

Is a “Holy” Divorce Possible?

A Conversation between Lisa Forberg, Collaborative Attorney and Amy-Jill Levine, Professor of New Testament Studies and Jewish Studies

Editor’s Note: Today, in America, half of first marriages end in divorce, and second marriages have a 60% divorce rate. This means that “happily ever after” is difficult to achieve for more than half of the couples getting married today. An adversarial divorce can cause long-term damage to families. The authors discuss how the choice of a more peaceful divorce process might align with biblical thought.

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Amy-Jill Levine is University Professor of New Testament and Jewish Studies, E. Rhodes and Leona B. Carpenter Professor of New Testament Studies and Professor of Jewish Studies at the Divinity School and College of Arts and Science at Vanderbilt University.

Lisa B. Forberg: Many people facing divorce are unaware of some of the religious guideposts and resources that exist for moving forward productively without the hostilities that typically accompany the divorce process. Most divorcing couples turn to the courts, and so to litigation, to resolve their differences. Yet litigation often adds more conflict and stress to the situation, potentially causing long-term damage both to the divorcing couple and to their children.

Perhaps there is wisdom in the Bible that might encourage divorcing couples to summon compassion rather than rancor and vindication as they begin the divorce process. Perhaps there is some way to encourage people to peacefully move through difficult times without shame and blame.

Amy-Jill Levine: The Bible insists that all human beings are in the image and likeness of the divine (Genesis 1.26). That divine stamp also applies to the spouse, once loved and now despised. We recognize our common humanity; we do not demonize others and take away their humanity, no matter the depth of hurt or betrayal.

Forberg: The current ability to divorce in all 50 states on the basis of “irreconcilable differences” helps people settle their disputes privately and peacefully. Yet I find that the betrayed spouse, along with his or her friends and family, often wishes to punish the “cheater” and seek to do so through a contentious court battle. Were adulterers punished in biblical times?

Levine: Leviticus 20.10 states, “If a man commits adultery with the wife of his neighbor, both the adulterer and the adulteress shall be put to death.” While the Scriptures thus make adultery a

capital offense, there are no cases of this punishment ever carried out in the text. To the contrary, several instances of adultery, including Reuben's adultery with his father's wife Bilhah, David's adultery with Bathsheba, and Gomer's adultery while she was married to the prophet Hosea, do not result in the death of either party. Even in the New Testament, Joseph thinks initially that his fiancée, Mary, has been unfaithful when he finds out that she is pregnant, but there is no reference to any punishment. Rather, "being a righteous man and unwilling to expose her to public disgrace, he planned to dismiss her quietly" (Matthew 1.19). This is already the better model: a private, non-confrontational, respectful ending to the engagement.

In the Gospel of John (8.7), when asked what should be done with a woman who is caught in the act of adultery, Jesus responds, "Let anyone among you who is without sin be the first to throw a stone at her." After the woman's accusers leave, Jesus tells her, "Go your way, and from now on do not sin again" (John 8.11). There is no forgiveness here, for that would have to come from her husband. But nor is there rancor, let alone violence. The fate of the woman remains open.

Forberg: Unfortunately today's adversarial divorce process can be a form of punishment that is both counter-productive and often destructive. It is typically a painful process that involves one or both of the divorcing parties making exaggerated allegations against the other in a public court room and in the public record. What do biblical stories tell us about publicly judging the spouses in a failed marriage?

Levine: The Bible should not be used as an answer book that resolves every problem with a single answer; it is rather a book better read as one that helps us ask the right questions and shows us how to live righteously. Biblical stories of infidelity remind us that we readers do not know all of the facts: did David seduce Bathsheba, or did she seduce him, or was she raped? Was the woman Jesus encountered raped, or seduced? Was she married to an abusive husband? Was she seeking to earn enough money to feed her family? Since we do not know the details of either the marriage or the adultery, we are not in a position to judge.