

Biblical Study of Divorce and Re-marriage:

I. First the verses:

Genesis 2:24

24 Therefore a man shall leave his father and his mother and hold fast to his wife, and they shall become one flesh.

Deuteronomy 24:1 - 4

“When a man takes a wife and marries her, if then she finds no favor in his eyes because he has found some indecency in her, and he writes her a certificate of divorce and puts it in her hand and sends her out of his house, and she departs out of his house, 2 and if she goes and becomes another man's wife, 3 and the latter man hates her and writes her a certificate of divorce and puts it in her hand and sends her out of his house, or if the latter man dies, who took her to be his wife, 4 then her former husband, who sent her away, may not take her again to be his wife, after she has been defiled, for that is an abomination before the Lord. And you shall not bring sin upon the land that the Lord your God is giving you for an inheritance.

Proverbs 6:32

He who commits adultery lacks sense; he who does it destroys himself.

Jeremiah 3:1

“If a man divorces his wife and she goes from him and becomes another man's wife, will he return to her? Would not that land be greatly polluted? You have played the whore with many lovers; and would you return to me? declares the Lord.

Malachi 2:14 - 16

14 But you say, “Why does he not?” Because the Lord was witness between you and the wife of your youth, to whom you have been faithless, though she is your companion and your wife by covenant. 15 Did he not make them one, with a portion of the Spirit in their union?[f] And what was the one God[g] seeking?[h] Godly offspring. So guard yourselves[i] in your spirit, and let none of you be faithless to the wife of your youth. 16 “For the man who does not love his wife but divorces her,[j] says the Lord, the God of Israel, covers[k] his garment with violence, says the Lord of hosts. So guard yourselves in your spirit, and do not be faithless.”

Matthew 5:28

But I say to you that everyone who looks at a woman with lustful intent has already committed adultery with her in his heart.

Matthew 5:31 - 32

31 "It was also said, 'Whoever divorces his wife, let him give her a certificate of divorce.' 32 But I say to you that everyone who divorces his wife, except on the ground of sexual immorality, makes her commit adultery, and whoever marries a divorced woman commits adultery.

Matthew 19:3 - 9 (Luke 16:18 is equivalent)

3 And Pharisees came up to him and tested him by asking, "Is it lawful to divorce one's wife for any cause?" 4 He answered, "Have you not read that he who created them from the beginning made them male and female, 5 and said, 'Therefore a man shall leave his father and his mother and hold fast to his wife, and the two shall become one flesh'? 6 So they are no longer two but one flesh. What therefore God has joined together, let not man separate." 7 They said to him, "Why then did Moses command one to give a certificate of divorce and to send her away?" 8 He said to them, "Because of your hardness of heart Moses allowed you to divorce your wives, but from the beginning it was not so. 9 And I say to you: whoever divorces his wife, except for sexual immorality, and marries another, commits adultery."

Mark 10:2 - 12

2 And Pharisees came up and in order to test him asked, "Is it lawful for a man to divorce his wife?" 3 He answered them, "What did Moses command you?" 4 They said, "Moses allowed a man to write a certificate of divorce and to send her away." 5 And Jesus said to them, "Because of your hardness of heart he wrote you this commandment. 6 But from the beginning of creation, 'God made them male and female.' 7 'Therefore a man shall leave his father and mother and hold fast to his wife,[a] 8 and the two shall become one flesh.' So they are no longer two but one flesh. 9 What therefore God has joined together, let not man separate."

10 And in the house the disciples asked him again about this matter. 11 And he said to them, "Whoever divorces his wife and marries another commits adultery against her, 12 and if she divorces her husband and marries another, she commits adultery."

Romans 7:1 - 3

Or do you not know, brothers[a]—for I am speaking to those who know the law—that the law is binding on a person only as long as he lives? 2 For a married woman is bound by law to her husband while he lives, but if her husband dies she is released from the law of marriage.[b] 3 Accordingly, she will be called an adulteress if she lives with another man while her husband is alive. But if her husband dies, she is free from that law, and if she marries another man she is not an adulteress.

I Corinthians 7:10 - 16

10 To the married I give this charge (not I, but the Lord): the wife should not separate from her husband 11 (but if she does, she should remain unmarried or else be reconciled to her husband), and the husband should not divorce his wife.

12 To the rest I say (I, not the Lord) that if any brother has a wife who is an unbeliever, and she consents to live with him, he should not divorce her. 13 If any woman has a husband who is an unbeliever, and he consents to live with her, she should not divorce him. 14 For the unbelieving husband is made holy because of his wife, and the unbelieving wife is made holy because of her husband. Otherwise your children would be unclean, but as it is, they are holy. 15 But if the unbelieving partner separates, let it be so. In such cases the brother or sister is not enslaved. God has called you[b] to peace. 16 For how do you know, wife, whether you will save your husband? Or how do you know, husband, whether you will save your wife?

I Corinthians 7:39 - 40

39 A wife is bound to her husband as long as he lives. But if her husband dies, she is free to be married to whom she wishes, only in the Lord. 40 Yet in my judgment she is happier if she remains as she is. And I think that I too have the Spirit of God.

Ephesians 5:31

31 “Therefore a man shall leave his father and mother and hold fast to his wife, and the two shall become one flesh.”

I Timothy 3:2

Therefore an overseer must be above reproach, the husband of one wife, sober-minded, self-controlled, respectable, hospitable, able to teach,

Hebrews 13:4

Let marriage be held in honor among all, and let the marriage bed be undefiled, for God will judge the sexually immoral and adulterous.

II. Commentary on verses:

Most of the verses are straight forward. There are two sections that I think need closer examination.

A. First Matthew 19

The original Greek was not the word adultery (there is a word for adultery), but the word *porneía*, which means "illicit sexual intercourse" and "metaph. the worship of idols".

Mark and Luke do not include the exception ("except for Porneia"). What should we make of that? There's two points that Jesus is making in this section of scripture (most people tend to pay attention to the first while ignoring the second). Point one is that God does not intend for people who are married to ever get divorced (Mark and Luke). Point two is that Moses had rules for divorce because we are sinful, and that because of our sinfulness, it forces "lesser of two evil" choices. I suggest that "except for porneia" could be a transitional thought between the two points.

Even if that is completely incorrect (and it could be), it still remains that you have the porneia exception in only one place, and you do not have it in two others. Rather than making hard and fast rules based on (seemingly) contradictory sections of scripture, I think we should try harder to understand them. This will require being aware of the background (in light of the Law and the rabbinic law) of what Jesus was saying before coming up with simplistic rules, such as "no one should EVER get divorced, except if your spouse commits adultery, it's completely OK". I think it is more complex than that in day to day life. I think Jesus was reminding people of God's principle while recognizing that Moses dealt with messy, sinful people.

B. Deuteronomy and Jeremiah:

One could use the verses in Deuteronomy and Jeremiah to make the case that not only does a person have the right to divorce her/his spouse, but they cannot take them back even if they are repentant. (Although, God commanded Hosea to take back his adulterous wife).

III. External common teachings on divorce for reference

The following two sections are common teachings on divorce for reference. I don't necessarily agree or disagree:

A. <https://sermons.faithlife.com/sermons/75501-deuteronomy-24-on-divorce>

It seems unlikely that עֲרוּת דָּבָר could refer to adultery since this was punishable by death (Deut 22:22–24; Lev 20:10), not divorce. Murray offers five additional reasons why the “indecent” of Deuteronomy 24:1 cannot refer to adultery.¹⁰ He concludes that it must refer to “some indecency or impropriety of

behavior” short of illicit sexual intercourse.¹¹ Whatever the precise meaning of עֲרוֹת דָּבָר, the grammar makes clear that Moses was describing a case, not prescribing a course of action for dealing with an offensive wife.

Here it is clear that the law relates not to the matter of divorce as such, but to a particular case of remarriage. Moses declared that a man may not remarry his former wife if she has in the meantime been married to another man. Even though her second husband should divorce her or die, she must not return to her first husband.

Several concluding observations based on this study may help in considering the issues in the divorce-remarriage controversy. First, Deuteronomy 24:1–4 did not institute divorce. The passage simply acknowledges divorce as taking place, and not necessarily with divine approval. Second, though divorce is “permitted” in 24:1–4 in the sense that it is not specifically prohibited by law, divorce was not looked on with favor by the Hebrew Scriptures. Third, the clause, “since she has been defiled” (Deut 24:4), indicates that some measure of moral defilement was associated with a divorced woman if she remarried. Fourth, 24:1–4 clearly prohibited the remarriage of a divorced woman to her first husband if since the divorce she had been married to another man.

Jesus did not say Moses commanded divorce. Instead Jesus said Moses permitted it because of the “hardness” of the Israelite hearts. Hurley remarks, “Thus, whereas the Pharisees had taken Moses’ concession of divorce as God’s design, Jesus took it as a regulatory measure to deal with the result of sin.”

The NT position on divorce has been much debated, and it will very likely continue to be debated, for it is indeed both an important and a complex issue. It is important because the Church has always looked — must always look — to the teaching of Jesus for moral guidance. It is also important, of course, because divorce has always been such a pressing moral issue. It is complex not because the passages are numerous (for they are not) but because it is difficult to assess how the relations of the Gospels to each other and the relationship of Paul and the Gospels to Jesus’ own words are properly allowed to bear on interpretation. Additional complexities are encountered with the meaning of *Gk porneia* in Matthew’s “exceptive clause” and of Paul’s meaning in the “Pauline privilege.”

The complexities and the significance make it imperative to say at the very beginning that, however the various questions are resolved, the NT honors marriage and shuns divorce. Whenever divorce is easy for us and unaccompanied by mourning and repentance, we follow culture rather than Scripture.

A Jesus’ absolute standard has been characterized as “principle” rather than “precept,” as “prophetic” rather than “legal,” as a “catechetical ideal” rather than “a casuistic absolute.”

In Mark’s use of Jesus’ saying on divorce Jesus brushes aside the rabbinic question about the exegesis of Dt. 24:1; indeed, He brushes aside the sacred text itself as a mere concession made by Moses. The Mosaic legislation is tried and found wanting against the standard of the original and ideal law of creation. That quite unrabbinic contrast between the “positive law” and the “natural law” would not be lost on Mark’s readers — Mark has more than one other passage in which Jesus rejects the “positive law” of Moses and the traditions of the scribes for the sake of true religion and reasonable morality. That original and ideal law of creation stands against the freedom of divorce in Roman law as well as in

Jewish law, and Mark's inclusion of women as well as men among the initiators of divorce action may well have the Roman law in view.

It might be asked whether Mark intended this "natural law" to be directly legislative or to be continually critical of the hardness of human hearts and the ease of divorce in this age. This is another difficult question. Jesus will brook no departures from the intention of the Creator; He will permit no concessions to the hardness of human hearts. Yet human hearts remain hard, and Jesus was no visionary idealist when it came to the hardness of human hearts. His realism is shown in the following saying in Mark (10:10–12), which assumes divorce even as it proscribes remarriage. There ought to be no divorce, but if there is, there ought to be no remarriage. The point, then, seems less legislative than principal.

Matthew probably was written after Mark, using Mark as one of its basic sources. The order of Mark is reversed: Jesus first takes up the texts of Genesis which, significantly, the Pharisees could and should have "read," and gives the Marcan conclusion, "What therefore God has joined together, let not man put asunder." At that point the Pharisees raise the issue of Dt. 24:1. Jesus responds by saying that it is a concession to the hardness of human hearts, but He does not for that reason brush it aside. On the contrary, Matthew with his so-called "concession" (except for unchastity, Gk μέ ἐπί πορνείᾳ) represents Jesus as taking the stricter side, the side of Shammai, in the rabbinic controversy.

The specific reference of Gk πορνεία in Matthew's "concession" is much debated. The focus of the debate is usually Matthew's intention is preferring Gk πορνεία to the specific Greek word for adultery, μοιχεία. Sometimes the fact that the OT punishment for adultery is death (e.g., Lev. 20:10; Dt. 22:22) is used in support of such an interpretation. Capital punishment for adultery would, of course, make the permission of divorce superfluous. But the death penalty for adultery was formally dismissed ca a.d. 30 (T.B. Sanhedrin 41a) and probably had been little used for some time before. While Gk πορνεία can mean "fornication," it has ordinarily a broader reference. It includes and sometimes explicitly refers to incest, fornication, homosexual behavior, prostitution, and adultery.

Paul's solution has been called "the Pauline privilege." The problem is not simply one of desertion but much more narrowly whether marriage to an unbeliever may be dissolved. Paul's answer is that the Christian is not to seek it (and certainly not on the basis of pretensions about being already "angelic"), but, if the initiative comes from the unbelieving partner, then divorce is allowable.

Conclusion: Jesus' saying was Haggadic, concerned with creating among His followers a readiness not to divorce even when the law permitted it. Mark faithfully rendered Jesus' saying in a new and greek idiom. Neither Jesus Himself nor Mark was directly legislating, but both weighed, and found wanting, an easy recourse to Jewish or Roman legislation that permitted divorce.

Finally, if the question of the meanings of the NT authors then is difficult and complex, the question of how to apply them faithfully today is still more difficult and complex. Although that cannot be the focus of this article, two observations may be allowed. First, we cannot avoid the difficult task of thinking about the concrete cases presented by our communities and situations, and of trying to formulate general rules to cover them. We must address divorce cases out of the same loyalty to the risen Lord and in terms of the same invitation to live marriage on the basis of His grace that marked Matthew and Paul. But we may do injustice to Matthew, Paul, and their Lord if we simply repeat their case-applications to our own situations. Second, we must attempt to form dispositions that are ready not to

divorce even when divorce is legally and culturally acceptable — even, indeed, when the rules of Matthew, Paul, or subsequent Christian communities would permit divorce. God calls us to honor marriage and shun divorce. Divorce is always, therefore, an evil; it is never something to be intended as itself the end-in-view. But divorce is sometimes permissible “between the times” for the protection and honoring of marriage itself or of one of the partners in marriage. As killing is sometimes allowable with fear and trembling, as in a just war, so divorce may sometimes be permissible with mourning and repentance.

B. <http://www.biblicalresources.org/resources/divorce-and-remarriage/>

A Summary of the Biblical Teaching on Divorce:

Jesus’ primary teaching was that marriage last a lifetime (Matt. 19:4-6Open in Logos Bible Software (if available)).

A believer whose spouse has died is free to remarry (Rom. 7:1-3Open in Logos Bible Software (if available); 1 Tim. 5:14Open in Logos Bible Software (if available)).

A believer who was divorced prior to salvation is free to marry a second person who is a believer (Heb 10:10-17Open in Logos Bible Software (if available); 2 Cor 6:14-18Open in Logos Bible Software (if available)).

Believers who are separated should either reconcile or remain single (1 Cor. 7:10-11Open in Logos Bible Software (if available)

A believer who married to an unbeliever should not leave her husband but stay married as a witness to the gospel (1 Cor. 7:13-14Open in Logos Bible Software (if available)).

A divorced believer who is now remarried should stay married (1 Cor 7:27Open in Logos Bible Software (if available)).

A believer who has been divorced or who initiates the divorce should remain single (1 Cor 7:27Open in Logos Bible Software (if available)).

IV. Possible "causes" that lead people to consider divorce:

It's obvious that God never intended divorce and we should make every effort to avoid it. However, separation can be a very good thing. Sometimes, situations in a marriage can become intolerable. In this case, a couple should get separated and enter into counseling to resolve that conflict (which might lead to long-term therapy for one or more of them).

Scenario #1: Adultery. If a spouse commits adultery and is repentant, the other spouse should not initiate a divorce. If a spouse leaves to cohabit with another adult, this is unrepentant sin and will be addressed in the following sections.

Scenario #2: Abandonment. If a spouse abandons (not separates from) the other, they are committing a sin - a sin that they must repent of. This falls into the category of unrepentant sin, and will be addressed in the following sections.

Scenario #3: Abuse. If one spouse is repeatedly abusing (either verbally or physically), they are sinning against their spouse. They must repent. If they don't repent, this falls in the category of unrepentant sin (addressed in the following sections). If they do express sorrow and desire to repent, this is repeated, but "penitent" sin. In this case, separation and counseling (and therapy) is in order. Divorce is not.

Scenario #4: Unreasonable unrepentant sin that deeply affects the other spouse (drug addiction, sex addiction, anger issues, etc.). Unrepentant sin will be discussed shortly. Unreasonable sin that the other desires to repent of should result in separation and therapy. Divorce is not allowed.

Scenario #5: Severe mental illness. If the person is capable but allows her/his mental illness to lead them into unrepentant sin, this will be addressed shortly. Otherwise, possible separation and seeking out treatment is needed. Divorce is not an option.

Scenario #6: The other insists on divorcing you. This assumes that you are not in unrepentant sin. The other person is committing a sin against you that they need to repent of. It's the deadly sin of unforgiveness. This is in the category of unrepentant sin (discussed shortly).

Scenario #7: Change of situation since marriage. This could include debilitating injury (that could affect sexual activity), losing interest in sexual activity, "falling out of love", onset of mental illness, severe depression, etc., etc. These are situations that are not the fault of any person (and sin is not involved). Any of these situations requires marriage counseling and perhaps therapy for one or more people. Making no attempt to address the issue that is affecting the other person is sin, and if it goes on becomes unrepentant sin.

Scenario #8: Refusal to engage in (healthy) sexual activity. Healthy sexual activity in a marriage is an imperative, and is commanded in the Bible. If one person is not interested in (or loses interest in) sexual activity while their partner burns with desire, they need to seek help to rectify the situation. There's a couple of caveats: 1. If neither partner is interested in sexual activity then I think there may not be a problem. I would say that in this case, sexual activity is not required as long as it doesn't cause other marital issues (it will take wisdom to determine this). 2. If one partner is experiencing temporary physical or mental barriers to activity that will be rectified by time, there is not a problem. However, in general a spouse is required to see to the general needs of her/his partner. If a partner refuses to do so, they are sinning against their partner. If there is no desire or attempt to rectify the issue, then it becomes unrepentant sin.

Scenario #9: This probably should have been listed first, because it's likely the most common reason - Refusing to forgive. Many situations call for separation. However, if a person's spouse sins against them, and is repentant, forgiveness must be forthcoming (realizing that it may take a little time). Not forgiving a penitent spouse, even one that engages in repeated sinful behavior, is sin - probably one of the most serious sins in the Bible. Remember Jesus' parable about the unforgiving servant (Matthew 18:21 - 35)! I personally believe that this is one of the most unrecognized unrepentant sins in a marriage. Too often we look at the offending (repentant) spouse as the problem. Anyway, this is covered in the section on unrepentant sin.

(If I have missed any possible scenarios, please let me know).

V. The problem of unrepentant sin

Repeated sin is not necessarily unrepentant sin. If the person feels bad about their action and desires to change (even when they are powerless to do so) they are repeated sinner, but not an unrepentant sinner. It's important to distinguish the difference. Repeated sin may very well lead to separation, but is not necessarily unrepentant sin, and is not a justification for divorce. Note: A sin repeated often enough will often lead to unrepentance. A person will tend to just accept the sin and cease to be sorrowful over it. Telling the difference takes wisdom and spiritual discernment.

When one commits a sin and does not repent of it, the Bible shows us what to do about it. First, the offended party brings the issue to the sinner. If the sinner is sorrowful and intends to repent, the issue is over. The offended party must (eventually) forgive, or they become the sinner.

If the sinner does not repent after a one-to-one conversation, the offended is to bring a witness (probably not a friend, but someone who is in a position to make a proper judgment, such as a leader in the church). If the sinner is not repentant, bring the issue before the church elders. If the sinner is not repentant then, the church elders, presumably have already judged that the sinner is indeed a sinner, need to treat the sinner as an unsaved person and remove their membership.

VI. What to do with the excommunicated sinner

Once the elders have judged a person an unrepentant sinner, the person is to be considered unsaved. This is where the Pauline exception occurs (see I Corinthians 7:10 - 16 above). In summary, if the unbeliever wants to remain married (and does not abandon the marriage), don't leave him/her. But if they want a divorce, let them go.

In all cases, separation should happen first. Whether or not a believer is to initiate a divorce will be described in the next section.

It doesn't exactly say, but I think Paul is implying that the believer is now free to choose a believing spouse.

VII. The rule of the local church

A Christ following church usually has a set of internal guidelines for dealing with divorce (and remarriage). I believe that if one is in submission to her/his church leaders, they will not sin if they follow their instructions. The rules should cover: 1. When a person should get a separation. 2. When a person is to be excommunicated. 3. When and under what circumstances should a person accept a divorce from their unbelieving spouse (i.e. a spouse who has been ruled an unrepentant sinner). 4. When and under what circumstances a person can initiate a divorce with an unbeliever. 5. When and under what circumstances a person may get remarried.

There should be a reasonable time period between each step to give the sinner time to repent.

VIII. My recommendation of what a church's rules should be.

I believe that I already laid the framework for the Biblical justification of the following rules (and if I have not, please let me know what is missing). The below are general guidelines. In this and all things, the Holy Spirit should lead.

1. If a person brings their spouse's unrepentant sin before the church elders (after they have gone through the proper previous steps), the elders need to investigate and find out if the person is indeed culpable and unrepentant. If the person is, and remains unrepentant, they must remove their church membership and declare her/him an unbeliever.
2. Anyone who is judged repentant (still a believer) but is engaging in destructive repeated behavior that is damaging to their spouse, separation should be recommended. Practical help to separate and oversight over the repentant sinner's treatment needs to happen. As long as the repeated sinner remains repentant, then they will remain in this state (separation, treatment and oversight) until they are restored. If the repentant sinner refuses treatment or oversight (or instruction), they need to be judged as to whether they entered a unrepentant state (they probably have).
3. If a person has initiated a divorce without going through the church, the elders need to confront the person asap. If they refuse to go through the steps outlined by the church, they become an unrepentant sinner - and the church can quickly rule such. Assuming the sinner refuses to give it more time, the elders can allow the divorce (since no one other than the sinner really has a choice). The sinner's spouse is free to accept or contest the divorce as she/he wills.
4. If the unrepentant sinner is willing to stay with their spouse and remain faithful, they will remain separated, but divorce is not allowed. The hope is that the sinner will eventually repent. (In fact, as long as the sinner remains faithful and wants to remain married, there's a good chance that they will eventually repent . . . or eventually want to leave).
5. If the unrepentant sinner abandons the marriage (and does not initiate a divorce), or goes to cohabit with another person, a reasonable time should be given for them to repent (1 year?). If at the end of the time period, the person is unwilling to repent, the elders can rule that the spouse is free to initiate divorce proceedings. I think that in either of these cases, the believer is justified in initiating a divorce. The unbeliever has abandoned the marriage, and for all intent and purposes has divorced the believer. At this point, the paperwork is a formality.
6. The lesser of two evils and the importance of church leadership

We must use the context of a situation and spiritual wisdom when applying God's axioms. God provided the rules as a foundation for what we need to base our lives and activities on, but we must apply these axioms to the context of the situation. To not do so is legalism, which is sin. This job of applying God's axioms to specific situations is one of the main jobs of church elders.

For example, the Bible says that we should not murder. That is God's intent. But does God really not want us to kill another person in all cases? If someone attacks our family and we kill them, is that the wrong action? This is a lesser of two evils question - and it comes up all the time. This holds for marriage and divorce. God never wants divorce. However, God recognizes lesser of two evil situations, and we should too.

The danger in the above is when we start justifying our own sinful actions. That is why we need to be submitted to church leadership. Our hearts are too deceptive. On our own, we can justify anything. If we

are submitted to church leadership, we can fool ourselves, but we can't fool them. (Ideally) They will not allow our rationalizations lead us into sin.

IX. Re-marriage after divorce

The New Testament states God's intent. God's intent is that we do not divorce. However, we must consider why Moses allowed divorce (because people's hearts were hard) and why Jesus did not say Moses was wrong to do so. Furthermore, I think we need to consider why Paul allowed divorce when unbelievers wanted to leave. Why did Paul make an exception to the rule?

In I Corinthians 7 (above), I believe that Paul is making an allowance for believers to allow their unbelieving spouses to divorce them. Furthermore, I think Paul is implying that the believer is free to marry another believer (although he says that it is better to remain single).

In the previous sections, I laid out what I believe the Biblical grounds for divorce. If a person has been in submission to a local church and followed a process similar to above, they are free to divorce (their spouse has broken the covenant). Furthermore, I believe that after a reasonable time, they are free to re-marry a believing spouse. (Waiting a reasonable time is more for the believer not to rush into anything while still wounded.)

Paul said that it's better for believers to marry, rather than burn with passion. He also says, if that if we can, it's better to remain single. I think this principle applies to people who are divorced with little or no chance of reconciliation.

X. A Use Case

I purposely picked a more complex and sensitive use case:

Note: This is not a paper on how church discipline should be handled, but what I imagine the rough steps should be. In reality, I'm sure church elders handle these situations much better than what is described below. Please consider that what needs to happen and not the how.

Jack and Jill are married and members of a local Biblically-sound church. Although, there is nothing physically wrong with Jack, he has lost interest in having sexual relations with Jill and refuses to engage anymore. This is a complex scenario. Should Jack be "forced" to have sex against his will? In this scenario, Jill is burning with desire and desires to be with Jack. The Bible teaches that married couples need to "come together" so that they don't fall into sin.

a. Jill approaches Jack to discuss this issue. Jack responds that it's not an issue. Jill makes her need known, but Jack is not feeling it and is unwilling to force himself. (By the way, the solution here is not that Jack forces himself to have sex - that will only make both of them miserable). Jill suggests that they (or he, if Jack prefers) gets counseling. Jack refuses. For him, it's not a problem. Here, the sin is not that Jack doesn't feel like having sex, or even that he is not having sex. The sin is that Jack refuses to get help to meet a fundamental marital duty/need.

b. Jill tells Jack that she is going to discuss this issue with their friends (Bill and Kathy, a couple who are also their small group leaders).

c. Bill (their mutual friend) talks with Jack to find out more about the situation and learns that Jack just isn't interested anymore. He doesn't find Jill attractive anymore and doesn't really want to have sex with her anymore. Bill implores Jack to address this situation with marriage counseling or personal counseling. Jack refuses. Bill warns him that he is sinning and if he doesn't seek help, he will need to escalate this to the church. Jack gets angry and refuses to talk about it further.

d. Bill waits a week, but Jack refuses to repent. Bill brings the issue to the church elders (he is obligated to do so). The church elders send representatives to Jack to investigate the matter. Jack has no interest in discussing the matter and refuses to listen to the elders. The elders warn him that he is sinning and needs to repent. If he refuses, they will have to bring church disciplinary action.

e. The elders wait a couple weeks and try to speak to Jack again. But Jack is not repentant. At this point the elders are obligated to remove Jack's membership. Jack is considered an unrepentant sinner. The elders inform Jack that his membership has been revoked and why. Jack remains unrepentant. (In fact, through all of this, Jack has been given offers of help, both monetarily to get counseling, if needed, and personal guidance).

At this point, Jack is to be considered an unbeliever. The elder board has ruled such. What comes after has been discussed above, but I will repeat it for this specific situation:

a. As long as Jack desires to remain married, and does not abandon Jill, Jill is not allowed to initiate divorce. However, she should initiate a separation.

b. No matter how long Jack and Jill are separated, as long as Jack desires to remain married (and is faithful), Jill must not initiate a divorce. (Of course, by this time, there's a very high chance that Jack will). The desired result is that Jack thinks it over and enters restoration (under the care of the church).

c. If Jack cohabits with another person, Jill is allowed to initiate a divorce. Or, if Jack goes off the grid for an extended period of time (say 2 years), Jill is allowed to initiate a divorce. Otherwise, I can't think of a situation in which Jill is allowed to.

d. If Jack initiates the divorce, Jill is free to accept. He is not a believer and Paul allows for this.

e. After a reasonable period of time (say 1 year), Jill is allowed to marry again.

XI. What I haven't addressed

Sometimes, there could be an issue of trust between the accused spouse and church leadership. The spouse wants to reconcile, but doesn't trust her/his current church leadership. S/he may have very good reason for this, or s/he may just be looking for an easier ride (or looking to avoid guilt by playing games). I really don't know what to do in this case. On one hand, I think it's reasonable to look for a third-party judge (even church leaders can be guilty of showing partiality). On the other hand, what is church leadership to do if they sense weaseling?

XII. Summary

God hates divorce. God also recognizes "lesser of two evils" situations and expects us to apply His axioms according to specific situations. On our own, we cannot do that, due to our deceptive hearts. The church is there to help us do that.

If we initiate a divorce outside of the guidance of the church, we sin. In that case, if we remarry, we commit adultery. If we are in submission to the church and we go through the process with them, we do not sin if that process leads to divorce. If we re-marry under the guidance of the church, we are not sinning.

One final note: If we are re-married, whether or not we have sinned by doing so, we are not to leave our latest spouse to go back to the previous one.