

Did Jesus Allow Divorce?



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One of the most common topics apologists at Catholic Answers are asked about concerns the Catholic understanding of marriage, divorce, and annulments. Some people question whether the Church's teaching in this area can be supported scripturally. The fact is that Catholic teaching may be best understood by tracing the history of marriage through the Bible.

Shortly after God created humanity, he instituted marriage. This is evidenced in the second chapter of the Bible: "Therefore a man leaves his father and his mother and cleaves to his wife, and they become one flesh" (Gen. 2:24). From the beginning God intended marriage to be a lifelong commitment, and his displeasure with divorce was made clear: "For I hate divorce, says the Lord the God of Israel" (Mal. 2:16).

Even so, the Mosaic law allowed divorce and remarriage among the Israelites. The Israelites saw divorce as a way to dissolve a marriage and enable the spouses to remarry others. But, as we will see, Jesus taught that this is not what God intended.

The Pharisees questioned Jesus when he taught on the permanence of marriage:

Pharisees came up to him and tested him by asking, "Is it lawful to divorce one's wife for any cause?" He answered, "Have you not read that he who made them from the beginning made them male and female, and said, 'For this reason a man shall leave his father and mother and be joined to his wife, and the two shall become one flesh'? So they are no longer two but one flesh. What therefore God has joined together, let not man put asunder." They said to him, "Why then did Moses command one to give a certificate of divorce, and to put her away?" He said to them, "For your hardness of heart Moses allowed you to divorce your wives, but from the beginning it was not so." (Matt. 19:3–8; cf. Mark 10:2–9; Luke 16:18)

Thus, Jesus re-established the permanence of marriage among his followers. He raised Christian marriage to the level of a sacrament and taught that sacramental marriages cannot be dissolved through divorce. This was part of Jesus' fulfillment (or perfection) of the Old Law of which he said, "Think not that I have come to abolish the law and the prophets; I have come not to abolish them but to fulfill them" (Matt. 5:17).

An Exception to the Rule?

Some Christians hold that Jesus made an exception to the rule of permanence of marriage when he said that "whoever divorces his wife, *except for unchastity*, and marries another commits adultery" (Matt. 19:9, emphasis added; cf. Matt. 5:31–32.) The word translated as "unchastity" here is the Greek word *porneia* (from which the word *pornography* is derived) and its literal meaning is debated among Scripture scholars. Full treatment of this topic is beyond the scope of this article, but suffice it to say here that Jesus' and Paul's constant and forceful teaching about the permanence of sacramental marriage as recorded elsewhere in Scripture makes it clear that Jesus was not making an exception in the case of valid, sacramental marriages. The constant teaching of the Catholic Church attests to this as well.

It is important to note that in Jesus' teaching about marriage and divorce, his concern was with the presumption that divorce actually ends a sacramental marriage and enables the spouses to remarry. He said to his disciples, "Whoever divorces his wife and marries another commits adultery against her; and if she divorces her husband and marries another, she commits adultery" (Mark 10:11–12). But divorce that does not presume to end a sacramental marriage (e.g., divorce intended only to legally separate the spouses) is not necessarily evil.

Paul's teaching agrees with this: "To the married I give charge, not I but the Lord, that the wife should not separate from her husband (but if she does, let her remain single or else be reconciled to her husband)—and that the husband should not divorce his wife" (1 Cor. 7:10–11). Paul understood that divorce is a terrible thing, yet it is sometimes a reality. Even so, divorce does not end a sacramental marriage.

The Catholic Church still today understands that separation and even civil divorce that does not presume to end a sacramental marriage is sometimes necessary (e.g., in the case of an abusive spouse). But such actions simply cannot dissolve the marital bond or free the spouses to marry others.

The *Catechism of the Catholic Church* teaches:

The separation of spouses while maintaining the marriage bond can be legitimate in certain cases provided for by canon law. If civil divorce remains the only possible way of ensuring certain legal rights, the care of the children, or the protection of inheritance, it can be tolerated and does not constitute a moral offense. (CCC 2383)

That being said, the Church clearly teaches that divorce does not—indeed cannot—end sacramental marriage. "A ratified and consummated marriage cannot be dissolved by any human power or for any reason other than death" (*Code of Canon Law* 1141). Only death dissolves a sacramental marriage.

Paul's writings agree:

Do you not know, brethren—for I am speaking to those who know the law—that the law is binding on a person only during his life? Thus a married woman is bound by law to her husband as long as he lives; but if her husband dies she is discharged from the law concerning the husband. 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. (Rom. 7:1–3)

A Marriage Not Made in Heaven

Thus far our discussion of the permanence of marriage has concerned sacramental marriages—marriages between baptized Christians. What about marriages between two non-Christians or between a Christian and a non-Christian (also called "natural marriages")?

Paul taught that divorce of a natural marriage is not desirable (1 Cor. 7:12–14), but he went on to teach that natural marriages may be dissolved in certain circumstances: "If the unbelieving partner desires to separate, let it be so; in such a case the brother or sister is not bound. For God has called us to peace" (1 Cor. 7:15).

Accordingly, Church law provides for the dissolution of natural marriages in certain circumstances as well:

A marriage entered into by two non-baptized persons is dissolved by means of the Pauline privilege in favor of the faith of the party who has received baptism by the very fact that a new marriage is contracted by the same party, provided that the non-baptized party departs. (CIC 1143)

Marriages not yet ratified through consummation are treated similarly: For a just cause, the Roman pontiff can dissolve a non-consummated marriage between baptized persons or between a baptized party and a non-baptized party at the request of both parties or of one of them, even if the other party is unwilling. (CIC 1142)

Catholic Divorce

Annulments are sometimes mistakenly called "Catholic divorces." In reality, annulments do not presume to end marriages at all but simply recognize and declare, after sufficient investigation, that a marriage never existed in the first place. If a marriage never really existed, then there is nothing to dissolve. Such situations can come about for one (or more) of three reasons: lack of sufficient capacity, failure to adequately consent, or violation of canonical form.

Capacity involves a party's ability to contract marriage. For example, a person who is currently married is incapable of attempting another marriage. *Consent* involves a party's commitment to the marriage as the Church understands it. *Form* is the actual process of entering into marriage (i.e., the wedding).

Non-Catholics usually understand the capacity and consent requirements for a marriage to come into being, but they often do not understand what violation of canonical form is. Simply put, Catholics are bound to observe the form of marriage prescribed by the Church. Failure to observe this form (or to be dispensed from this obligation) invalidates a marriage:

Only those marriages are valid that are contracted before the local ordinary, pastor, or a priest or deacon delegated by either of them, who assist, and before two witnesses. (CIC 1108)

Why are Catholics bound to observe such form? For one thing, the Catholic form of marriage ensures that God is not left out of the picture. The Church

has the authority to bind Catholics in this way by virtue of Jesus' conferral to it of the power to bind and to loose: "Truly, I say to you, whatever you bind on earth shall be bound in heaven, and whatever you loose on earth shall be loosed in heaven" (Matt. 18:18).

Is Divorce Allowable?

Do we see annulments occurring in the Bible? Some apologists argue that the exception clause cited above (Matt. 19:9) exemplifies annulments. If "unchastity" refers to illicit relations between the spouses themselves, then divorce is not only acceptable but preferable. But such divorce would not end a marriage, for a true marriage could not have existed in the first place under such circumstances.

It is clear that Catholic teaching remains faithful to scriptural teaching on marriage, divorce, and annulments as Jesus intended. The author of the letter to the Hebrews summed it all up when he wrote, "Let marriage be held in honor among all, and let the marriage bed be undefiled; for God will judge the immoral and adulterous" (Heb. 13:4).