

Divorce and the Law - Mark 10:1-12

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Introduction

There is a television program called “*Married at First Sight*”. Each season they bring together six single people looking for a life-long spouse and this is how it works. Four specialists create what they believe are three perfect couples, based on scientific matchmaking. The single people then get legally married to their assigned spouse the moment they first meet – as complete strangers. And this first meeting is when they walk down the aisle and see each other face-to-face, for the first time, at the altar. Then over the course of several weeks, episodes capture each couple’s journey as they go from wedding, to honeymoon, to early nesting, to the daily struggle of working on their marriage. After several weeks together, each couple must make a decision: do they remain together or decide to divorce?

Such is an example of the casual attitude by which our culture and frankly the cultures of the world view marriage and divorce. It is easy come and easy go and that is if marriage is even bothered with...

So as we continue in the gospel of Mark today, we come to this unpleasant business of divorce. We come not as detached observers. For the vast majority of us have been affected in one way or another by divorce – either directly or indirectly – either as a spouse who sinned in this area or has been sinned against by it or perhaps as a child affected by a broken home, and the list goes on. And although the culture was different in Jesus day, there was a similar casual and cheap view.

Before we read the text and begin, let us reset the context leading up to this passage.

The overall theme of Mark’s gospel is Jesus, the Servant King. Jesus has been ministering to the crowds which follow Him everywhere; healing, feeding, and casting out demons and most importantly teaching them. Jesus’s audience varies throughout – sometimes He is speaking to the overall crowd, sometimes to the disciples only, and sometimes to those who oppose Him. The characters in the book so far are having trouble recognizing Jesus although some are beginning to do so made possible from above.

Recently we have seen in chapter nine, three of the disciples witnessing the transfigured Jesus on the mountain and hearing the voice of the Father commanding them to listen to Him. Jesus then casts out a demon before a faithless crowd, reminds them again of his impending death and resurrection, settles a dispute over who is the greatest in a surprising way, and teaches on His radical approach to sin.

But then as we approach chapter ten, we might ask, “Why is a teaching on divorce dropped into this section of Mark?” Other than a short treatment of the Sabbath in chapter two and honoring parents in chapter seven, Mark has given us minimal teaching from Jesus on man’s obligation to God’s law. There is no Sermon on the Mount like in Matthew or a Sermon on the Plain like in Luke. This is a good question so let’s dig into these twelve verses to see what the Lord will show us through His man Mark.

10 And he left there and went to the region of Judea and beyond the Jordan, and crowds gathered to him again. And again, as was his custom, he taught them.

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, 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.”

Jesus: Different Location – Same Ministry (10:1)

Jesus’s ministry so far has been only in the region of Galilee. But as we begin the chapter, we see Jesus on the move from Galilee to the Judean region. He was making His final journey to Jerusalem so that the foretelling of His death and resurrection might be fulfilled. Are we not glad He made this journey?

Now although He arrived in Judea, it was not quite time to go to Jerusalem. Rather He went beyond the Jordan east of Jerusalem and north of Jericho – if you remember, this is where His ministry began in 1:5-9.

The disciples were with Him and so were the crowds – just like in Galilee, the crowds followed Him everywhere continually. But although Jesus was in a different location, His ministry was the same. The crowds again gathered to Him and again He taught them.

Divorce – Israel’s View (10:2-5)

Testing God (10:2-3)

In verse two, we see the Pharisees arrive on the scene – the religious professionals. And as was the case throughout Mark and all the gospels, they did not come to hear and receive the teaching. They came to test Jesus. “Let us see how the “teacher” answers this question. This was not only blindness but blindness on the offensive – testing God himself. And they traveled far to do so, but it was worth it to them.

The test posed by the Pharisees was this “*Is it lawful for a man to divorce his wife?*” This was a loaded question. The Pharisees wanted to draw Jesus into an ongoing controversy among the Jews concerning divorce and in the process, expose Him as an opponent of the Law of Moses. They also wanted to get Him in trouble with the house of Herod because this would align Him with John the Baptist’ opinion – remember the account of John’s death in chapter 6 (6:17-29). Perhaps Herod would get rid of this Jesus like he did John...

Rather than answer the question right away, Jesus exposes their position with His own question, “*What did Moses command you?*” In other words, what do the Scriptures say?

A Wrong Understanding and Its Cause (10:4-5)

The Pharisees responded that Moses allowed the husband to send her away provided he gave his wife a certificate of divorce. They were pointing back to Deuteronomy 24:1-4. Let us turn there for the passage is key to understanding the Pharisees answer and the prevailing thought of the day. It reads:

“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.

Notice the reason for pursuing a divorce. It is in verse one, *“because he has found some indecency in her”*. But what is the definition of indecency? Among the rabbis in Israel in that day, the interpretations ranged between a liberal and a conservative view. Kent Hughes writes:

The liberal interpretation said a man could divorce a woman for the smallest “offense” such as cooking a poor dinner, walking with her hair down in public, speaking to another man, or speaking disrespectfully of her mother in-law. Some even said he had grounds if he found another woman more beautiful.

The conservative view limited indecency to acts that suggested only the possibility of sexual misconduct; for example, an act of shameful exposure. This view only considered divorce for acts of marital impropriety short of adultery. ¹

Now keep in mind this debate was not speaking to divorce for adultery; the breaking of the marriage covenant. The Old Testament was clear on this situation. Leviticus 20:10 says:

“If a man commits adultery with the wife of his neighbor, both the adulterer and the adulteress shall surely be put to death.

And Deuteronomy 22:22 says:

“If a man is found lying with the wife of another man, both of them shall die, the man who lay with the woman, and the woman. So you shall purge the evil from Israel.

So the remedy was straightforward; both parties caught in adultery were to be put to death. But this was not what the Pharisees were asking about. They wanted to hear what Jesus thought about the justification for divorce short of the act of adultery.

¹ R. Kent Hughes, *Mark* (Wheaton, Crossway, 2015), p. 234

This was the controversy into which the Pharisee's wanted to pull Jesus. They wanted to exploit his response for their own advantage.

However, the Pharisees answer to Jesus' question in verse three revealed their wrong understanding of marriage and divorce. They were thinking only about how to limit and / or justify various reasons for divorce. The existence of divorce in their minds was a given and the only question was to what extent was its justification acceptable.

And verse five gives the reason for their wrong understanding. Jesus said it was *"Because of your hardness of heart he wrote you this commandment."* Hard hearts were the reason – does that sound familiar so far in Mark? Hardness prevents or limits the understanding of God and His Word.

Hard hearts in Israel had always been the problem when it came to marriage. Men divorcing their wives were common. And as a result, in the Deuteronomy 24 passage we just read, Moses permitted divorce with a requirement – that he provide a certificate of divorce to her for her protection. She needed protection else a man could divorce, marry someone else and divorce again, and then try and remarry her again for financial gain. The woman was at risk for being treated like a piece of property and was at the mercy of the husband's whim. "The certificate also declared to society that she was free to remarry.... else she would become a social outcast and be treated like a prostitute. No man would want to marry her and she would be defenseless and destitute."² This concession by Moses recognized man's weakness and sinfulness and he reluctantly regulated the practice to protect the offended wife.

So Israel's view of divorce is that it was permitted by God and the only question was how far the definition of "indecency" could be stretched. It was all relative to them – relative to the rabbinical school or "seminary" you followed, the culture and time in which you lived, and at the end of the day, wherever a man's sinful heart took him. It was true then and so it is today.

Divorce - God's View (10:6-12)

From the Beginning (10:6-9)

But God's view of marriage and divorce and just about anything for that matter is different than man's view. The Pharisee's question was misplaced for the divorce debate was being argued on the wrong end of the spectrum – it was being argued from a conservative / liberal vantage point and only about the degree to which divorce could be applied.

Jesus however takes them back to basics or rather to the beginning. His question of the Pharisees was not intended to send them back to Deuteronomy 24 but to Genesis 1 and 2. For this is where God's unwavering view of and design for marriage stood. In this the Pharisees, the crowd, and the disciples would see that the debate was being argued on the wrong footing.

In verse 6, Jesus quotes Gen. 1:27 directly:

² Warren W. Wiersbe, *The Bible Exposition Commentary Vol. 1* (Colorado Springs, Cook Communications Ministries, 2001), p. 144

So God created man in his own image, in the image of God he created them; male and female he created them.

So God created men and women. And He intended marriage to be between a man and a woman. Is there really any question about this?

And then in verses 7 and 8 He quotes Gen. 2:24:

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

In verse seven Jesus stresses intimacy. There is no more intimate earthly relationship. We love our children and our parents deeply and treasure those relationships. But the marriage relationship is far deeper than parent – child. In fact, our children came from us but we are not one flesh with them. We are only one flesh with our spouse – seems backward does it not? But this is what God has ordained in marriage.

In verse eight Jesus stresses permanence. God says they are no longer two but one flesh and there is no pulling them apart – the two no longer exist. Jesus's math was not the same as His hearers. One plus one did not equal two but rather one.

There is no room in God's model for divorce. Pre-nuptial agreements are far from biblical. Marriage is meant to be between a man and woman, intimate, and to endure throughout this life. The model is not to be tampered with. And Jesus authenticates its OT teaching so it cannot be dismissed as Old Covenant teaching. The entrance of sin into this world did not alter its ideal and standard. If you remember Malachi 2:14-16, God has and always will hate divorce. Breaking of this covenant between a man and a woman (physical or spiritual) is a major theme of God's indictment against sinful man throughout the Scriptures.

Jesus finishes His stamp of authentication on God's institution of marriage in verse nine by adding a warning to the Genesis teaching. *"What therefore God has joined together let not man separate."* Man is not to try and separate two people – either from within the marriage or those outside it. Marriage is not to be tampered with for God has ordained it. He has intention for marriage. Let not man redefine it or play around with definitions to wiggle in and out of it. There is much more to say but you can see Jesus is serious about marriage and divorce. In fact, Ephesians 5 uses the model of marriage to show us what the relationship between Christ and His church looks like.

Tampering with marriage directly opposes God which is what the Pharisees were doing that day with Jesus. Notice Jesus does not indulge them in their game. Antagonistic unbelief from those who claim they can see and understand all things perfectly needs nothing more. Jesus simply answers their loaded question with the truth – with the standard – end of discussion.

Its Restrictive Nature (10:10-12)

In contrast to the casual attitude of the day, Jesus's teaching was relatively severe and restrictive. And later on, we see the disciples asking Jesus questions about the issue. They again do not understand Him. "Jesus, are you not being too strict? This runs counter to all religious thought and to our culture!" Their

thinking was in the same sphere as the Pharisees. But Jesus does not soften God's stance and tells them in verses 11-12:

"Whoever divorces his wife and marries another commits adultery against her, ¹² and if she divorces her husband and marries another, she commits adultery."

Because divorce to marry another violates what God has intended with marriage, it's very act is sin. Whether it is a husband divorcing his wife or a wife divorcing her husband, Jesus says it is sin.

Other Scripture on Divorce

Now if we were to stop here, we would be left with some questions. And as much as we are trying to stay in Mark only, we need to take another stop or two in the Scriptures to adequately cover the Bible's teaching on divorce. Three of the four gospels include this teaching by Jesus; Matthew, Mark, and Luke. All three cover essentially the same elements of Jesus's teaching but Matthew adds a clause in two locations; chapters 5 and 19. Matthew 5:31-32 says:

"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.

And Matthew 19:3-9 gives the same account as our Mark 10 text today. Matthew gives us this account in a different order. It begins with the same question from the Pharisees but Jesus quotation of Genesis comes at the beginning followed by the reference to Deuteronomy. But then in verses 8-9 we read the concluding statement from Jesus:

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."*

The "except for sexual immorality" is called the exception clause. It is the one exception Jesus gives for divorce. Sexual immorality refers to all manner of sexual sin that includes adultery, homosexuality, incest, bestiality, prostitution, and the like – any sexual activity not authorized by God.

Note that adultery is included in the list. This is important because many tend to think sexual immorality equals and is limited to adultery only. But adultery is only one type and refers to the breaking of the covenant of companionship with the person to whom they are married. It occurs when a third party shows up and begins filling that role for the adulterous spouse. It is unfaithfulness by the sinning spouse and can involve not just a sexual act but encompasses thoughts, words, and time spent with that person. Jesus though is speaking to the broader category that covers all possible sexual acts. Any of these acts are cause for the offended spouse to divorce. Adultery is just one type.

There is one other place in Scripture we need to touch upon to round out the Bible's teaching on divorce. For there is one other biblical cause for a divorce and that is desertion by an unbelieving spouse. Jesus did not speak to this point Himself but through the apostle Paul in 1 Corinthians 7. After clearly stating that a husband or wife should never divorce his or her spouse in 7:10-11, Paul speaks to marriages where one spouse is an unbeliever. He teaches that if the unbelieving spouse is willing to

remain married to the believer, then the believer should not seek a divorce. But if the unbeliever leaves with no intention of returning, then the believer is to let him or her go. The believer in this case is not bound but can marry another in the future without sinning. This scenario arises often when two unbelievers marry and one is later saved and not the other. This is what was happening in Corinth.

Remember that if a believer leaves another believer then the offended spouse is not to let them go but pursue them. This is where the church intervenes on behalf of the offended party per the Bible's authorization and prescription. (e.g., Matthew 18).

So the Bible teaches there are two reasons where divorce is permitted; one is for sexual immorality and the other is for desertion by an unbelieving spouse. However, let us remember that it is permitted only. God's will for His people is always for them to humbly work it out in true repentance and forgiveness.

But one question remains. Why did Mark not mention the "except for sexual immorality" clause in 10:11-12 as Matthew did? Did he not know about it? No, actually the opposite is true. Remember that in the Old Testament, adultery was punishable by death. But by the time of Jesus, society had changed. The Jewish nation was ruled by the Romans who would not permit capital punishment for adultery. But regardless of the change, adultery still ended a marriage albeit not by death. It was simply taken for granted that marital unfaithfulness justified a divorce. Therefore it seems it was not critical for Mark to mention.

There was a second reason as well. It was Mark's intent for the reader. In comparison to man's casual view on marriage and divorce, Jesus' position was restrictive and severe. As it has been throughout this gospel, Jesus teaching was radical. Mark says, "Look! – this Jesus, the Son of Man looks at areas of life like marriage (by far the most intimate relationship that exists on the earth) far differently than man's sin cursed and self-seeking view. Remember the Father's words from heaven on the mountain of Jesus' transfiguration, *"This is my beloved Son, listen to Him."*

So should it really surprise us that Mark inserts teaching on divorce into the middle of the section of his gospel? Note the themes that immediately surround 10:1-12; the Son of Man must be killed by men, the first must be last, if your hand, foot, or your eye cause you to sin get rid of them, do not hinder the little children and all second hand citizens from coming to Christ, and that the Son of Man came not to be served but to serve and to give His life as a ransom for many. This Jesus is so radical that the blindness of sinful man can only be remedied by a cry for mercy to Christ for the ability to see and to be granted the faith to follow such a great King. This will be the conclusion of Bartimaeus, the blind beggar at the end of chapter 10.

Jesus's teaching on divorce fits perfectly here for marriage requires the character of Christ; dying to self, being last to serve one another, loving deeds, and loving and honoring the most vulnerable in this life.

Reflect and Respond

- Marriage is God's design for man – intimate and permanent and may no man break it – this is the model and divorce is not in view – the world is at odds with God's design
- The Bible permits divorce in narrow terms but regardless of the offense, God's will is always for a husband and wife to humbly reconcile through true repentance and in seeking and granting forgiveness

- Are you surprised by Jesus and His teaching on divorce?
 - Is it too restrictive and confining?
 - Perhaps you have a casual attitude in your heart about marriage
 - “One strike and you are out”, “the love is gone”, “we are too different”, etc
 - Or does it seem impossible?
 - Need to repent - depart from the world in this area
 - Young people or those considering marriage – how does this teaching sit with you?
- Do you use the Bible’s teaching as a defense for not growing and changing in your marriage? - in effect saying to your spouse, “you cannot divorce me; therefore you will have to just live with me. I am who am I. Do not expect me to change.” How we live with and treat our spouse reflects our relationship to the Lord – how are you doing?
- Brothers and sisters – perhaps you find yourself with deep scars from a past divorce – direct your heart to the Word of God, repent and ask for forgiveness where needed, forgive where needed, seek the Lord, and then rest in His grace – there is nothing you have done that cannot be taken to the throne of grace for mercy and cleansing – Christ died for the sin of divorce as well
- In contrast to this world, our God is radical – let us be the same and let us strive by God’s grace to think about and live our marriages according to the model set forth in God’s Word for His great name and glory