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# May Divorced Christians Remarry?

Gordon Wenham

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Evangelicals have contributed a number of booklets and articles to the current Anglican debate on marriage and divorce, but David Atkinson's *To Have and to Hold* (Collins, London 1979) is the first full-length book on the subject. In it he upholds the traditional Protestant stance that at least some divorcees are entitled to remarry. In fact he is more liberal than most evangelicals, arguing that any divorcee who is willing to use a special wedding service (essentially the present service with the addition of a penitential preface) may be married in church. In contrast, J. Murray and J. R. W. Stott would only allow innocent parties in cases of adultery or desertion to remarry, while O. M. T. O'Donovan would require some sort of penance before remarriage.[1]

Before outlining and criticizing David Atkinson's book, I should like to add a personal note. Both David and I were research students together at King's College, London—he in chemistry and I in theology—and we have had cordial contact since. I fear that, reading this review, he may feel with the psalmist that his 'own familiar friend in whom I trusted … hath lifted up his heel against me.' Let me assure him and all who read this article that this is not the case. I am simply using this book as a foil, because it is the most comprehensive and eloquent recent statement of a common viewpoint.

I, too, started out with the typical evangelical view about remarriage and divorce, but the more I studied Scripture and early church history the more convinced I became that this interpretation was untenable. It is my understanding of the New Testament texts on divorce that has changed, not my convictions about their authority. I suspect that some evangelicals are unwilling to face up to the natural meaning of Scripture, and the unequivocal testimony of the early church as to its interpretation, because it is unpalatable. We want to believe that Jesus allowed divorcees to remarry; therefore we bend the interpretation of the texts to fit our prejudice. If we did not have such a high view of biblical authority, we would be more objective in our exegesis.

## THE MAIN ISSUES

David Atkinson's thesis boils down to the following two points. P. 119 1) Jesus allowed divorce on grounds of *porneia*, which he interprets as any illicit sexual intercourse. 2) Divorce always entails the right of remarriage. I accept the first point. I think Atkinson is

[1] J. Murray, *Divorce* (Presbyterian and Reformed, Philadelphia 1961); J. R. W. Stott, *Divorce* (Falcon, London 1972); O. O'Donovan, *Marriage and Permanence* (Grove Books, Nottingham 1978).

correct to maintain that *porneia* is a broad term, not just adultery,[2], incest,[3] or premarital intercourse[4] as maintained by some recent writers. These are included in *porneia*, but it is in fact a broad term. Adultery is the most common form of *porneia*, but not the only offence denoted by the word.

I do not agree, though, that when the New Testament speaks of divorce it necessarily entails the right of remarriage. In this essay I shall try to establish three points. 1) The Old Testament, while placing no legal restrictions on divorce, did limit a divorcee's right of remarriage. The range of potential marriage partners was reduced as a result of the first marriage. 2) Jesus condemned any remarriage after divorce as adultery. Divorce is forbidden, except for *porneia*, but this does not include the right of remarriage. It is therefore preferable to speak of Jesus allowing separation rather than divorce. 3) The early church (up to AD 500) maintained that Christ allowed separation but not remarriage. When Christian divorcees did remarry, they were usually excommunicated. It should be noted that in the following exposition I shall discuss the topics in the order in which they are introduced by Atkinson.

Chapter 1 outlines the changing attitudes to marriage and divorce in society and in the church. It concludes by isolating four approaches to the pastoral discipline of divorce and remarriage. The 'rigorist' regards marriage as indissoluble and therefore forbids any remarriage of divorcees in church. The 'legislative' view allows that divorce is permitted by Christ and Paul for adultery and desertion, and therefore would allow remarriage in church only where a divorce had been granted on these grounds. The 'double-standard' view would allow divorcees to remarry in church if their previous wedding was in a registry office: only church weddings are indissoluble. Finally, the 'more liberal' view allows remarriage for any divorcee who satisfies the church of his penitence.

My only quibble with this analysis is the emotive labelling of the p. 120 first position. To describe it as rigorist is unfair if, as its supporters allege, Jesus regarded remarriage after divorce as adultery. Taken rigorously, this dominical sentence would entail exclusion of the offender from the church until repentance, i.e. the divorce of the second 'spouse'. In fact, divorcees who remarry in a registry office or another church are rarely barred from communion. Thus even those whom Atkinson terms rigorists tolerate remarriage after divorce: they simply refuse to give ecclesiastical approval to remarriage. Some claim that this is inconsistent compromise. It is indeed a compromise, but it is an attempt to square our Lord's prohibition of remarriage with his compassion for sinners. It is men's hardness of heart which leads to the awkward compromise that 'rigorists' favour.

## THE EVIDENCE OF CHURCH HISTORY

Chapter 2 surveys the history of church discipline of divorce. Atkinson begins by looking at the witness of the early church. In the main text he apparently regards the evidence as ambiguous, though in his summary at the end of the chapter he concedes that 'the

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[2] E.g. Murray, *Divorce*, p.42; R. H. Stein, 'Is it Lawful for a Man to Divorce his Wife?', *Journal of the Evangelical Theological Society* 22, 1979, p.119.

[3] E.g. H. Baltensweiler, *Die Ehe im Neuen Testament* (Zwingli, 1967), p.93; J. A. Fitzmyer, 'Matthean Divorce Texts and Some New Palestinian Evidence', *Theological Studies* 37, 1976, pp.197–226.

[4] M. Geldard, 'Jesus' Teaching on Divorce', *Churchman* 92, 1978, pp.125–43; A. Isaksson, *Marriage and Ministry in the New Temple* (Gleerup, Lund 1965), pp.135ff.

majority view is that the early church did not normally permit divorce with remarriage' (p.64).

This seems to me too weak a statement. Atkinson can only arrive at this position by heavy reliance on Pospishil, who, like Atkinson, confuses the patristic permission to separate, where one spouse is adulterous, with the right of divorce and remarriage. Pospishil's book is a light-weight work of special pleading. It was answered with great scholarly fairness and erudition by H. Crouzel in *L'Eglise primitive face au divorce*. Here in 410 pages every relevant text is cited and discussed at length. If Atkinson is to maintain his agnosticism about the patristic attitude, he must refute Crouzel[5] and not rely on setting quotations of Pospishil against Crouzel as though they were of equal worth.

To confirm my evaluation of the two works, I read all the reviews of Crouzel I could find—about a dozen. None of them faulted Crouzel on any point of real substance. Typical of these reviews was that in the *Journal of Ecclesiastical History*.

> It would be difficult to praise too highly Père Crouzel's scholarly study of the Church's teaching and practice with regard to marriage and divorce in the first five centuries … (He) corrects many widespread opinions as well p. 121 as the claims of certain modern writers to have discovered in the early centuries significant evidence of a tradition permitting remarriage after divorce during the lifetime of the first spouse. In fact the evidence for such a tradition is so meagre as to be virtually negligible.[6]

Crouzel shows that in the first five centuries no Greek writer approves of remarriage after divorce; and only one Latin writer, Ambrosiaster (c.366–83). And he only allowed remarriage in the case of a man with an adulterous wife: a woman with an adulterous husband was not given the same freedom. Against the solitary testimony of Ambrosiaster, Crouzel cites the views of some twenty-seven other writers or church councils.[7]

Though the early church was clear that Jesus had condemned all remarriage after divorce, that is not to say Christians never did it. Divorce and remarriage were as freely available then as they are today. Origen notes that, despite our Lord's teaching, some Egyptian bishops tolerated it to avoid worse evil. But, usually, when divorced Christians remarried they faced long periods of excommunication.

Atkinson devotes a longer section to the attitude of the Reformers, showing that they allowed divorce and remarriage in certain cases. For me, this is not decisive for the correctness of this view. Dupont[8] notes that Erasmus also took this line, and maintains that the Tridentine fathers were in fact more open about the correct exegesis of Matthew 19:9 than their decrees might suggest. This indicates that in the sixteenth century there was some uncertainty about what the early church held concerning divorce and remarriage. It is interesting that, despite the attitude of at least some of the Reformers, Anglican canon law formulated in 1603 allowed only separation and not the right of remarriage.

## MARRIAGE AS COVENANT

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[5] To judge from his footnotes, Atkinson has only utilized Crouzel's short article 'Remarriage after Divorce in the Primitive Church', *Irish Theological Quarterly* 38, 1971, pp.21–41, not his main work.

[6] J. J. Hughes, *Journal of Ecclesiastical History* 24, 1973, p.61.

[7] *L'Eglise primitive face au divorce* (Beauchesne, Paris 1971), p.360.

[8] J. Dupont, *Mariage et divorce dans I'évangile* (Desclée de Brouwer, 1959), pp.115–22. Dupont's book is a model of careful exegesis.

Chapter 3 is devoted to an exposition of marriage as a covenant like that between God and his people, Christ and the church. This is by and large helpful and unexceptionable. I am sure that the idea of covenant is central to the biblical view of marriage. Atkinson also correctly points out that the one-flesh relationship created by marriage is analogous to blood-relationship, kinship. This is of great importance in interpreting the Old Testament laws on marriage, as I shall argue P. 122 below. The kinship analogy also provides a useful way of describing what happens when marriages end in divorce. Children may fail to honour their parents, mothers may batter their babies, brothers may emigrate and never see each other again, but none of these acts ends the kinship. They destroy the love that should bind a family together, but they do not annul the blood-relationship. I think it can be demonstrated that Scripture sees divorce as terminating the loving relationship, but not the kinship between the former spouses.

Atkinson, however, argues that since marriages break up, so covenants may be terminated. This is true on a human level. But the biblical analogy for marriage is the covenant between God and his people. Now, one aspect of these biblical covenants which Atkinson significantly fails to mention is their permanence. The Abrahamic, Sinaitic, and Davidic covenants are eternal: when the people disobeyed the covenant, the covenant curses came into play, but the covenant relationship was and is still there. When Israel or the king repent, they can still enjoy the covenant blessings (Deuteronomy 30; 2 Samuel 7:13ff.). In the words of St. Paul, 'the gifts and the call of God are irrevocable' (Romans 11:29). Now if the concept of God's covenant with his people is the key to the biblical understanding of marriage, one would expect the notion of the eternity of the marriage bond to find expression in biblical law. David Atkinson denies it: I think both testaments assert it, though the Old Testament does not draw out the implications of the eternity and exclusiveness of the marriage relationship as fully as the New Testament.

## THE OLD TESTAMENT PICTURE

Chapter 4 discusses the biblical texts dealing explicitly with divorce and remarriage. It is clearly of crucial importance to all who accept the final authority of Scripture. To my mind it is sadly the most inadequate, as Atkinson attempts to make the texts fit his theory that, in the Bible, divorce always includes the right of remarriage. A secondary consideration is his determination to identify the teaching of the Old Testament on this subject with that of Jesus.

Drawing heavily on my material,[9] Atkinson outlines the financial considerations associated with marriage that would have made divorce a rarity in biblical times. It was the cost of the divorce that would have deterred a man from divorcing his wife under the old covenant. None of the provisions of Deuteronomy 24:1–4 have anything to do with discouraging divorce. The thrust of the law, as nearly all commentators p. 123 admit, is found in verse 4, which prohibits a husband *remarrying* his former wife. Thus the only law in the Old Testament expressly dealing with the practice of divorce is concerned with limiting the right of remarriage rather than divorce itself.[10] Put another way, the divorced man has a narrower field to choose from when he marries for the third time (the law envisages the death or divorce of his second wife): he cannot go back to his first wife.

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[9] *Third Way* 1.20, 1.21, 1.22, 1977, pp.3–5, 7–9.

[10] See now my article 'The Restoration of Marriage Reconsidered', *Journal of Jewish Studies* 30, 1979, pp.36–40.

Now of course no man in ancient Israel had unlimited freedom in his choice of wife the first time he married. He could not marry women closely related to him, e.g. his mother, sister, aunt and so on. What Atkinson does not note is that his choice was more limited still for his second marriage, whether that marriage followed the death of his first wife or her divorce. A man could not marry his first wife's close female relatives, e.g. her sister, mother, daughter.[11] It is therefore clear that Leviticus 18 and 20 are like Deuteronomy 24 in regulating and restricting a man's right to remarriage after divorce.

What is the rationale for this particular restriction? Leviticus 18:6–18 explains the logic in the motive-clauses of the various prohibitions.[12] These female in-laws are now in the same relationship to the man as his own blood-relations. A man's mother-in-law or daughter-in-law have become as it were his mother or his daughter. The kinship bond created by marriage extends not merely to one's spouse, but to the spouse's relatives. And what is very important, the kinship survives the death or divorce of one's spouse. These regulations would be redundant if they were regulating relationships during an existing marriage, for that would of course count as adultery. Thus already the Old Testament asserts that the legal kinships created by marriage, like blood kinship, survive death or divorce.

Why then does not the Old Testament, like our Lord, prohibit any remarriage after divorce? If legal kinship with one's first wife still exists after divorce, why does not remarriage with another woman count as committing adultery? The answer is simple. Under Old Testament law, as under other ancient law, oriental, Greek and Roman, a married man could have sexual relations with more than one woman. Polygamy was of course permitted. Affairs by married men with unmarried women did not count as adultery. Those caught p. 124 would have had to marry the girl or pay damages to her father, but such behaviour was not adulterous and did not attract the death penalty. Adultery in pre-Christian times was defined as sexual intercourse between a married woman and a man who was not her husband. Atkinson, in his concern to identify Old and New Testament ethics, glosses over the fact that the Old Testament allows polygamy and does not regard a husband's infidelity as adulterous. That the Old Testament allows more latitude for remarriage after divorce than the New is of a piece with the greater liberties it allows married men than married women.

## THE TEACHING OF JESUS: MARK 10:2–12

Atkinson then turns his attention to the background to Jesus' teaching. This is well done, though I think one point may mislead the uninformed reader and since it appears to be based on my *Third Way* articles, I should point it out. He states that divorce on fairly trivial grounds was relatively common in the time of Christ' (p.108). Relative to the Old Testament era that is correct, but compared to our age divorce was still rare. Comparisons with Palestinian Arab practice earlier this century,[13] where the biblical dowry system still operated, would suggest a divorce rate of less than 5 per cent compared with 41 per cent in Great Britain in 1976. I am also unconvinced by his suggestion that the Shammaite Pharisees were much laxer about divorce than they professed to be.

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[11] The levirate law (Deut. 25:5–10) encouraging a man to marry his widowed sister-in-law was only invoked if she was childless. A man was also not compelled to undertake the responsibility of the levirate.

[12] See my article in *Journal of Jewish Studies* 30 and commentary *The Book of Leviticus* (Eerdmans, Grand Rapids, Michigan 1979), pp.253ff. for a fuller exposition.

[13] H. Grandquist, *Marriage Conditions in a Palestinian Village* II (Helsingfors, 1935), pp.271, 284.

In expounding the teaching of Jesus, Atkinson looks first at Mark 10:2–12, the debate with the Pharisees. The Pharisees ask Jesus whether it is lawful for a man to divorce his wife. Jesus at first gives no answer, asking them what Moses said. They quote Deuteronomy 24. Then Jesus quotes from Genesis 1 and 2 to prove that divorce was not God's intention and only given for men's hardness of heart. *Prima facie*, as most commentators admit, this is a rejection of the Mosaic divorce law. This is clearer in Matthew, where the Pharisees cite Deu teronomy as an objection to Jesus' appeal to Genesis. Atkinson, however, wishes to minimize the contrast with Deuteronomy's provision, arguing that Deuteronomy's assumption of divorce is needed for sinful society despite Christ's coming. As a practical proposition I would concur, but I do not think this is what Jesus and the Pharisees were debating.

We are told that the Pharisees came to test him (v.2): in other p. 125 words (if possible) to catch him out in his attitude to the law. And Jesus states bluntly that he rejects the Mosaic provision. To make use of it only proves your sinfulness. David Catchpole brings out the flavour of the debate much more precisely when he says:

> What Moses commanded, the historical Jesus rejects. In Mark 10:2–9 Jesus makes a decision about divorce, in effect, a decision about Moses. Nothing should blunt the sharp edge of his words. He diverges from all tradition, whether of Hillelite liberals or of Shammaite conservatives. Paradoxically, by taking a position more conservative than that of the conservative Shammaites, he takes a position more radical than all. For this is an abrogation of a law, an openly declared criticism of the law of Moses, not an accentuation of the Torah but an annulling of it.'[14]

I shall come back to the question of whether annulment is quite the right term.

Atkinson then goes on to discuss the crucial saying in Mark 10:11–12: 'Whoever divorces his wife and marries another commits adultery against her; and if she divorces her husband and marries another she commits adultery. After arguing that *apolyein* here means divorce and not separation, he continues: If right of remarriage after divorce was assumed, then divorce-and-remarriage belong together in Jesus' thinking, and we may understand the central thrust of his condemnation to be focused on the wrong of "putting away" rather than on the remarriage which in this *ad hominem* discussion is the inevitable consequence' (p.113).

Now this is not the right approach to exegesis. Atkinson assumes what Jesus must have meant and then proceeds to interpret the saying accordingly. He assumes that remarriage after divorce is permitted; therefore he argues that Jesus is condemning divorce, not remarriage. His exegesis cannot stand up in Luke 16:18b and Matthew 5:32b, 'he who marries a woman divorced from her husband commits adultery.' Here the man may be totally innocent of involvement in the earlier divorce proceedings; yet by marrying a divorced woman, he (not she) commits adultery. To explain these parallels to the Markan saying, Atkinson has to read into them things that they do not even hint at.

The second reason why Atkinson's exegesis is faulty is that in biblical law the crucial point comes at the end of the protasis, not at the beginning. Thus the decisive thing in Mark 10:11 is the remarrying, not the divorcing. It is the remarriage following divorce that constitutes p. 126 adultery, not divorce by itself. Had our Lord been concerned to condemn the initiative of divorce he could have said 'he who divorces his wife commits adultery', or 'he who divorces his wife is an abomination to God.' Similarly, if the second commandment had wished to prohibit the making of graven images as opposed to their

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[14] D. R. Catchpole, 'The Synoptic Divorce Material as a Traditio-Historical Problem', *Bulletin of the John Rylands Library* 57, 1974–5, p.120; Geldard, *Churchman* 92 makes the same points.

worship, it would have omitted the remarks about bowing down to them or worshipping them. A cursory reading of pentateuchal laws will quickly show how general is the principle that the decisive point comes at the end of the law.

By attempting to make Mark 10:11–12 say what it does not, Atkinson fails to appreciate the great innovation Jesus made to the Old Testament view of marriage. First, and most obvious, he abolishes the right of remarriage already restricted under the old covenant law. Jewish bills of divorcement were not valid unless they contained the formula 'Thou art free to marry any man." Now even with a bill of divorcement neither man nor wife can remarry without committing adultery. Secondly, if divorce followed by a second marriage constitutes adultery against one's first wife, then how much more so taking a second partner without divorcing the first. Thus Jesus bans polygamy and insists that a husband's infidelity is just as adulterous as a wife's. In this way he established full reciprocity between the sexes.

If, however, one interprets Mark 10:11–12 and its parallels in Atkinson's way, there is no basis in Scripture for condemning polygamy. On his exegesis, as long as a man does not divorce his wife he is all right. There is nothing in the law about how many times you can marry without divorcing, or anything equating a husband's extramarital affairs with adultery. By insisting on the identity of old and new covenant sexual morality, Atkinson has condemned women to the inequalities of the pre-Christian situation. As Crouzel points out, the Fathers, relying on these gospel sayings and texts such as 1 Corinthians 7:4, constantly reiterated that in marriage man and wife had equal rights, unlike the women of classical antiquity. Infidelity by the husband was adultery, not merely fornication.

## THE TEACHING OF JESUS: MATTHEW 19:3–12

Atkinson then turns his attention to Matthew 5:32/19:9, which apparently allows divorce or separation for *porneia*. With him, I find no difficulty in regarding this exceptive clause as dominical. Since Jewish and Roman law insisted on divorce for adultery, the Matthean exception could be implied by the Markan and Lukan forms of this saying. As I read them they forbid remarriage after divorce; they do not say P. 127 anything about the legality of divorce itself. Admittedly Matthew 19:6/Mark 10:9 appear to rule out divorce as a Christian option, but they do not describe it as adultery. Therefore as long as Matthew 19:9 is not supposed to allow remarriage after divorce, there is no explicit contradiction with Mark 10:11–12 or Luke 16:18.

Atkinson, of course, does think that Matthew 19:9 permits remarriage. But this causes various problems with the exegesis of Matthew 19:3–12, which he fails to take into account. Catchpole[15] has drawn attention to these problems with great acuteness. In verses 4–8 Jesus has condemned both Hillelite and Shammaite Pharisees outright. Then, apparently, on Atkinson's exegesis of verse 9 he suddenly agrees with the Shammaites by permitting divorce and remarriage in *porneia* cases. Furthermore, in verse 10 the disciples' objection, 'If such is the case of a man with his wife, it is not expedient to marry', makes no sense if Jesus was a Shammaite. Marriage was perfectly natural and normal for Shammaites, even if they did not divorce their wives as readily as the Hillelites. For these reasons, Catchpole holds that Matthew 19:3–12 is a somewhat unintelligent composition of mutually incompatible sayings.

[15] *Ibid.*, pp.93ff.

It seems to the majority of the most recent writers[16] on this passage that these critical and exegetical problems vanish once it is recognized that Matthew 19:9 only permits separation for *porneia*, not divorce with the right of remarriage. This is much stricter than the Shammaites, who naturally allowed remarriage. No wonder the disciples p. 128 protested so strongly. Despite nineteen centuries of the discipline of separation, we still think it is unfair. Better never to taste the joys of marriage than to experience them and then have them taken away through no fault of your own. That is how we think: that is what the disciples felt. 'If this is how it is … it is better not to marry' (v.10 TEV).

That the disciples have correctly grasped Jesus' teaching is proved by Jesus' reply, for he goes on to speak about eunuchs, i.e. people who do not marry. There are those who do not marry for human reasons, 'eunuchs from birth/by men', and those who do not marry 'for the sake of the kingdom of heaven', i.e. out of loyalty to Jesus. In the context of a discussion about divorce and remarriage, the immediate reference must be to those who do not remarry after divorce. The secondary reference is probably to single people like Jesus and Paul who do not marry in order to devote themselves wholeheartedly to the service of God. Jesus declares that those who embrace the single way of life following divorce are in a special sense following him, the greatest eunuch for the kingdom of heaven.

## THE TEACHING OF PAUL

Finally Atkinson turns to Paul. He thinks 1 Corinthians 7:15 allows a deserted spouse to remarry. This may be so, but the text does not require it. It makes equally good sense to hold that Paul is allowing a believing spouse to grant an unbelieving partner a divorce without supposing that the believer would remarry. Given classical assumptions about divorce, the unbeliever might well demand a full divorce so that she could remarry. Remembering our Lord's teaching, the Christian might very well be reluctant to accede to this request if no *porneia* was involved. Paul says that, even so, the believer should be prepared to let his partner go. 'In such a case the brother or sister is not bound.' If Jesus did not permit innocent spouses in *porneia* cases to remarry, it seems unlikely that Paul is granting the right of remarriage to Christians in this case. Crouzel points out that, among the Fathers, only Ambrosiaster permits remarriage in the case envisaged in 1 Corinthians 7:15. Atkinson also suggests that remarriage after divorce may be allowed in 1

[16] Recent writers taking this line include R. Scroggs, 'Marriage in the NT', *Interpreter's Dictionary of the Bible* (Supplementary Volume, 1976), pp.576–7. B. Vawter, 'Divorce and the New Testament', *Catholic Biblical Quarterly* 39, 1977, p.536. It should be noted that Vawter has given up the preteritive interpretation he advocated in 1954 and cited by Atkinson. G. J. Wenham, *Third Way* 1.22 (17 Nov. 1977), pp.7–9. F. J. Moloney, 'The Significance of Matthew 19:12 Within the Context of 19:3–12. A Redactional Study', *Journal for the Study of the New Testament* 2, 1979, p.48. K. Condon, 'Apropos of the Divorce Saying', *Irish Biblical Studies* 2, 1980, pp.40–51. Three articles argue that Matthew is giving grounds for nullity rather than divorce. Fitzmyer, loc. cit. and A. Stock, 'Matthean Divorce Texts', *Biblical Theology Bulletin* 8, 1978, pp.25ff. argue that *porneia* means incest, while Geldard, loc. cit. that it means pre-marital unchastity. Only Stein, loc. cit. holds that real divorce and remarriage are being envisaged. It is noteworthy that Fitzmyer, Stock and Stein all assume that Jesus' discussion ends at verse 9 and fail to consider the implications of verses 10–12. For turning the tide of critical thought on Matthew 19:3–12, Dupont, op. cit. and Q. Quesnell, 'Made Themselves Eunuchs for the Kingdom of Heaven (Matthew 19:12)', *Catholic Biblical Quarterly* 30, 1968 have had the most influence. Most of the authors cited, hold that the exceptive clause is Matthean rather than dominical. But the critical issue is irrelevant once it is admitted that Matthew 19:9 does not contradict the statements admitted as authentic in the other gospels.

Corinthians 7:25ff. This is most unlikely if our exegesis of the gospel texts is correct. J. K. Elliott[17] has given a more probable interpretation of these verses.

Atkinson concludes his discussion of the biblical data by commenting p. 129 on 1 Corinthians 7:8–9, 'it is better to marry than to burn'. This remark is addressed to the unmarried and widows. Atkinson says that 'we may infer that his concern would also extend to divorced people' (p.125). This is another example of eisegesis rather than exegesis. If one assumes divorce includes the right of remarriage, Atkinson's conclusion follows. If one does not make that assumption, the natural interpretation is that by not mentioning divorcees in verse 8, Paul is excluding them. This is the more probable in the light of verse 11.

In fact there are other texts in the New Testament that imply that Christians should ideally only marry once, even if their first spouse dies. These are the regulations dealing with qualifications for church office. Widows must have been 'the wife of one husband' (1 Timothy 5:9). Bishops and deacons must be the 'husband of one wife' (1 Timothy 3:2, 12). That the NEB margin 'married only once' is the correct interpretation of this phrase is proved by the parallel condition for entry into the order of widows and by the use of the phrase on tombstones in the classical world. In an age when death in childbirth was relatively common, there must have been a significant number of widowers among church leaders. If it was thought possible for them to refrain from remarriage after their wife's death, it is also likely that Paul did not consider it unreasonable for divorcees to remain single.

## THE LAW OF MOSES AND THE LAW OF CHRIST

Chapter 5 discusses more general issues. On pages 135–6 Atkinson appears to imply that secret sins, even adultery, do not affect the marriage covenant so long as one's spouse does not know about it. I hardly believe he means this, and I suppose it is a slip of the pen.

He does discuss at some length the relationship between the law of Moses and the teaching of our Lord. He again asserts the fundamental identity of the two: Jesus is essentially just bringing out the spirit of the Mosaic legislation. Catchpole on the other hand spoke of the annulment of the law. I do not think either position is precisely right. It is obvious that Jesus did teach, for example, that the cleanness laws were obsolete. Elsewhere[18] I have suggested that this reflects the fact that, under the gospel, the symbolism of these laws is no longer relevant. They symbolized the election of the Jewish people: under the new covenant, when believers from all nations can enter the kingdom, these old reminders of the unique status of Israel are no longer appropriate. p. 130

In the case of the moral laws, the situation is slightly different. Sometimes Atkinson's model of the relationship suffices, e.g. Jesus' extension of the prohibition of murder to anger and so on. But in the marriage laws we have a more drastic change. The Old Testament limited a man's right of remarriage following divorce or his wife's death. The New Testament restricts this right still further, holding that no Christian should remarry after divorce, and that church officers may not even remarry after their spouse's death. I think a more appropriate analogy than annulment, or reinterpretation of the old covenant law, is found in the way the government has gradually altered the rules for Ministry of Transport (MOT) safety tests on cars. Originally only ten-year-old vehicles had to be

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[17] 'Paul's Teaching on Marriage in 1 Corinthians: Some Problems Considered', *New Testament Studies* 19, 1972–3, pp.219–25.

[18] *The Book of Leviticus*, pp.165ff.

tested before they could be licensed. But year by year the limits have been reduced so that now even three-year-old cars must undergo the test. The new rule does not really contradict the old one: it is merely extending its application to younger vehicles. The same relationship exists between the relative freedom on remarriage in the Old Testament and the tighter rules of the New. It may also be noted that the MOT test is now stricter in testing more parts of the car than it did when it was first introduced. This, too, finds a parallel in the marriage rules. Under the old covenant a wife had to be exclusively loyal to her husband: he could be polygamous but she could not be polyandrous. Under the new covenant the husband must be exclusively faithful to his wife. And because Jesus' teaching excludes polygamy, a husband's adultery, and remarriage after divorce, it makes Christian marriage a much clearer image of the relationship between Christ and the church than did marriage under the old covenant.

### CONCLUSION

*To Have and to Hold* is a very stimulating book, and David Atkinson is to be congratulated on setting out the issues so clearly. I still remain unconvinced by his interpretation of the New Testament texts. It seems to me that our Lord did not want his disciples to remarry after divorce. I therefore would prefer the Church of England to continue its present discipline with regard to divorcees. By declining to marry them in church, we express our faithfulness to Christ's ideals: by allowing those who remarry elsewhere to continue in full church membership, we declare his compassion and forgiveness.

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# A Response: Comments on the Article by Gordon Wenham

David Atkinson

I am grateful to the editor for the opportunity both to express my appreciation of Gordon Wenham's careful critique of *To Have and To Hold*, and to comment briefly in reply.

I have admired Gordon's scholarship for a long time, and benefited very much from his own work in this area (as I hope he feels I acknowledged adequately) in the Memorandum which he generously allowed me to see before he published a summary in *Third Way*. I am sorry if he feels that at one point I misrepresented his emphasis. I must acknowledge that in places my book was finished in too much haste and, as Gordon notes, some careless slips are obvious. (May I here give the Matrimonial Causes Act 1857 its proper name; the word 'Reform' somehow slipped out of Divorce Reform Act in the proof of p.159; and the text on pp.40–41 should of course be Eph. 5:32). But I do not think his assessment of my position is always accurate, and I still find myself in disagreement with him on his main point.