

Dissolving marriage in the Catholic Church

The issue

In his general audience on June 24 2015, Pope Francis said that “there are cases in which separation is inevitable. At times it becomes even morally necessary.” I hope that the pope is making openings in the ironclad doctrine and praxis of the Church with regard to the indissolubility of marriage. Almost all reasonable people will agree with him. But there is more than that.

It goes without saying that the lasting unity of a married couple is a biblical ideal. However, in real life things can go terribly wrong, in spite of the honest promise and good intentions with which the marriage began. And what then? Then the Church leaders hold on to the indissolubility of a valid marriage. For this, the Church refers to Matthew 19 (and Mark 10), where the Pharisees ask Jesus if a husband may “repudiate” his wife for any reason. This was a matter of discussion about a rule of the Law. Jesus’ answer is clear: marriage is a principle of creation, husband and wife continue the work of the Creator within their being-one and one should not touch it. The Pharisees reply (verse 7): “Why then did Moses command us to give a certificate of dismissal and to divorce her?” Jesus’ answer, as it is usually translated, is (verse 8): “Because you are so hard-hearted / heartless / stubborn, Moses allowed you to divorce your wives ...”.

It may be clear that it is about a principle, a right start.

The problem

If the usual translation were correct, Moses or the Law would accept and honor an abuse! For hardness of heart means stubbornness, unwillingness. No Old Testament scholar would accept such a reading, let alone a serious Jew.

Next, this rule already existed in the Law before the Pharisees came up with the question. Therefore, the rule applied to every Jew, also the pious, good-willing Jew. And it seems highly improbable that Moses thought that every Jew would enter marriage with such stubbornness. Nor did he mean that every Jew could remarry just like that.

Something is wrong here. I fear that the usual translation originated with the idea that all Pharisees and scribes were champions in stubbornness. Indeed, it looks as if Jesus refers to the Pharisees. However, what is at stake here is not the stubbornness championship but the clause “for any reason whatsoever”, as I shall explain later. Moreover, the common translation fits too well in a context of a strict and clear regulation about marriage that became a task of the Church in the Middle Ages, sometimes at the request of others. In that time, the Church was socially the only constant and authoritative institution for this matter. Also German, French, and Dutch Bible translations use the unfavorable meaning of ‘stubbornness’ and misread the Greek text.

Correct translation of Matthew 19:8

1 Grammar

There are two words in Greek here: the preposition *pros* and the substantive *sklerokardia*.

προς (with acc.) means ‘in presence of/with regard to’ and it does not have a causal meaning. In Greek a reason or cause is expressed by using a conjunction with a clause, or a preposition with a verb, or * δία (with gen.) as preposition with a substantive. So the correct translation is not “because you are hard-hearted” (or something similar), but “with regard to your hard-heartedness.” If that ‘regard’ is missing, divorce is not allowed. In other words, *pros* indicates a ‘when’, not a ‘because.’ As it is about an exception to the general rule, about an ‘allowance’ by Moses, the ‘with regard to’ becomes a condition: ‘in the case of.’

Σκληροκαρδια occurs only twice in the New Testament: Matthew 19 (also the parallel text in Mark 10) and in Mark 16:14. The latter text is about the situation after Jesus’ Resurrection. We know how it ended with Jesus, but the disciples were traumatized after Jesus’ death. Their great hero died as a criminal and an atheist on the cross. Could it be any worse? Their original faithful vision, trust, had been blocked. A change had occurred and the one could ‘switch over’ easily, while the other was stuck: there was a rigidity (of the heart). That meaning also fits in with Matthew 19:8: if the heart has become rigid, if a change has occurred and incapacity

paralyses. If a good-willing person had come to Jesus with the same question as the Pharisees, would Jesus then also have used 'hard-heartedness'?

2 Context

The context of Matthew 19,8 is a discussion about (how to apply) a rule of the Law. Some thought that there were restrictions for dissolving the permanent unity of husband and wife, while others were of the opinion that there were no such restrictions and that a divorce was permitted "for whatever reason". (Matthew 19,10 fits in with that.) Jesus goes against the latter view. You cannot dump your wife just like that because God has joined. But Moses allows divorce; then it says: "Only in the case of ...".

In short: the common translation of Matthew 19,8 does not acknowledge the condition "only in the case of ...". As a consequence, it suggests that the text is about a universal rule which applies to the Pharisees and their likes, but not to the 'common' believer. In contrast, the correct translation makes clear that "only in the case of the hardening of your heart, it is allowed to divorce", that is, only if the relationship has completely broken down. Even though he was not married himself, Jesus understood very well that such things could happen to the best of us. Note that as an unmarried person he addresses married people as "you".

Jesus immediately adds that divorce was not the Intention of the Creator. In other words, it is about an exception from the main cause. Only in a particular case and with pain in our hearts, a divorce is allowed. Jesus does not change the Law, He only interprets the rule in the way He thinks Moses intended it, within a context of unity and love in accordance with the plan of the Creator. If the love between husband and wife has gone and their unity is lost, creation cannot be continued within their relationship. In case of rigidity, hardness of the heart, there is not unwillingness or obstinacy but incapacity. Incapacity separates, not a human being.

Consequences

In view of the correct translation of Matthew 9,8, which is also realistic, there is no problem with Jesus' answer. In line with this, it becomes clear that a valid church marriage is not absolutely indissoluble. If the love between the spouses has hardened, become rigid, then the sacrament no longer has a tool or the means to work. In that case, it makes sense to dissolve the marriage despite the good and honest intention at the beginning, despite all the good that has been reached, despite all the pain. Through its pastoral care and without any difficulty, the Church can then support divorced people as full believers –without reservations- in their misery and offer new prospects – which belongs to the mission of the Church. The credibility of the Church is at stake. Is the decline in church attendance not a "vox populi" ?

Then the procedure may no longer be directed towards the annulment of what used to be, as is typical of canon law, but rather towards what is now, in a pastoral-psychological approach. And nowadays there are more than enough married church experts and clever housewives who can assist Peter in dissolving.

Final remarks

What I have said above also applies – *mutatis mutandis* – to Christians who are in a relationship that is not sacramental. Their situation might be less complicated theologically, but for that matter not less serious.

The common regulation with regard to marriage has now become a task of civil authorities. Would that not be a reason for the Church to think and act about church marriage more as an ideal than a precept ? Are married people not articulate enough by now to shape their marital life in a responsible way ?

Bible skills, exegesis, also belongs to the arguments but it would be going too far to take that in consideration here. For more discussion, including the relevant texts and concerning the confusion about the 'because' in verse 8, see the link "[Natural Law](#)" on the website "Over Geloof".

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