriptural grounds, Tyndale decided that the King's marriage to Catherine had been in full agreement with the Bible; he could find no good reason why the church should grant Henry a dissolution.\textsuperscript{48}

For Tyndale, divorce was possible only because of adultery. Because the Mosaic Law stipulated the death of the adulterer, the innocent party was not under bondage to the original marriage. Desertion was also a just cause in Tyndale's opinion, because he saw it as invariably tied to adultery.\textsuperscript{49}

Thomas Cranmer, first Archbishop of Canterbury following Henry's break with Rome (and martyred by Mary Tudor in 1556), played a key role in the formulation of Anglican views on divorce and remarriage. His attitudes reflected an affinity for Roman Catholic theology. He was a major figure in the council of prelates, which wrote The Institution of a Christian Man in 1537, and was chairman of the commission which produced A Necessary Doctrine and Erudition of Any Christian Man in 1543, both of which were authorized by the King. Both books were similar in their emphasis that any marriage to which there was an impediment according to the laws of either church or realm must be declared null (and it was under this provision that Henry had his marriage to Catherine of Aragon declared null), but if a marriage was lawfully made according to the ordinance of God, it could not be dissolved during the lives of the spouses.\textsuperscript{50}

Cranmer's opinions are further evidenced in a letter in 1540 to Osiander, a preacher of Nuremburg (and his wife's uncle), where he derided the presence of Philip Melanchthon at the second marriage of the Landgrave of Hesse. He was particularly dismayed at the idea of remarriage after divorce: "What can possibly be alleged in your excuse when you allow a man after a divorce, while both man and woman are living, to contract a fresh marriage?"\textsuperscript{51}

Martin Bucer, while in the strictest sense a Continental reformer, came to England in 1549 at the invitation of Archbishop Cranmer and spent the remainder of his life there. While in England, he wrote De Regno Christi, which strongly influenced many English divines. Much of the book was concerned with marriage and divorce. Bucer emphasized the civil nature of marriage and reminded Edward VI (to whom the book was dedicated) that a monarch should see that marriages "be made, maintain'd, and not without just cause dissolved."\textsuperscript{52} He castigated the Roman Church for its practice of disjoining persons from conjugal relations for reasons other than adultery while forbidding those so parted to remarry. Contrary to Roman Catholic interpretation of Scripture, he held that none of the Church Fathers ever dismissed a person from the church for remarrying after a divorce approved by Imperial law.\textsuperscript{53}

For Bucer, the proper purpose of marriage was not sexual intercourse, but "the communicating of all duties both divine and humane, each to other with utmost benevolence and affection."\textsuperscript{54} He concluded that marriage necessitates continuous cohabitation; if the marriage partners separate either mutually or against the will of the other, then the marriage is broken. In accordance with his view of the purpose of marriage, Bucer determined that not only adultery was just cause for divorce, but other separating factors as well, such as impotence, leprosy, and insanity.\textsuperscript{55}
John Knox, the founder of Scottish Presbyterianism, was very much like his mentor, John Calvin, in his stance on divorce. In his *First Book of Discipline* (1560), he noted that marriage, once lawfully contracted, could not be terminated unless adultery had occurred. Like Calvin, he deplored the failure of civil authorities to execute adulterers. The church was to excommunicate such people and set the innocent party free to marry again. Upon the repentance of the guilty party, however, forgiveness was to be granted and, "if they cannot remain continent, ... we cannot forbid them to use the remedy ordained by God (i.e. marriage)."

Knox realized that such a position was far from perfect but, with his colleagues, he offered it "as the best counsel God giveth unto us in so clouhtsome a case."

B. The Dissenters

About one century after *De Regno Christi*, John Milton, one of England's greatest poets and a Puritan officer in Cromwell's Commonwealth government, not only translated Bucer's work, but also wrote two tracts of his own on the subject of divorce and remarriage: *Tetrachordon*, his major work, and *Colasterion*, both published in 1645. (Milton may have been motivated, in part, by his own unhappy marriage in 1643, which broke up shortly afterward, reunion being effected in 1645.) According to its subtitle, the former was intended to harmonize the OT passages on marriage and divorce (Gen 1:27f.; 2:18, 23, 24; and Deut 24:1f.) with similar passages in the NT (Matt 5:31f.; 19:3–11; and 1 Cor 7:10–16).

Milton inferred the grounds for divorce from the purposes of marriage as he had discovered them in the Bible. He noted that Genesis teaches that, because it is not good for man to be alone, God made a "help meet for him" (2:18, AV). Thus, the purpose of marriage is for companionship, mental and social as well as physical. Spouses, believed Milton, should help one another to be more devout, to generate mutual fellowship and love, to procreate, and, lastly, to avoid sexual sin. If a marriage is less than God intended, and is devoid of happiness, then it "is not of God's institution, and therefore no marriage."

Likewise, should a marriage be barren, though it n-dght be very difficult for a man to divorce his wife, he would be justified in so doing. In commenting on Gen 2:24, Milton agreed that a man should cleave to his wife-as long as she was what a wife should be. At the same time, he asked, "Can any law or command be so unreasonable as to make men cleave to calamity, to ruin, to perdition?"

Milton had no problem reconciling his views with the Mosaic Law and Christ's interpretation of it. Jesus had no intention of abrogating Deut 24:1–4; He simply reproved its abuse. He did not set out a new juridical law to be enforced by civil authority. Likewise, Paul, in his First Epistle to the Corinthians, was only imitating what Christ taught, that divorce is not to be hastily done, but that reconciliation should always be the first and foremost desire.

Milton's views were not to go unchallenged. In 1647, the Westminster Confession of Faith was published. Its section on marriage stated categorically that nothing but adultery and willful desertion is sufficient reason for dissolving the marriage bond.

John Wesley, the father of Methodism, demonstrated a break with the Reformers and a decided preference for the Anglican teaching out of which he came. He treated divorce and remarriage in the context of polygamy: "All polygamy is clearly forbidden in these words, wherein our Lord
expressly declares, that for any woman who has a husband alive, to marry again is adultery."  63
The same held true for a man. In contrast to Luther and Calvin, Wesley did not allow divorce on
the grounds of cruelty. The only ground was adultery, in which case there was no Scripture
forbidding the innocent party from remarrying. 64

V. Summary

The views of church leaders and scholars have been guided by their interpretation of the biblical
 teachings on marriage and divorce. Not all have interpreted these passages in like manner.
Indeed, some have come virtually to opposite conclusions. Because they were writing largely for
men, most of their remarks and illustrations concern women at fault. Generally, however, either
directly or by allusion, they agree that what applies to one sex applies equally to the other.

The Ante-Nicene Fathers generally permitted divorce on the ground of adultery. Some even
required it. At the same time, remarriage was usually forbidden. Not only did it cut off any
chance of marital reconciliation, but many in the church regarded marriage as an indissoluble
bond which continued unbroken until the death of one spouse. Thus (prior to such an
occurrence), remarriage was an adulterous act and the offender was liable to excommunication.
There was not, however, unanimity. Some, like Origen, allowed remarriage after a divorce on
the ground of adultery. Others (e.g., the Council of Arles), while deploiring remarriage, did not
require excommunication as a penalty. The Nicene and Post-Nicene Fathers were stricter in
their interpretations of Jesus' sayings. No matter what a spouse had done, remarriage following
divorce was out of the question.

Augustine's position became the foundation of the Roman Catholic view of marriage as a
sacrament. When contracted between two communicants, marriage is indissoluble. Where only
one is a believer, spiritual adultery is involved and a divorce may be permitted (along with
remarriage, under certain conditions). This position was challenged during the Renaissance by
some of the humanists (e.g., More and Erasmus), but it was reaffirmed during the Counter-
Reformation by the Council of Trent as official dogma. Numerous impediments to marriage
were noted, however, whereby marriages might be annulled.

The Protestant Reformation brought a fresh examination of the biblical teachings. The
Continental Reformers, while holding a high view of marriage, eschewed its sacramental nature.
They permitted remarriage by an innocent party after a divorce because of adultery or desertion.

The Anglicans generally held positions close to those of Roman Catholicism. While scandalized
by the notion of marriage as a sacrament, they nonetheless tended to regard remarriage after
divorce as adultery (although there were those who diverged from that opinion).

The dissenting denominations tended to follow the views of the Reformers. Some, like Milton,
were very flexible as to cause, but most followed the Westminster divines in pronounced
restraint.

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References


8 Harrell, *Divorce and Remarriage*, 182-83. Even though sometimes expressed in terms only of the male, there was nonetheless a concern for the female as well on the part of the Ante-Nicene Fathers.

9 Nolan Patrick Harrington, "The Historic Attitude of the Christian Churches Concerning Marriage, Divorce, and Remarriage" (Ph.D. Diss., Southern Baptist Theological Seminary, 1948) 125.

10 From Letters and Selected Works, in *NPNF* 6:110, 111.


14 Ibid., 3:2794-98.

15 Ibid., 3:2786.

16 Ibid., 3:2787.


18 Ibid., 197.

19 Ibid., 188.


22 Ibid., 26-27.

23 *The Canons and Decrees of the Council of Trent*, 178, as quoted by Olsen, *New Testament Logia*, 39. While prohibiting remarriage after divorce, the Roman Catholic Church did (and still does) annul marriages for various reasons permitting remarriage subsequent to the annulment.

25 Ibid., 359.

26 Ibid., 361.

27 Ibid., 363.


29 “Commentaries on 1 Corinthians 7,” in *LW*, 28:19.

30 Ibid., 28:26-27.


33 Ibid., 21:96.

34 Ibid., 21:97.

35 1 Corinthians 7, 7:33-34.

36 Ibid., 32.


38 Ibid.


41 *Commentary on the Epistles of Paul the Apostle to the Corinthians* (trans. John Pringle; Grand Rapids: Eerdmans, 1948) 1:239.

42 Ibid., 1:244.

43 Ibid., 1:384.

44 Harmony of the Evangelists, 384.


53 Ibid., 4:313.

54 Ibid., 4:329. His reasoning was based on Gen 2:24.

55 Ibid., 4:335.


57 Ibid., 2:319.


60 Ibid., 4:166. Milton was not a “male chauvinist,” for elsewhere, he notes that “the like may be said of a bad husband” (4:168).


64 Ibid., 1:360.

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