

Facing Divorce

Clifford Thies

Clifford F. Thies is a professor of economics and finance at Shenandoah University.

In November of last year my wife left me, taking our children with her. I came home from work to find an empty house. A note was on the dining room table. “I will tell you where I and the children are in a week or so.” I am now involved in a custody dispute that has already dragged on in the courts for a half-year. I believe the custody dispute is likely to remain in the courts for a while longer.

Going through the dissolution of my marriage has opened my eyes to a number of passages from the Bible. The first one is Mark 10:2-12. This is where the Pharisees came to Jesus and asked him, “Is it lawful for a man to put away his wife?” That is, is it in accordance with the Law of Moses for a man to divorce his wife.

The Pharisees were “testing” Jesus. The Pharisees considered Jesus to be ignorant, and thought—again and again—to trip him up regarding his knowledge of the Torah, or the Law of Moses. Yet, every time they tried to trip him up, Jesus revealed not only his knowledge of the law, but an even more profound truth, that God wants more from us than merely obeying the law.

Yes, God wants us to observe the “Thou shalt” and the “Thou shalt not.” But, more than simply avoiding doing bad, God wants us to do good.

When the Pharisees asked “Is it lawful for a man to put away his wife?” Jesus replied, “What did Moses command you?” To which the Pharisees replied “Moses permitted a man to write a bill of divorcement, and to put her away.” This part of the law is found in Deuteronomy 24:1-4. So, it’s lawful for a man to put away his wife. But, Jesus added, “For the hardness of your heart he wrote you this precept.”

What did Jesus mean when he said “For the hardness of your heart he wrote you this precept.” Did he mean this part of the law was superseded, and it was no longer lawful for a man to put away his wife?

Is the New Testament a different testament from the Old Testament? Or, is it a renewed testament?

In both Christianity and Judaism, doesn’t our salvation depend completely on God’s Mercy?

In both Christianity and Judaism, aren’t our good works made acceptable to the Lord God only when we have a contrite heart?

Didn’t Jesus say “For verily I say unto you, Till heaven and earth shall pass, one jot or one tittle shall in no way pass from the law.” (Matthew 5:18)

The “jot” and “tittle” to which Jesus refers are the smallest Hebrew letters,

or—more correctly—accent markings on Hebrew letters. Jesus affirmed the law in its smallest detail. So, how could Jesus affirm the law in its smallest detail and at the same time supersede the part of it pertaining to divorce?

Well, maybe he meant exactly what he said. “For the hardness of your heart he wrote you this precept.” We are allowed to divorce because we are not broken-hearted, because we are unwilling to forgive.



During the time of Jesus, there was a heated debate among the rabbis as to divorce. All accepted that it was lawful for a man to divorce a woman. The debate did not concern whether it was lawful. Rather, the debate concerned the acceptable grounds for a divorce. According to one rabbinic school, a man could divorce a woman over a matter as trivial as burning the toast. According to the other rabbinic school, a man could only divorce a woman for a serious matter, such as adultery.

The Pharisees, remember, were “testing” Jesus. They asked him whether it was lawful for a man to divorce a woman, for every learned Jew would know that it is lawful.

But Jesus, who could see into the heart of man, addressed the real issue of that time and the real issue of all time. Not whether it is lawful. But whether it is good.

What does the Lord God, the Creator of the universe, the one who freed us from slavery in Egypt, the one who provided his only begotten son in atonement for our sins, what does he want?

What he wants is for us to forgive each other.

I think that if we have divorce because we are unwilling to forgive, that is an awful thing. But if we are willing to forgive and still have a divorce, it is merely a disappointing thing.

The Law of Moses allows polygamy, concubine wives and divorce, but these are not God’s desire. Jesus says,

From the beginning of the creation God made them male and female. For this cause shall a man leave his father and mother, and cleave to his wife; and they two shall be one flesh; so then they are no more two, but one flesh. What, therefore, God hath joined together, let not man put asunder. (Matthew 10:6-9)

God’s desire—from the Garden of Eden—is one man and one woman, joined together freely in marriage, no longer to be considered two distinct persons, but each a part of a new unity, remaining married until the natural death of one or the other.

This is what the Bible says in Genesis 2:24:

Therefore shall a man leave his father and his mother, and shall cleave unto his wife, and they shall be one flesh.

The disciples were slow to pick up on the idea. Later, they asked Jesus again about this matter, and he responded,

Whosoever shall put away his wife, and marry another, committed adultery against her. And if a woman shall put away her husband, and be married to another, she committed adultery. (Matthew 10:11-12)

Did you notice that Jesus condemns women who put away their husbands just as he condemns men who put away their wives? That's real women's liberation. To recognize that women are the equals of men, and therefore that women, just like men, are sinners.

How does a woman put away her husband, when under the Law of Moses only a man can write a bill of divorcement? Jesus realized that "it takes two to tango," so that when a marriage breaks down, nobody really knows why it broke down other than the two people involved. And, maybe not even they know.

Did the marriage break down because of her? Did it break down because of him? Did it break down because of the two of them? Most people say it had to be partially the fault of each. Yet, nobody knows. It could have been partially the fault of each. But it also could have been mostly the fault of one, or mostly the fault of the other. The thing is, once there is a divorce, whose fault it was is nobody's business.

While whose fault it was is nobody's business, Jesus—in no uncertain terms—condemned the use of divorce for the purpose of discarding one spouse in order to marry another. God allows divorce, but to use divorce for such a devious, underhanded purpose is reprehensible. It is treacherous to the other person, and it makes a mockery of the Law of Moses that allows divorce.

In condemning the use of divorce to deal treacherously with a spouse, Jesus was not enunciating something new, but renewing something old. From Malachi 2:15-16:

Let none deal treacherously against the wife of his youth. For the Lord, the God of Israel saith 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.

In a Jewish marriage, the man says,

Become my wife according to the laws of Moses and Israel, and I will work for you, honor you, provide your food, and take care of you, according to the existing statutes for Jewish husbands, who in good faith work for their wives, honor them, take care of them, and clothe them.

According to the rabbis, this promise is adapted from Exodus 21:10:

If he take him another wife her food, her raiment and her duty of marriage shall he not diminish.

Strictly speaking, this verse merely compels a man to maintain his financial support of a wife, and to maintain his duty of marriage to her when he takes another wife. That is, a man can take a second wife, or a third, or whatever, as long as he

doesn't reduce his financial support of his current wives, or reduce to them his duty of marriage.

It should be obvious, first of all, that only a relatively rich man could afford multiple wives. Isn't this often the reason why men want to divorce their wives: because they can't afford two, but have grown tired of the wife of their youth. So they divorce their first wife, after her virgin beauty is gone, in order to chase after a younger woman? This is the treachery that is condemned both in the New Testament and in the Old.

And, as for the duty of marriage, I realize that no man would ever admit to not being able to provide the duty of marriage to multiple wives. So, maybe, I should refer to a television show about the African lion I saw on the Discovery Channel.

As you may know, lions live in "prides." A pride is a kind of family in which there is a dominant male who is husband to all the adult females and father to all the cubs. One of the roles of the dominant male is to provide the duty of marriage to all the adult females of the pride.

Apparently, from watching this show, adult female lions enjoy the duty of marriage. Through the day in which the show was filmed, one after another of the adult female lions nudged the dominant male, which is how they request the duty of marriage from him. As the day went on, this male lion grew more and more tired. Then, after again performing the duty of marriage, he fell off the female, and started tumbling down the side of a ravine and wound up in a stream unable to get up.

The rabbis simply made the principle expressed in Exodus 21:10 applicable to all marriages. That a man is obligated to maintain his financial support and duty of marriage to his current wives upon taking another wife implies that he must have already been so obligated.



The Talmud is a compilation of Jewish scholarship that was put together in written form in the fourth century of the common era. Much of what is in the Talmud originated in oral form during the time of Jesus. In the Talmud, the rabbis are quite explicit about the duty of marriage. It is the duty of the husband and the right of the wife. The husband is obligated to fulfill this duty consistent with his health and his livelihood. For example, if a husband wants to switch occupations, from driving a local truck route, to driving an interstate truck route in which he would be away from home from time to time, he can't do so without his wife's consent.

Neither husband nor wife can decline the marital act, and any agreement between them to this effect is invalid. But, if a man were to refrain from the duty of marriage in consequence of a vow to God, this is acceptable, but for no longer than one week.

Christians don't rely much on the Talmud. But we do rely a lot on a very learned rabbi, Paul, rabbi Sha'ul of Tarsus. In 1 Corinthians 7:3-5, here is what Paul says about the duty of marriage.

Let the husband render the wife her due; and likewise also, the wife unto the husband. The wife hath no power of her own body, but the husband, and likewise also the husband hath no power of his body, but the wife. Defraud ye not one the other, except it be with consent for a time, that ye may give yourselves to fasting and prayer. . .

The only difference I see between what Paul says in this epistle, and what the rabbis say in the Talmud, is that Paul says husbands and wives may refrain from the duty of marriage with consent and for the purpose of prayer and fasting “for a time,” whereas the rabbis get specific and say for no more than one week.

A Jewish marriage contract must seem like a strange thing to somebody who isn't Jewish. If a free-will marriage is supposed to be based on love, why is there a contract? And, what is all this talk about the “duty of marriage”? Who in his right mind thinks of sexual relations as a duty?

In a free-will marriage, the man and the woman join together as equals. Yet, if they are equals, why does man have the role he has, to be the provider and the head of the family?

Is it fair that the man has to promise to work to provide for the family when the woman makes no such commitment? According to the rabbis, a man must work to provide for his family. If he can't find employment in his chosen occupation, then he must hire himself out as a day laborer if this is necessary to support his family. But a woman has no such obligation. She is to be taken care of.

And what does Paul say about these things? In 1 Timothy 5:8, Paul writes “But if any provide not for his own, and specially for those of his own house, he hath denied the faith, and is worse than an infidel.” And in Ephesians 5:22 and 25, he writes, “Wives submit yourselves unto your own husbands, as unto the Lord” and “Husbands, love your wives, even as Christ also loved the church, and gave himself for it.” Paul says essentially the same things as the rabbis.

Why does a Jewish man wear a beard?

It is to thank God for his being a man, because whether it seems fair to our little minds for men to have the roles they do, and for women to have the roles they do, this is how God has decided it. Instead of rebelling against our nature, the beard signifies acceptance of our nature.

But our ways seem strange to the self-professed intellectuals of our days, as they have always seemed strange to those outside our community. They don't understand our ways. In the modern era, they ridicule us for treating women differently than men. When the Southern Baptists affirmed their acceptance of the teachings of Paul of the roles of husbands and wives, the editors of all the big city newspapers had a big laugh. In a bygone day, they ridiculed us for elevating women to the status of men. The Bible says that in Christ, there is neither male nor female, but it also recognizes that there are differences.

I believe it is because our ways seem strange to others that Paul forbids us, in 1 Corinthians 6:1-8, to bring our disagreements with each other before the government courts. “Dare any of you, having a matter against another, go to law

before the unjust, and not before the saints?”

In his day, the government courts were the courts of the Roman Empire. This was prior to the complete corruption of the Roman Empire. The courts of Rome at that time were actually pretty good. Even so, as the judges in those courts were not familiar with Jewish ways pertaining to matters such as property, contract and marriage, the opportunities for injustice due to ignorance and confusion abounded.

It would be better to bring your disagreement with another member of the church to a judge, or maybe I should say to an “arbitrator” drawn from among the most trustworthy and knowledgeable members of the church. Actually, this is what Jews living outside Israel have done through the centuries. Rabbis acted as arbitrators for the members of their communities, in matters of property, contract and marriage.

In the West, we came to rely on the government courts believing that we lived in Christian nations. But, whether it was ever true that the government courts of Europe were Christian, it should be obvious that, in our country, our government is a secular government. And, for this, we give thanks. It should be clear that the church community into which we have joined is separate from our government. Therefore, we should follow the teaching of Paul, and bring our disagreements with others within our church community before church mediation.

Jesus said, “Give not that which is holy unto the dogs, neither cast your pearls before swine, lest they trample them under their feet, and turn again and lacerate you.” (Matthew 7:6) Jews derogatorily call those who are not Jewish dogs and swine. Jesus was reminding his fellow Jews that Gentiles could not be trusted with the things Jews consider to be holy with the things Jews consider to be pearls. He was talking not merely about Jewish customs, but about the Law of Moses. Not knowing Jewish ways, the Gentiles are likely to trample on these precious things, and then turn on us, and judge us harshly.

The Law of Moses, affirmed by Jesus and implicit in the writings of Paul, codified in a traditional Jewish marriage contract, compels men to financially support and take care of their families. Without going into any of the specifics of my case, I’ll just say that this puts men at risk in the government courts when it comes to divorce and custody.



I don’t think there is anybody in America today who would not be able to give a personal testimony to the fact that God hates divorce. Our country is suffering an epidemic. The problems my wife and I are suffering are nothing. The problems an eleven-year-old boy and a nine-year-old girl are suffering are everything. Yet they are mere statistics among millions of children for whom divorce means separation from one of their parents, usually from their father, and a childhood characterized by uncertainty and economic hardship.

God intends for children to live with their parents, not visit them. God intends for children to have grandparents and aunts and uncles and cousins on both sides. God intends for children to be raised in communities that care for them, where they

can develop their own friendships, interests and personalities, and not simply be shuttled back and forth between their parents. Government courts cannot make these things happen.

It is obvious that our country's experiment with maternal custody and paternal child support, begun about a hundred years ago, has been a total failure. It is time we stopping relying on our own sophistication in this matter and, with humility, ask what is God's will. We should pray for those involved in divorce. And we should pray for our country, that we will not learn to live with divorce, but that we will learn, instead, to forgive. Ω