DIVORCE AND REMARRIAGE IN NIGERIA: A SPIRAL HERMENEUTICAL APPROACH TO MK 10: 1-12

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Abstract

This is a re-interpretation of Mark’s version of Jesus’ teaching on divorce and remarriage text in 10: 1-12 in the context of the experience of the Christian church in Nigeria. The application of spiral hermeneutical method to the passage involved first the grammatical exegesis of the passage, second the exegesis of the Nigerian cultural experience, third the identification of challenges and conflicts in the findings of the two exegeses, and fourth, the re-visitation of the biblical text for better interpretation. The work points out that while the passage discourages divorce, it does not totally rule it out. The conclusion is that while it is biblical that the church in Nigeria discourages divorce, there are times when there may be no better alternative.

(Key Words: Divorce, Remarriage, Hermeneutics, Christianity).

INTRODUCTION

Problems of divorce and remarriage are as old as one can remember. With the establishment of marriage began the problem of what to do when that relationship fails to work out satisfactorily. Most societies, religious and non-religious, therefore have provisions for dealing with difficult marriages and one of such provisions is divorce (Madvig, 1976:149). Divorce ends obligations of a marriage contract, and allows remarriage by implication to members of the dissolved relationship. Separation on the other hand does not legally dissolve marriage relationship, and the partners to the relationship are not free to re-marry. When the separation goes on for too long and the couple could no longer re-unite, and legal divorce is not obtained, it becomes desertion and partners in this situation do sometimes remarry without any of them challenging the other in courts of law. Does Mk 10 also address this kind of issue?

William Barclay locates Mk 10: 1-12 in the context of controversy (Barclay, 1975:133). He agrees with F.C. Grant that there are 15 controversies in Mark and that Mk 10: 1-12 is one of them (Barclay, 1975:134). While Mk 10: 1-12 is a pronouncement story (Barclay, 1975:31), it could more precisely be a legal saying. The interest of vss. 2-8 is in vs. 9, and the interest of vs. 10 is in vss. 11 and 12. Although David Garland is correct that handling the problem of divorce and remarriage is sensitive since most readers are defensive and since biblical text on “divorce are notoriously difficult to interpret (Garland, 1987:419),” this study assumes that re-reading the passage from Nigeria would
highlight better the meaning of Mk 10 on divorce and remarriage.

EXEGESIS OF MK 10: 1-12

A. Transition (10: 1)

Jesus left the region of Galilee on his way to Judea through Jordan (ta oria tēs Ioudaias [kai] tou peran tou Iordanou) and, as was his custom (ōs eiōthei), he continued to teach the crowds that came to or with him (Robertson, 1997). Erchetai and συμπορεύονται, though present passive indicative, take on here the meaning of simple past as dramatic historical present (Robertson, 1934:868; Dana and Mantey, 1955:185). This is partly because the actions depicted by the two present, deponent verbs erchetai ἔρχεται and sumporeuontai took place before the action depicted by the imperfect verb, edidakesen took place.

The division of the dialogue into two sessions is informed by the similarity in the phrases introducing them. The first began with [Hoi] Pharisaioi … epērōtōn auton (vs. 2). The second was also introduced with hoi mathētai … epērōtōn auton (vs. 10).

B. The First Dialogue (10: 2-9)

1. Query on Divorce (10: 2): [Hoi] Pharisaioi epērōtōn auton … peirazontes auton (“[the] Pharisees asked him … tempting him”)

The investigators here are variously called "Pharisees" (American Standard Version, Bible in Basic English), "some Pharisees" (Montgomery's New Testament), "the Pharisees" (King James Version) and "a party of Pharisees" (Weymouth's New Testament). These translations result from different readings available in Mark’s manuscripts. Textual criticism supports to a large extent the reading without the definite article (Metzger, 1971: 88). Better translations of this phrase therefore include those of Montgomery and Weymouth. If the definite article were original to the text, one might be right to see the questioners as official representatives of the Pharisaic party but since this is not so, one could conclude that the questioners were individuals who needed answer to a troubling question. They most likely did not therefore represent the hostile position to Jesus assume of the Pharisees by some scholars.

Again, the Pharisees had no official political position at the time of Jesus (Taylor, 1984:850). The Sadducees and the Herodians did have. The main concern of the Pharisees at the time of Jesus was the spirituality of the people as epitomized in their emphases on ritual cleansing and tithing but not politics. One should therefore be careful on how Jesus’ encounter with the Pharisees is interpreted: at least not in political terms. While Kaufmann Kohler may be right that "No true estimate of the character of the Pharisees can be obtained from the New Testament writings" because of the writers’ polemical attitude towards the group (Jewish Encyclopeda.com,
it may be truer to say that the New Testament presents a complex picture of this group. At times, they were hostile to Jesus, at other times they protected him and / or his followers, and at some other times, Jesus agreed with them. "It is a slanderous misrepresentation of the Pharisees to state that they divorced morality from religion, when everywhere virtue, probity, and benevolence were declared by them to be the essence of the Law (Mak. 23b-24a; Tosef, Peah, iv. 19 et. al) (Jewish Encyclopeda.com). The criticisms of the Pharisees by Jesus were directed at the hypocrites among them, the very ones that some other Pharisees criticized.

Jesus fully agreed with the Pharisees in their main doctrines (Mk 12: 28-34), but disagreed with their practice of withdrawing interaction from the 'am ha-arez, the publicans, and the sinners (Mk 2: 16; Lk 5: 30, 7: 39, 11: 38, 15: 2, 19: 7). Kaufmann Kohler is of the view that the hostile position of the Gospels to the Pharisees wherever the High Priests and Sadducees were mentioned was inserted by the Pauline school. This view is however too radical. A less radical view is that the Gospel criticized only the perverted group of Pharisees or / and their wrong interpretation of Torah wherever it occurred (Weber, 1966:222). Only a stereotype view of Pharisees can justify that the purpose of the divorce question in Mk 10 was to trap Jesus.

The fact that Pharisees engaged Jesus readily in "debates" has led to the suggestions that Jesus was brought up in Pharisaic tradition, that some of his disciples were likely Pharisees, and that he was probably a Pharisee too (Wild, 1985:122-124). Otherwise, how would the Pharisees, a separatist group have engaged outsiders who they regarded as "filthy sinners" like Jesus in public conversation? Heavily influenced by Jacob Neusner's ground breaking theory that Pharisaism in the time of Jesus was a sectarian and exclusive group, Robert A. Wild comments:

It is difficult ... either to suppose that Jesus would have involved himself with legal concerns proper to Pharisees or that the Pharisees would have bothered to speak with Jesus about his practices ... if Jesus were simply an outsider (Wild, 1985:113).

The Greek word used in Mk 10: 2 to frame this question on divorce is exesti and it generally refers to freedom without hindrance. Exesti refers further to what is legal, right because it is not directly forbidden, even though it may not be explicitly approved. It is sometimes used both in the LXX and the New Testament for the freedom of God in himself, and the freedom he confers on others (Foerster, 1985:238). 'Exesti used with dative, andri as here, indicates that these Pharisees wanted to know the view of Jesus on the conformity of their view on divorce with the Old Testament law (Arndt and Gingrich, 1957:274). Most of his contemporaries of course believed that it conformed to it. Only an insignificant number of voices held otherwise (Garland, 1987).

The only Old Testament prophet that clearly spoke against divorce is Malachi. Ezra and Nehemiah on the contrary encouraged men to divorce their (foreign) wives (Ezra 9-10; probably Neh. 13: 23ft), and some prophets provocatively presented God as a divorcee (Is 50: 1; Jer. 3: 8). In at least two situations, divorce was forbidden to the Jews: when a man falsely accused his wife of premarital unfaithfulness (Deut. 22: 13-19); and when a man was forced, by the father of the lady he raped to marry the lady (Deut. 22: 28-29; Ex. 22: 16-17) (Elwell, 2001:388-389). While the Jews generally
accepted the rightness of divorce initiated by man, some Pharisaic leaders discouraged its abuse by introducing marriage Ketubah to protect the divorced wife from the caprice of her former husband after remarriage (Adler, Greenstone and Adler, 2009). The Ketubah required the man to pay his wife certain amount before he divorced her.

The focus of the first round of dialogue in vss. 2-9 is the legality of divorce (ei exestin andri gunaika apolusai) and not the ground for divorce as in Matthew. This question is strange since the generality of the Jews believed that divorce was right (Garland, 1987) They only disagreed on the ground for such action. The Pharisees based their position on the legality of divorce on Deut. 24 as interpreted in oral tradition and as taught by their Scribes, or "Soferim." Apoluō means "to release, to set free; to send away; to send off; to divorce; to abolish, and to forgive.. Interestingly, LXX uses this same word for divorce in Deut 24 (Marshall, 1975:505). Apoluō covers what the modern humans call permanent legal dissolution of marriage relationship, it includes long time desertion.

How can one understand the purpose of this question from Pharisees on divorce? The editor uses peirazontes (Brown, 1975: 799) to portray this (Mk 10:2). The word variously means "attempting," "testing," "examining," and "tempting" in different contexts. If the Jews already accepted that the husband had the undeniable right to divorce his wife, what meaning then does the word peirazō have here? Were these Pharisees attempting to trap Jesus (as in Weymouth's New Testament), examining the orthodoxy of his doctrine (as in Bible in Basic English), tempting him to sin (as in Darby's Translation), or genuinely seeking from him solution to a nasty problem?

Those that offer political interpretation to this passage hold that it was a trap to see if Jesus would condemn divorce and so incur the anger of Herod the Great. To them, the story of the marriage of Herod and Herodias for which John the Baptist died was still fresh. Again, Jesus was now in Judea, the jurisdiction of Herod where any such attack would have disastrous consequences for him. Proponents of this interpretation are of the view that the questioners here were not sincere (Harrington, 1990:617).

There are however many problems with this interpretation. Its underlying assumptions are that the Pharisees were always hostile to Jesus, that the group had a uniform political agenda, and that the questioners presented the official position of the group. These assumptions are debatable and the interpretations resulting from them simplistic. It has been shown earlier in this write-up that there was no uniform political position for the Pharisees as at the time of Jesus. It has also been noted that even if the Pharisees had a uniform political agenda at that time, those that came to Jesus were not the Pharisees but some Pharisees, and that this is the only place in the Gospel of Mark where the name appears without a definite article. If Mark had presented a monolithic view that the Pharisees were always hostile to Jesus, is it not strange that the same Pharisees were not represented in the trial and the crucifixion of Jesus in the Gospel?

Another suggestion is that the questioners wanted Jesus to contradict Moses on divorce and so turn the people against him (Hendrickson, 1975:375). This is a strong but not an insurmountable point. Its weakness is also that it imposes on the passage the assumption that Pharisees were always bad and hateful of Jesus. But the Gospel of Mark is the most lenient of the Gospels to the Pharisees. It has passages that present the Pharisees in a negative way but it has positive presentations of them too.
A new interpretation is advocated here. Its basic assumption is that these Pharisees were individuals that were genuinely seeking the will of God for a better informed faith. The question was therefore a cry for the help of the respected but radical teacher by certain Pharisees. In support for this is that the question came up in the context of discipleship training, and that these Pharisees could as well be secret disciples of Jesus. This may then justify interpreting peirazontes in this passage as "finding out." A similar view is that they had heard so much about Jesus' teaching that they wanted to seek his counsel on divorce. In either case, it is likely that their purpose was not negative.

There are at least two problems with the verse: One, the question was only on the right of the man (anēr) to divorce his wife and not the right of the woman to divorce her man (Illustrated Manners and Customs of the Bible, 1980:438). This is sexism in the language of liberation theology. Two, how did the editor know the mind of the questioners, that they were peirazontes Jesus? Was the editor omniscient? To the first question, the Jews rejected the right of women to divorce their husbands, though this was slightly modified later. Any idea of Jewish women divorcing their husbands probably came from Greco-Roman influence. To the second problem is the possibility that the editorial suggestion was a literary devise to guide readers. It has even been suggested that the alleged monolithic hostility of Pharisees to Jesus is anachronistic and reflected the situation long after the death of Jesus and after the Pharisees had become politically and religiously powerful and had become avowed enemies of the church (Wild, 1985:107-8). In any case, it is a thorny question.

2. Jesus' Introductory Answer: Ti ... eneteilato Mōsēs; ("What did Moses command?") (10: 3)

Is it not possible that Jesus attempted here to correct an important doctrinal error of his kin? In any case he responded to their question with another question to refoce the thinking of the inquirers. The interrogative pronoun tis combines with two important words, eneteilato and Mōsēs in the question. Eneteilato is used in this text in constative or complexive sense to state a fact without reference to the manner of the action and can be translated, "did command (de Witt Burton, 1978:19-20)." Mōsēs on the other hand is not a reference to the person but either to the 'Oral Laws' of Moses allegedly passed down through tradition or / and to the Laws of Moses allegedly contained in the Pentateuch. Even if one accepts that the Laws of Moses are in the Pentateuch, the problem of the precise location of the Laws in the Pentateuch is far from over. Deuteronomy means, 'Second Law.' That presupposes that there is a first account of the Laws of God which is found somewhere else, and many are of the view that the first account is in Exodus. The fact that Jesus derived his 'Command of Moses' from Genesis indicates that 'the Laws of Moses' are scattered throughout the whole Pentateuch. In Mk 10 both the Pharisees and Jesus were therefore right in their referent points. One problem for the modern interpreter is establishing if the Law of Moses is contradictory or not in the light of the answers given by the Pharisees and Jesus. By asking for what Moses said on divorce, Jesus touched the heart of the confusion (Gould, 1969:16).

3. Pharisees' Response (10: 4): Epetrepseen Mōsēs biblion apostasiou graphsai kai apolusai ("Moses allowed a bill of divorce to write and to put away")
His interrogators responded that Moses επετρεψεν them to follow certain procedure to divorce. Translators render επετρεψεν in different ways: "suffered" (America Standard Version; Young's Literal Translation), "allowed" (Darby's Translation; World English Bible) and "permitted" (Montgomery's New Testament; Weymouth's New Testament). *Epitrepō* means “to give over, to leave to the entire trust or management of a person; hence, to permit, allow, suffer (Moulton, 1977:162)” in various contexts. It conveys the idea of entrusting decision making on an issue to the hands of another.

The word *apoluō* appears twice in vs. 4 as ἀποστασιος (“of divorce;” when preceded by *biblion* it translates “bill of divorce”) and as *apolusai* (“to divorce”). This is significant to and in the passage (vss. 2, 4, 11 and 12. Cf. footnote 22). A synonym of the word is *chōrizō* and is used as such later in this passage.

How did the interrogators of Jesus in this passage understand the statement of "Moses" on divorce? Was it as command (eneteilato, 10: 3) or permission (epetrepsen, 10: 4) or both? It is possible to interpret the statement of "Moses" as a double permission ("he may divorce her and may give her the get"), or a permission and an injunction ("he should give her a bill of divorce if he wants to divorce her"), or double commands ("he should give her the get and he should go ahead and divorce her (Dana and Mantey, 1955:216-217)? Put in other words, are *eneteilato* (10: 3) and *epetrepsen* (10: 4) used as synonyms in this passage? Since they used επετρεψεν in their response, the Pharisees most likely understood the statement of "Moses" as permission, even though they regarded the permission to imply an indirect approval (10: 2). Alan Cole holds the contrary view that the change from *exesti* (10: 2) to *epetrepsen* (10: 4) to describe Moses' teaching on divorce signifies a change in the opinion of the Pharisees (Cole, 1961:156).

4. Continuation of Jesus' Response (10: 5-9)

Since the Jews held that "Moses" wrote the Pentateuch which covers from Gen to Deut, Jesus appears to be in order in Mk 10: 6, to refer to his deduction on divorce from Gen. 2 as "Moses' command." The Pharisees also appear to be in order to derive their “Moses’ command” on divorce from Deut. 24. But their conclusion from the Deut passage and Jesus' conclusion from the Gen passage are apparently at variance: The Pharisees said that "Moses" allowed divorce but Jesus said that "Moses" forbade it. Jesus then explained away the Deuteronomy's permission.


*Pros* with accusative in this verse means "on account of (Dana and Mantey, 1955:110).” In this context, *Pros tēn sklērokardian humōn* means "on account of the hardness of your heart" and this reveals the reason for the concession. Jesus never denied that "Moses" gave this permission. *Sklērokardia* is a compound of sklēros (“hard”) and kardia (“heart”). It means "obduracy," "obstinacy," "pervasiveness," or "insensitivity" of heart (Wuest, 1950:196).”

If "Moses' permission" to divorce was a concession, then is divorce a permissive will of God? In modern ethical jargon, did the permission make divorce right or simply a lesser of two evils? In fact L. Carl Laney is right that one purpose of Deut 24 was to prohibit the remarriage of a man to his divorced wife after she remarried another person (Laney, 1992:5). It is therefore not right to use the
Deuteronomy passage to argue for the legality of divorce.

Note how the writer of the Gospel juxtaposes "command" (entellō) in vss. 3 and 5 with "permit" (epetrepsen) in vs. 4. Jesus asked in vs. 3 for what Moses' commanded (eneteilato) on divorce. The Pharisees responded in vs. 4 with what Moses "permitted" (epetrepsen). Jesus then told them in vs. 5 that this "permission" was indeed a "command" (entolē). This interpretation views the two words, entellō and epitrepō, as synonyms. This suggests that Jesus probably concurred with the Pharisees that Moses actually gave a command on divorce, but arguably that command is not to divorce. If that was the case, then the command that Moses gave to the people was most likely to issue a bill of divorce in case one is bent on going ahead with divorce. Another way to understand the relation of the two Greek words is to see them as having different meanings. This could lead to the conclusion that the Pharisees' and Jesus' understandings of "Moses'" stance on divorce were different, and that the gist of the Markan story is that the Pharisees misunderstood Moses' permission for command (Wuest, 1950:196). Since the present context shows Jesus correcting the misunderstanding of his partners in dialogue on the rightness of divorce, the position of this article is that the two words are not synonyms, although their meanings are related.

4.2. God's Design for Marriage is Permanent Relationship (10: 9): Ho sun ho theos sunezeuxen anthrōpos mē chōrizetō.

There are two major textual problems in Mk 10: 6, 7. In vs. 6, Ho theos is inserted as the subject of epoiēsen. In one inferior reading however, αςτοςρ is omitted. The problem with vs. 7 is that the textual evidence is split. The reading with kai proskollēthēsetai pros tēn gunaika autou, though editorial, is still preferred. In general, Mk 10: 6-8 is the second Evangelist's record of Jesus' understanding of the first marriage story in Genesis. But while Gen 2: 24 concludes, "Therefore shall a man leave his father and his mother, and shall cleave unto his wife: and they shall be one flesh" (Gen. 2: 24), Jesus added the command in Mk 10: 9 that is not in the Genesis' account.

In two texts Jesus seems to allow divorce in the case of adultery (Mt 5: 32; 19: 9). In two other statements, Jesus appears not to make provision for divorce (Mk 10:11-12; Lk 16:18). Ronald F Youngblood, F. F Bruce and R. K Harrison comment, "Are Jesus' statements allowing divorce for infidelity in conflict with biblical statements that seem to forbid it entirely?" They propose, "Jesus' statements in Mark and Luke were made in conversations with Pharisees about the Mosaic Law, which they believed allowed divorce on grounds other than adultery (Deut. 24: 1-4). Jesus' main point in these statements was that divorce is contrary to God's plan for marriage and should never be taken lightly. Even though Moses allowed divorce, this was an exception granted under the Law because of their 'hardness' of heart (Mk 10:5) (Nelson's New Illustrated Bible Dictionary; Youngblood, Bruce, Harrison, 1995:362-363).” Harry R. Boer concludes differently that the statements on divorce in Matthew and Mark are contradictory even though he accepts that the two Gospels agree on the abiding truth that God instituted marriage and that it should therefore be sanctified (Boer, 1977:83). A possible suggestion is that with the general acceptance by biblical scholars of Four Documentary Hypothesis that includes Markan priority as solution to Synoptic problem, and the fact that Mark and Luke agree against Matthew on the exception clause for divorce, makes Mark's position that Jesus entirely forbids divorce appears more authentic.
Vs. 9 contrasts God's act in joining (suzeugnumi) partners in marriage with the human's tendency in breaking up (chōrizō) marriage partners. Timothy and Barbara Freiberg define sunezeuxen literally as "yoke together, pair together;" and figuratively as "join together, unite, especially in marriage (Friberg and Friberg, 1994-2000: item 24852)." Taken sunezeuxen as gnomic aorist it could simply mean 'joined together.' Others however see sunezeuxen in this context as culminative aorist that can "best be translated as English perfect when it affects a situation present to the writer (Dana and Mantey, 1955:197)." All the English translations of Mark available to this writer render sunezeuxen as English perfect. But it is better to take sunezeuxen as gnomic aorist and still translate it as English perfect; the translator must however remember that the word is not perfect in Greek.

Jesus forbade divorce in Mk 10: 9 with the phrase, anthrōpos mē chōrizetō ("Let man stop attempting to separate"). Jesus bases this injunction on his interpretation of the story of the first marriage in Genesis. Jesus' role in this context is however difficult to define. Did he function just as an interpreter of the Law of Moses or did he function as a new law giver, a new Moses (Madvig, 1976:150)? Was he only re-interpreting the Genesis' account of the first marriage? Casuistry view interprets Jesus' role here as giving a new law to Christians while the grace / law view states that Jesus only attacked the cheap grace view of salvation. When chōrizetō is used with mē it denotes command to cease an action already begun (Wenham, 1965:165). Since chōrizō means "to separate, divide, part, put asunder (Thayer, 1998-2000:5768)," anthrōpos mē chōrizetō means "let man stop attempting to separate." This is the only imperative in the whole passage. One implication of this is that human beings are always attempting to separate the God ordained union of marriage, another is that Jesus insisted that such attempt should stop.

Anthrōpos is a generic term for mankind and is used as such in 10: 7 and 9 without regard to gender (Thayer, 1998-2000:2116). The anthrōpos to leave "his" parents here is therefore not necessarily masculine but is expectedly an adult. Therefore the anthrōpos restrained from breaking up the divine approved marriage union is a person of any gender.

C. Further Dialogue on Divorce (10: 10-12)

The incidence in Mk 10: 1-9 differs from that in 10: 10-12. In the former, Jesus was addressing Pharisees but in the latter, he was addressing his disciples. In the former he was outside the house, but in the latter he was in the house. Finally in the former he was discussing divorce whereas in the latter he was discussing re-marriage (Hendricksen, 1975:379). This suggests that the question of the disciples likely centered on remarriage rather than divorce as borne out by Jesus answers in the section.

1. Query on Re-marriage (10: 10): hoi mathētai ... epērōtōn auton ("the disciples … asked him").

This verse introduces the second dialogue. It took place in an unidentified house, and between Jesus and "his disciples." The word autou, "of him/his" is omitted by some Mss, but it is undoubtedly original to the text. "The disciples" are therefore Jesus.' The word used for "investigate" in this verse is epērōtōn. The verb is indicative imperfect active, 3rd person plural of epērōtaō and is used here as progressive imperfect. In that sense, a more appropriate translation of the phrase is "the disciples ... were asking him." Epērōtaō could refer to inquiry in general (Mk 9: 32, 33); it could be a legal
technical term for interrogate, examine, question (Acts 5: 27); it could refer to search (Rom. 10: 20); and it could simply mean a request for something (Mt. 16: 1). Consistency suggests that the same meaning be adopted for επηρόταω in vss. 2 and 10 because the word appears in the same context and in similar construct.

2. Jesus’ Clarification (10: 11-12): Re-marriage after Divorce is Adulterous

A brief explanation of the teachings of the Christian church on divorce and remarriage is important to properly locate them in the context of Jesus’ answer. There are three main theological views on divorce and remarriage. The first rejects divorce for any reason. It argues from Rom 7: 2-3 that only death can dissolve marriage. The strength of the position is that it appears to be consistent with the creation ordinance model cited in Mk 10: 6. The second position allows divorce but not remarriage. Partners in this marriage could only reconcile after divorce or remain forever single. The grounds for such range from only adultery, to all forms of fraud in an ever enlarging circle. The position adduces Mt19: 9 for support. The third view justifies both divorce and remarriage on reasonable grounds. It argues that the marriage in which there is no longer sex and other kinds of intimacy between partners is already dead and the partners are free to divorce and remarry others. This is more of a philosophical than a theological position even though it is presented by some scholars as theological (Kisembo, Magesa, and Shorter, 1977:75).

Even where divorce has taken place, it is not in every situation that remarriage ensues. A new element introduced into the discussion on the divorce issue in vs. 12 is that women also do initiate divorce and remarriage like men. Some scholars suggest that this reflects the problem of the predominantly Gentile church in Rome to which "Mark" wrote (http://bible.org/netbible/index.htm?mar10.htm, 2011). E.P. Gould argues that since Jesus never operated outside the Jewish culture in his teaching, the issue of women taking the initiative in divorcing their husbands and remarrying others is not from Jesus but was inserted by the Gentile church that applied Jesus’ teaching on divorce to its new situation (Gould, 1969:186).

A question arises from the exclusive translation of ἀπολύω as "legal" divorce: It fails to address the problem of desertion that was also in practice then. Although the modern limits "divorce" to civil dissolution of marriage bond, ἀπολύω could also include informal break up of marriage. Jesus’ response appears to indicate that whatever the nature of the break up, formal or informal; permanent or temporary; planned or incidental, God does not support it. More terrible is the thought of remarriage with another person after the breakup of the first one.

Is the other marriage in this text condemned only because the first one is annulled, or is the other marriage wrong simply because it is another? Would the second marriage have been condemned if the first marriage were not broken up?

While Jesus had earlier condemned adultery in 10: 9 here he added that remarriage after divorce is adulterous. Another element introduced here is that any of the spouses could commit that "adultery" (μοιχεία). It is difficult to explain how remarriage by a divorcee could be μοιχεία ("adultery") (vss. 11, 12), if not that the initial marriage is regarded as still intact. Whatever the situation, the second "marriage" is still marriage.

Jesus said that remarriage makes the husband "to commit adultery against her" (μοιχαια ἐπ αὐτῆν). The Greek pronoun, αὐτῆν is feminine and could only refer to either the first or the second
wife. Some suggest that the pronoun refers to the first wife. In that case, the guilty man would be committing adultery against his first wife by marrying the second wife. Others suggest that the pronoun refers to the second wife and that sexual relationship with her would be adulterous since the man's marriage with the first wife is not annulled with divorce. Wuest, and Swete hold that the preposition επι with accusative here could be rendered "in reference to." In that case, the phrase may either mean "to be prejudice of her (the first wife), or with her (the second wife) (Wuest, 1950:198)."

Moichaō ("adultery") is sexual relation between a married man or woman with another person that is not his or her spouse. Fornication on the other hand includes but is broader than adultery. It refers to all forms of sexual impropriety (Stein, 1992:195). At times, adultery is used figuratively even in the New Testament. In this text however, it is used literally for unlawful sex. A novel interpretation of the relation of adultery to divorce in marriage is given by Roger R. Nicole. Building on 1 Cor 6: 11, 16, he explains that "sexual congress, even a casual kind" with a person that is not one's spouse dissolves the first marital bond, and that it frees the innocent partner to legalize the dissolution (Nicole, 1973:189).

NIGERIAN CONTEXT OF INTERPRETATION

There are no reliable statistics on divorce and remarriage in Nigeria. A reason for this is that marriages that were not legally formalized when contracted would not need legal separation. Some others are that that many traditional marriages split-up without recourse to civil courts, and written records of such separation where they exist are not kept. Again many churches are not registered with government to conduct wedding and so divorce for the marriages they conduct do not need government approval. Finally, many partners to divorce in marriages registered even with civil registries do not see the value in formalizing their break-up. The assertion in this work that divorce and remarriage are high in Nigeria therefore depends on informed observation and the view that issues of marriage, divorce, and remarriage will not only continue to be relevant to the church and other communities in Africa, it would continue to dominate the life there is held by many respected African scholars (Kunhiyop, n.d.:312). But while Nigeria has civil and cultural provisions in its systems to deal with difficult marriages, it appears as if further help would be needed by the country to succeed in curbing the menace. Some major factors influencing the approach to dealing with the problems of divorce and remarriage in Nigeria are examined in this section.

A major influence on family values in Nigeria is Modernism with its secular orientation. In this article, Modernism is a complex influence on Nigeria from foreign education, movies, Internet services and other forms of interaction across the world. Such affects all facets of African life. Critical of religions and traditions, its epitome is secularism-cum-freedom. Its negative incidental effects include moral laxity and greed for money, other material possessions, position, and multiple sex partners. It introduces the concept of trial marriage with all its attending implications. Positively however, Modernism challenges previously held unexamined worldviews, promotes enlightenment, researches and technological developments. It questions, breaks down and re-constructs all things, and claims objectivity. The fact that Westernization has negatively influenced the practices of divorce and remarriage in Nigeria is highlighted in the write up of Yusha’u A. Ibrahim and Halima Musa (Ibrahim and Musa, 2007). It is however simplistic to view all the impact of Modernism on family values as
entirely negative (Adesina, 2008:154-169).

The other three factors are religious (Booth, 2009): African Traditional Religion (ATR), Islam, and Christianity. The three religions discourage divorce (Babalola, 2009). ATR influences marriage life mostly in rural areas. Although ATR generally frowns at divorce, it accepts and even encourages it in exceptional situations. It allows a woman to separate from her husband if he violates certain religious norms, commits certain crimes, is cursed, or is excommunicated. At other times, the wife is allowed to divorce her husband if he could not provide for the basic needs such as shelter, food, cloth for his family and sex for his wife (Adesina, 2008:163). Although there are civil courts in Nigeria that handle issues relating to divorce, many marriages break up without resorting to this process. A.O. Oladosu comments that among the Yoruba when men take on divorcees as new spouses payment of dowry to the families of the women is omitted. This is one way by which the society discourages divorce and remarriage (Oladosu, 2009).

Celestine A. Obi observes that the normal age for men to marry among the Igbo is 25-28 while the age for women is 14-18 (Obi, 2009). But unlike the Yoruba, "The Ibo allow ... women to seek divorce (Esiet, 2009)."

Time and space would not allow a more detailed presentation of the influence of Islam on divorce, divorce, and remarriage in Nigeria. Its major influence is in the northern part of the country and through its religion and education. Bilikisu Yusuf points out the obvious influence of this Islamic culture on divorce and remarriage in Northern Nigeria (Yusuf, 1994). First the religion encourages early marriage; second, the religion encourages polygamy even though the case of the 84 year old Mohammed Bello Abubakar who married 86 wives in 2008 is an extreme one (A Nigerian Faces Death for 86 Wives; A Nigerian Faces Death for 82 Wives, 2008); third, Islam discourages divorce except “as an alternative to unhappy, cold and stagnant marriages which are much more harmful than divorce (Abdalati, 1975:179).”

Christianity has to a certain extent also influenced the practice of divorce and remarriage particularly in the Southern part of Nigeria. The varying shades of this influence are from the Roman Catholic, Evangelical, and / or Pentecostal traditions. Samuel W. Kunhiyop notes the existence of three of such theological positions, and that all the positions are represented in Nigeria. These are the no divorce position, the divorce but no marriage position, and the divorce and remarriage position (Kunhiyop, n.d.: 303-307).

Most Christian denominations in Nigeria view divorce negatively but they sometimes tolerate it to varying degrees. Because the Roman Catholic Church (RCC) considers marriage a sacrament that is indissoluble, "divorced" partners are denied remarriage as long as one of them is alive. It only accept the annulment of irredeemable marriages in civil courts before pronouncing ecclesiastical approval on them (Kunhiyop, n.d.: 303-307). The RCC distinguishes between divorce as "mensa et thoro" and divorce as "vinculo matrimonii (http://en.wikipedia.org/wiki/Religion_and_divorce, Accessed on 19 August 2008)."

Unfortunately, there are diversities in the positions of the Evangelicals, and the positions of the Pentecostals unlike the relative uniformity that exists in the position of the RCC on divorce and remarriage. Many denominations in the Evangelical and Pentecostal circles do allow divorce to partners in marriages, and do allow remarriage to others even if their former spouses are still alive, at least under certain conditions (http://en.wikipedia.org/wiki/Religion_and_divorce, Accessed on 19
August 2008).

While the Redeemed Christian Church of God (RCCG) allows divorce only for adultery, it refuses remarriage to the divorcees (The Redeemed Christian Church of God: The Church’s Teachings and Beliefs, 2008:27). The Evangelical Church of West Africa (ECWA) totally rejects divorce, and so, remarriage. Christian morality has also suffered bastardization from the practice of Christianity in the West, and this has in turn influenced significantly the practices in Africa on divorce and remarriage.

RE-INTERPRETING THE MARKAN PASSAGE ON DIVORCE AND REMARRIAGE IN THE NIGERIAN CONTEXT

The problems of divorce and of remarriage in Nigeria demand a multi-dimensional approach: Religious, civil, legal, and psychological. Since good practices are based on good beliefs, this study assumes that the teaching of the Christian church in Nigeria on divorce, and remarriage would either influence the practices of its members or vice versa.

In Nigeria, as in other African countries, church members are entangled with the problems of divorce and remarriage, and the church has to address the issues. Church members that had divorced before their conversion to Christianity may have to accept their situations as they are, or reconcile with their estranged spouses if their former partners are still single. But where the new coverts had remarried before their conversion, it may not be advisable for them to return to their former partners, and their present marriages should "not be branded as adulterous (Wood, 1996:336)."

Mk 10: 9 states that divorce is never the intention of God for man, and 10: 11-12 points out that remarriage after divorce is also not acceptable to God. Though it has been observed that divorce rate in America among Christians who believe in the sacredness of marriage is higher than among non-Christians, one wonders why this is so (Hamby, 2008). It is not certain that this is the case in Nigeria for there is not empirical research to suggest that. One of Hamby's reasons for this alleged skewness in the USA is that the educational levels of Christians there are usually lower than those of non-Christians. In Nigeria, the opposite is the case: more Christians have better Western education. The interest of the present study is not the reasons for divorce in Nigeria, but the relevant of Mk. 10 passage to divorce and remarriage in the country

Below, only the denominations that explicitly or implicitly use Mk. 10 text to support their positions on divorce and remarriage are considered. First is the CAC, a Nigerian instituted church with headquarters in Ibadan. At the face level, the CAC does not tolerate divorce and remarriage because it repeats frequently in its announcement to church members before wedding that marriage is for life (Order of Service for use in Christ Apostolic Church, 1994:33). But a critical study of its documents shows otherwise. The church does not believe that God approves all marriages, and that marriages not thus approved by God are "not lawful." The presiding minister in CAC wedding services is required to proclaim to the marriage partners thus, "... so many as are joined together against laid down principles in the words of God are not joined together by God; and their matrimony is not lawful (Order of Service for use in Christ Apostolic Church, 1994:33). ” Although no Bible text is cited to support this claim, it appears to be the church's inference from Mk 10: 9. Like the United Church of God that holds that fraud can invalidate marriage, the CAC makes polygyny one of the grounds that can render a marriage unlawful for other wives except the first one (Sargent, 2008). The argument here is that fraud
either before or after a wedding can make the marriage illegitimate.

The second denomination is "The Old Path Revival Commission" (TOPREC) which is also a Nigerian instituted church. Its headquarters is in Enugu. In three items in its articles of faith, it addresses the issues of divorce, and re-marriage. In article 12, its constitution states, "The church is absolutely against divorce after conversion and shall discipline any member who divorces his or her spouse (The Constitution and Bylaws of The Old Path Revival Commission, 2000:5)." A divorcee is not allowed to partake in the sacrament of Holy Communion, and such would have to reconcile with his or her divorced spouse to enjoy this privilege. The church cites Mk 10 to support its position (The Constitution and Bylaws of The Old Path Revival Commission, 2000: Articles 10 & 19, 5). Obviously, TOPREC has no written position on those who had divorced their spouses before their conversion to Christianity. It is however discovered in interview that while they are not allowed to remarry, they are allowed to take part in all the church sacraments, because the divorce is in the time of ignorance (Chijindu, 2009).

The Evangelical Church of West Africa (ECWA) on the other hand grew out of the work of the Sudan Interior Mission (SIM). Its headquarters is in Jos. It absolutely rejects divorce on the one hand, and remarriage on the other hand. Its constitution states, "No person or persons in ECWA who have previously divorced or have been divorced, shall on any ground or grounds while remaining in ECWA, be permitted to contract another marriage whether inside or outside ECWA while the previous partner or partners have remained. A divorcee who remarries while the previous partner is still alive shall be committing adultery according to the Bible (The Constitution and Bylaws of the Evangelical Church of West Africa, 2000)." The church cites Mk 10: 11-12 in support of its position.

The fourth denomination is the Deeper Life Bible Church (DLBC) and it holds to no divorce for life position (Owoeye, 2010). Despite this, the denomination is only able to reduce but not completely prevent divorce among its members. The church's goal to keep family together permanently is however salutary. This marriage for life teaching fits the Markan paradigm of no divorce, and no remarriage. After all, the failure of some church members may not necessarily represent the positions of their denominations which are best found in their Constitutions.

But there are denominations in Nigeria that allow their members to divorce and remarry though with stringent conditions attached. There is no doubt that their position agree with the Matthean "exemption clause" on divorce but does it also fit into Mk 10 passage? Attempt is made here to investigate this.

Even though every denomination in Nigeria has its share of divorced and separated families, the DLBC, TOPREC, and ECWA have provided in the study above certain insights to re-interpreting the Mk 10 passage: that divorce, and remarriage are not the will of God for man and so should be discouraged; that divorcees or and those that separated before conversion to Christianity are not to remarri;

But the DLBC, TOPREC and ECWA officially leave out what to do with illegitimate marriage unions. These include incestuous marriages, and marriages built on deception or fraud. At times the problem might have taken place before either one or both of them became Christians. While it could be a product of intentional scheming, it could also result from mistake. When such marriages do not work, what should the partners in it do? It would be risky for affected church members if their ministers have no clear counsel on what to do for them. This raises the need to re-examine more critically the Mk 10
Applying spiral hermeneutical methodology to the Mk 10 passage on divorce and remarriage requires certain steps. First is the grammatical, historical, and contextual interpretation of the passage. Next is the critically interaction of the initial textual study of the passage with the experience and understanding of the new interpreting community. This would expectedly challenge the interpreting culture and vice versa. The next step is to go back to the text in the light of challenges from the second step. In spiral hermeneutics, this process of interpretation from text to culture, and back to text and again to culture is to continue for as many times as necessary on the same passage. What is done in the closing part of this section is to summarize the outcome of such process when Mk 10 passage on divorce and remarriage is read through the experiences of the Christian community in Nigeria.

This approach yields the following results. The phrase, *Ho sun ho theos sunezeuxen ...* ("What therefore God joined together …") in Mk 10: 9 suggests that God has brought some and not others into marriage unions. This is implied by the relative pronoun, *ho* (what). If God had joined every marriage union, then the pronoun, *os* would have been redundant in the text. The idea that there possibly are marriages that are not joined by God is often skipped by interpreters even though it is difficult to distinguish the marriage union that God has brought together from the one that he has not brought together. One difference between the Matthew's account and Mark's account is that while Matthew states clearly that certain marriages though earlier blessed by God can be dissolved for certain reasons, Mk 10: 9 strongly suggests that certain marriages are never sanctioned by God and they therefore do not exist. The African churchman / woman, counselor, and pastor would find solace in this verse because have come across at one time or another certain marriages have 'irretrievably broken down.' In the category of illegitimate marriages are alleged marriages to 'demons' and 'spirits in human bodies ('Cf. Gen. 6: 2.') And if God does not bless marriages with such partners their union does not need legal dissolution because by implication, the marriages do not exist. There are two major problems with this interpretation. The first is that it is too subjective, and the other is that it would be difficult to distinguish the marriages joined by God from the ones that God has allegedly not joined together.

Once it is clear that God has joined the partners, others are warned not to separate them. There would of course be a constant attempt to separate the partners (vs. 9). This is particularly true in Nigeria where friends and extended family members often attempt to separate rather than keep certain couples together because of barrenness or inability to give birth to male children. But civil divorce cannot annul the divinely sanctioned marriage. That is why Mk 10: 11-12 calls new marriages after divorce, adultery.

While certain Nigerian Christians need to work harder on their marriages, it is not convincing to say that all broken marriages crumble because God never partners in them, or that no marriage of "born again Christian couples" ever breaks down. Marriages by fraud do not appear to fit into the category of marriages blessed by God.

**CONCLUSION**

The full implication of the divorce and the remarriage passage in Mk. 10 has probably not yet dawned on Nigerian Christian families. The apparent uncompromising stance of Jesus on divorce and
remarriage in Mark poses a challenge to all that hold marriage with levity and yet leaves open a window for escape in extreme situations. The church in Nigeria should therefore not only condemn divorce on religious ground, it should go further to provide social justification for keeping families together. Sound counseling, discussions, and enviable models of Christian living should be presented to Christian couples to encourage them to stay together.

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