

Christians, Divorce & Remarriage

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Paul Marston



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My thanks also to Canon Andrew Cornes and Professor Gordon Wenham for feedback during the completion of this work, even though they would presently dissent from the position presented in this book.

Foreword

The reality I most appreciate about the life and writings of Paul Marston is his passion for truth as revealed in the Scriptures. You will find this book on marriage and divorce enlightening and helpful as Paul explores the multiple passages of God's Word that address this sacred institution.

It is hard to imagine a subject of greater social and ethical importance than that of marriage and divorce. Having interviewed several dozen people whose marriages have dissolved and having read scores of personal accounts, written by those who have suffered the realities and consequences of divorce, I am convinced that we all need clear and biblical teaching on this matter. Paul Marston believes with deep passion that the historical Jesus of Nazareth and the God he preached are concerned with moral issues. I believe that anyone claiming to be a Christian must also ascribe to certain views of right and wrong as established by God through His Word.

This book is written with a concern that Christians need not only to "believe the right things" about right and wrong, but to understand the basis on which they hold them to be so. Jesus brought us the truth on ethical issues--including those involved in divorce and remarriage. This book looks at the record of the teachings of Jesus, in their cultural context, and closely examines whether various interpretations made of them "make sense". It is not anecdotal or "pastoral", and refers to only those outside commentators necessary to do its core task. What it offers is a succinct biblical study, for those in the church who deal with such issues on a personal or pastoral level, as an aid to not only ensuring that what we teach is in line with the Christianity of Jesus, but that we know why it is.

I commend this book to pastors, Christian educators, church leaders and any who want to think through the issues biblically. Paul Marston's study and conclusions from the Scriptures can be of great help to all who seek truth, and I pray that all study and/or discussion that emerges from his writings will be of great benefit in restoring that which God intends in His creation.

Bishop Richard Snyder
July 2006

The Author

My long interest in such subjects led to the books *The Biblical Family* (1980: Cornerstone, Illinois) and *God and the Family* (1984: Kingsway, Eastbourne) – and a millennium edition of the latter for National Marriage Week website 2000. My thesis for an M.A. in theology (2004) concerned issues of marriage in the context of the gay-partnership debate. I am a Lay Minister in the (Evangelical) Free Methodist Church UK, and a university lecturer, and have also been involved in team teaching on a degree-level Christian ethics course at the evangelical Nazarene Theological College. My wife Janice and I have been married for 36 years, and we have two adult married children, all being committed Christians.

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1. Basis and Approach

Introduction

Personal Background

Divorce is not a close personal issue for me. I have been deliriously happily married for 36 years, and cannot think of anyone I would rather be married to than my present wife – I am only glad that we both believe marriage is for keeps so she is stuck with me! The only person in my family who has divorced was a grandfather to whom I was never close and who was not a nice person. My son was married in 2003 to a charming Christian lady, my daughter in 2005 to a fine Christian man. None of us believe in sex before marriage, or adultery, or divorce, we all regard marriage as faithful and for keeps. In this sense divorce is not a close personal issue, and I have no personal axe to grind.

The Practicality of the Issues

Most Christians in present society, however, have close Christian friends who are divorced and remarried – and our present pastor is married to a woman who was divorced after her husband committed adultery and left her. It is, sadly, hard to believe that there are many live churches in the UK today where there will not be similar people. This is not, therefore, a “theological interest” issue like “Will there be a millennium?” or a symbolic issue like “Is infant baptism Scriptural?” It is a moral and social issue that concerns the whole church. We need ask

- In what situations (if any) may a disciple of Christ divorce or separate?
- Can a divorced disciple of Christ ever legitimately remarry, and if so in what situations?
- What is the state of remarried divorcees (especially in God’s eyes)?

These are practical questions dealing with common situations and we need to get the answers right.

Assumptions and Purpose

Evangelical Assumptions

This book begins from evangelical assumptions about the authority and inspiration of Scripture, and does not consider viewpoints eg that assume gospel writers or Paul later altered or changed teachings of Jesus (though the Gospels do, of course, convey Jesus' *meaning* rather than report *verbatim*, as they are written in Greek and he presumably spoke in Aramaic).

Level and Aim

The book is not intended as a contribution to academic “biblical studies”, and does not comprehensively survey the literature. For this, it would be better to consult books like those by David-Instone Brewer.

The book is aimed at the pastor or church leader who faces questions about rights and wrongs of divorce and remarriage. It is also aimed at anyone who is considering divorce or remarriage after divorce, or is presently remarried after divorce, and wants to know what the Bible teaches on it because they want to be true disciples of Jesus.

The Approach

The approach does the following:

1. It identifies good principles of approach to biblical interpretation ie to exegesis and hermeneutics.
2. It seeks to apply these to the words of Jesus and Paul on divorce and remarriage, considering the literary context, cultural context, etc.
3. It analyses in depth the basis and implications of the alternative view that marriage is “indissoluble”, and identifies some basic flaws in both the exegetical bases and the applications of this position made by its advocates.

Determining What Is Right

Christian Ethics and Motivation

Current secular bases for ethics may include Kantian autonomy, utilitarian principles, virtue ethics, and various other purely human-centred principles. The present treatment, in contrast, sees as central to ethics the essence of humanity *as laid down by our creator*. This means that, for Christians, we know what is right through God's revelation given in Scripture. Our ethical motive is the promotion of what God has revealed to be right. I dissent strongly from the statement of Williams (2000):

The motive of Erasmus like all those who promote the idea of divorce after remarriage, was to help those trapped in unhappy marriages.

Whatever was Erasmus' motive (and Williams does not give a single quotation from Erasmus to demonstrate this), it is certainly not mine. My primary motive (and I believe that the same is true for Gordon Wenham and Andrew Cornes with whom I have major differences on this issue) is to be faithful to the expressed purposes of God and the teachings of Jesus. We all need to be mindful of the pastoral effects of our theology (and some of those effects resulting from the "indissolubility" understanding of marriage would be disastrous if consistently applied) but this in itself is *not* the basis of the theology. Theology fundamentally concerns God and is God-centred.

Ensuring We Are Biblically Based

This book contains a very close analysis of what Scripture says on divorce and remarriage. Many Christians may already have reached purely intuitively conclusions similar to those of this study. It is, however, risky to rely on intuition if it seems at variance with the teaching of Scripture. That is why a close textual examination of the Biblical teaching is important. We need not only to have the "right" ethics, but also to know why they are right. The book, then, is not anecdotal. It is not a set of tips for practical living. But it does apply sound thinking and principles of exegesis to the Scriptural teaching, in a more focussed way than

some of the longer books that give greater amounts of the history of viewpoints on the passage. Anyone who wants a more detailed scholarly treatment of the whole background (secular, Jewish, Essene, and linguistic), how Christians down the ages have seen it, etc, could read the books by David Instone-Brewer. What the present book does is to thoroughly explore the main alternatives on the actual text, and why some of them are simply not viable.

Exegetical Principles

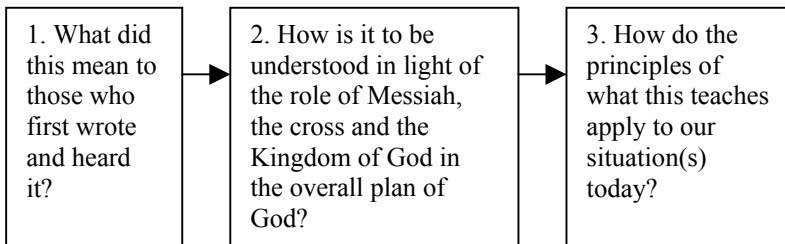
Jesus-Centred Interpretation

We may usefully look at such things as the teaching on marriage and divorce of the early church, “Erasmian”¹, etc, but in the end Christians should follow a Jesus-centred hermeneutic of New Testament theology. Any OT provisions or laws need to be looked at through the perspective of a Jesus-centred exegesis (which begins from the historical Jesus’ approach to the OT and Scripture) and a christological theology (which sees Jesus the Messiah as the focal point of God’s dealings with us).

There are, however, some important other issues of biblical interpretation which need be applied, as we shall now consider.

Foundational Issues of Interpretation

Effectively we can identify a threefold process in understanding any biblical passage:



The first task is “**exegesis**”: to determine what the actual words meant to those who heard them in their linguistic and cultural

¹ This is the usual name applied to those with views similar to Desiderius Erasmus (1466-1536).

context. Whilst, however, this may be the *primary* focus for an academic, the Christian disciple is interested in it only as a step towards a wider understanding and application.

The second task is a “**hermeneutical**” one: to place this meaning within a wider “Christocentric” framework of the cross, resurrection and Kingdom of God – Jesus the Messiah being the central focus of God’s dealing with and plans for humanity.

The third task is another “**hermeneutical**” one: to reapply any generalities (particularly here ethical and spiritual generalities) that emerge from this to our own times and cultural situation.

There are various principles that particularly apply to the task of exegesis. The first three below are general to any sensible interpreter, the rest specific to a view which is evangelical whilst recognizing what is sensible in critical scholarship.

Principle 1: Implicit Meaning

As with all language, there is implicit communication. Suppose, eg, a modern dialogue went like this:

“Is it OK to go out with unbelievers?” asked the teenager. “No,” replied the Pastor, “it’s inadvisable.”

“Unbelievers”, in the context, means non-Christians, and this would need explaining eg in countries where it might mean “non-Muslims”. Furthermore, no one in our Western culture would take this reply “literally” to mean not to “go out” on a school coach trip, to play golf, or a fishing trip with a casual friend. The context implies “go out” = “enter a one-to-one affectionate boy-girl relationship which could turn into courtship”. It would be totally mistaken for someone to “take the reply literally”, or assume that “go” and “out” must be meant in their most general senses, though in some cultures explanatory notes would be needed. Simple translation of the words does not always convey meaning, exegesis means understanding what the words meant to those who used them in the context in which they were used.

Principle 2: Hearer Assumptions

An extension of the “implicit meaning” concept is that we may assume that writers knew the background assumptions and knowledge of the immediate recipients of their words. Thus, eg,

Paul in writing to the Romans spoke as to those “who knew the (Jewish) Law” (Rom. 7:1) and in making a virtually identical point to the Corinthians he seemed to make the same assumption (7:39). Given the presence of Jewish Christians in both Rome and Corinth, and the seminal hand of the Jews Aquilla and Priscilla in the teaching, this would not be unreasonable. But it might be less reasonable to assume that the Corinthians know eg more details about the sayings of Jesus alluded to by Paul (1 Cor 7:10) but not recorded in the gospels until some years later.

Principle 3: Participant Rationality

In Mt 22:23 some Sadducees asked Jesus a test question which, to them, was presumably a rational one to ask. All that we know of Sadducees from other sources (even apart from the explanatory note in the passage itself) indicates that they did not believe in an afterlife. It would have made no sense of *Pharisees* to ask this as a test question because, in this context, they shared the eschatology of Jesus and Paul. Likewise, no first century Pharisee would have asked Jesus: “Is it lawful to have sex with one’s daughter?” because no school of thought believed that the answer was “yes”. No first century Pharisee would have asked Jesus: “Is it lawful to divorce?” meaning can divorce *ever* be justified, because no school of thought believed that the answer was “no”- and they had no reason to imagine that Jesus would have thought “no” either. It was simply not on the agenda as an issue.

Principle 4: Care with Words

Jesus (we reasonably presume) spoke Aramaic, and the gospels are in Greek. We are not looking at transcripts but conveyance (as evangelicals we assume this to have been Spirit-guided) of *meaning* through translation. Different levels of explanation are required by different church traditions to explicate the meaning. This is a principle worked out in eg Fee and Stuart (1993) or Klein et al (1993) in their sections on exegesis of the Gospels.² If later gospels added more words or translated the Aramaic differently this was to explain what Jesus meant, not to change or “soften” it.

² As an example Fee and Stuart (1993) p.123 compare Mt.24:15-16, Mk.13:14 and Lk.21:20-21.

However, if we assume that the Spirit did indeed guide the writers, then we have to look very carefully at the actual words used – neither reading too much nor too little into them.

Principle 5: Critical Realism, Gospel Editing, Slant and Authenticity

We can formulate three “bench mark” positions regarding language and objectivity. At the extreme of objectivity, the *naïve realist* believes that language can convey total objective truth. At the extreme of subjectivity, disciples of Derrida believe that language deconstructs itself at the point of communication so there is *no* objective communication, and *postmodernists* believe that no meta-narrative of truth is possible anyway. Somewhere in the middle of the objectivist and subjectivist extremes, the *critical realist* accepts that *all* human language involves perspective and *all* historical accounts involve selection, but still believes that there is a difference between “perspective” and “distortion”. The different NT traditions behind the four gospels selected, rearranged, and reapplied the teachings of Jesus, but they did not distort them. Redaction criticism (the attempts to determine how this editing took place) may have some validity, but any notion that we can somehow get back beyond the gospels to a “real Jesus”, different from the one presented in the gospels, is the classic liberal protestant self-delusion. In methodological terms it is not rationally defensible.

Principle 6: Biblical Consistency

As we move to the first part of hermeneutics, fitting particular passages into a broader framework of God’s dealings with mankind, we will assume that there is a consistency between different Scriptural passages because the same God is behind them. Nevertheless, a “Jesus-centred” exegesis recognises the power of “But I say unto you...” The OT sometimes laid down statutes embodying less than the ideal to which Jesus later calls his disciples. Jesus, of course, often uses hyperbole (as eg in Mt.5:28 where few evangelicals take it literally and become one eyed men). His words, however, in Mt.5:17 indicate that he transcends rather than cancels. He speaks with authority (*exousian*: Mk.1:22 etc) but his *is* the same God as the God of Abraham, Moses and

David. Jesus, surely, is going to be more caring, forgiving and pastoral than the OT principles, not less, even whilst he is calling for higher standards. Thus eg the greatest OT commandments (to love God with everything and love one's neighbour as oneself) are transcended by a command to love one's *enemies*. But leading further is not the same as contradicting. Whilst some OT commands were to mitigate and regulate because people were hardhearted, we cannot believe that God would command in the OT something blatantly against his real desires.

A further point is that as evangelicals we believe that the words of Jesus' chosen apostles (including Paul) are consistent with his own. There is no inconsistency in the New Testament.

Principle 7: Pastoral Sense

We believe that Jesus was the incarnate Son of God, the divine Logos, his teaching therefore has to "*make sense*". This does not mean that we will necessarily *like it* – but it has to *make sense*. If an interpretation put upon his words leads to what is manifestly a nonsensical (or even immoral) pastoral situation, then we should reject that interpretation.

2. Alternative Understandings

Amongst Christians today who would seek to be New Testament based, there are radically different understandings of divorce and remarriage in the teachings of Jesus. In particular we may identify two major schools:

[1] The “indissolubility” view

Key Points

The central tenet of this is that marriage is an “indissoluble” God-made bond. A person ceases to be married to their first spouse *only* if that spouse dies.

Modern Advocates

Heth & Wenham (1984) W.A.Heth & G.J.Wenham. *Jesus and Divorce: Towards an Evangelical Understanding of New Testament Teaching*. (Cumbria: STL).

Andrew Cornes (1993) *Divorce and Remarriage* (Grand Rapids; Eerdmans)

Edward S Williams (2000) *The Great Divorce Controversy* (London: Belmont House)

There are numerous advocates on the website <http://www.monergism.com/thethreshold/articles/topic/divorce.html> including Dr John Piper whose position paper is mentioned below.

The traditional Roman Catholic view has some similarities.

Implications

The implications of these central tenets can be read differently:

Divorce/Separation:

Generally it is accepted that 1 Cor 7 implies the Christian can allow separation initiated by an unbelieving spouse. But there may be diverging views on whether a Christian can initiate separation:

- (1) A Christian disciple should never initiate separation because Jesus said “let not man separate”.

- (2) A disciple can initiate separation only for adultery. [*Heth & Wenham, Cornes and Piper*]

Remarriage:

Generally it is accepted that remarriage is always wrong. [*All those cited above, except that Heth has now changed his mind*].

The Status of Those Remarried:

Various views can be taken of those who have remarried:

- (1) They are living in a state of continuous adultery because they are really married to their first spouses. [*Cornes and Piper identify this as a theoretical possibility*].
- (2) They are really married to their new spouse and not to their first spouse and should live accordingly. [*Heth & Wenham and Piper*].
- (3) They are polygamously/polyandrously married to all to whom they pledged marriage vows, and should be living accordingly.
- (4) They are polygamously/polyandrously married to all to whom they pledged marriage vows, but in present society should be living only as though married to their latest spouse. [*Cornes*]

More Details

Appendix 1 contains some more detailed quotations giving the ideas of those who follow the “indissolubility” viewpoint.

[2] The “Divorce Terminates Marriage” View

Key Points

God intends marriage to be faithful, monogamous and permanent, but human action *can* terminate it. In some circumstances, God sees such termination as the “least worst” option. Marriages should not be terminated in order to get a more desirable partner, but a divorced person is not married and it can sometimes be right for them to remarry.

Modern Advocates³

This is the view taken in this present work, and also eg by:

Alex R G Deasley (2000) *Marriage & Divorce in the Bible and the Church* (Kansas City: Beacon Hill)

David Instone-Brewer (2002) *Divorce and Remarriage in the Bible*. (Grand Rapids: Eerdmans). (2003) *Divorce and Remarriage in the Church*. (Cumbria: Paternoster).

Craig A Keener (1991) *...And Marries Another* (Peabody: Hendrikson)

Implications

Again there may also be divergences in understanding within this general view:

Divorce/Separation:

There are a number of variations here, including:

- (1) Christians should *never* divorce, only temporarily separate whilst seeking reconciliation.
- (2) Only adultery justifies divorce. [*John Murray*]
- (3) Adultery, desertion, cruelty and other serious marriage-breaking acts justify divorce. [*My view and effectively those cited above*]

Remarriage:

There are various divergent views:

- (1) Only adultery or desertion justifies full divorce with the right to remarry [*Heth & Wenham call this the “Erasmian” view. It is advocated eg by John Murray, and it is the position that Heth himself has moved to in Wenham et al (2006).*]

³ Something looking vaguely similar was advocated in what Heth & Wenham call the “older critical view” [effectively taken recently by Gagnon]. This holds that Jesus did indeed absolutely forbid divorce but his absolute teaching was later mitigated or softened by the Gospel writers and/or Paul. Such a view is, of course, inconsistent for any evangelical view of Christianity, but even on a purely rational level it is hard to believe that either a gospel writer or Paul would change a direct command of the one they regarded as the divine Logos himself. It certainly is not the view of the present writer, and will not be looked at here.

- (2) The Greek *porneia* involves a wider range of things than adultery and these also justify divorce/remarriage [*David Atkinson*]
- (3) An “unjustified” divorce may require repentance, but still terminated the marriage. Divorcees *are* presently unmarried, and the advisability of remarriage is an issue of divine and pastoral guidance. Divorcees may be encouraged to wait to see if reconciliation is possible, but in some cases (eg if the ex is remarried) this may be inoperative [*My view and effectively those cited above*]

The status of those remarried:

As marriage is not indissoluble, and divorce terminates it, those now remarried are genuinely and exclusively married to their present spouses – whatever repentance for past acts may be appropriate if they become Christians and/or the Lord convicts them.

Assessing the Truth

The object in the rest of this book is to help Christians to determine which of the above views is in line with the teaching of Jesus and Paul and the intentions of God for the approach to be taken in his church.

3. The OT Passages

The Relevance

Jesus' teaching refers both to the OT creation passages and to the Deut 24 divorce passage. Some of his teaching is in direct answer to a question from Jewish theologians, and all of it is to Jewish people well familiar with OT teaching as then understood. When he spoke he knew exactly how they would understand what he said. This, therefore, must centrally inform our understanding, rather than any more esoteric meanings derived from careful trawls of more unusual word meanings. Likewise Paul wrote to those who knew the Law or Jewish Torah (see Rom 7:1, and also 1 Cor 7:39 where he makes a point about marriage law similar to that in Rom 7). We need to know both what the OT said, and how first century Jews read it.

Genesis Creation Narratives

Basic Texts and Cleaving

The Creation Narratives

Genesis has two great human-creation narratives:

God created man (*'ādām*) in his own image: in the image of God he created him; male (*zākār*) and female (*n^eqēbā*) he created them. Then God blessed them, and God said to them: "Be fruitful and multiply: fill the earth and subdue it: have dominion over the fish of the sea...etc (1:27-8)

And the Lord God formed the man (*'ādām*) out of the dust of the ground.... And the Lord God said: "It is not good that the man (*'ādām*) should be alone; I will make him an ally suited to him... Then the rib/side (*šēlā*) which the Lord God had taken from the man (*'ādām*) he made into a woman (*'iššā*), and brought her to the man (*'ādām*). And the man (*'ādām*) said: "This time! This is bone of my bones, and flesh of my flesh; she shall be called a woman (*'iššā*), for from a man (*'iš*) was she taken this one!" Therefore shall a man (*'iš*) leave his father and mother and shall

cleave (*dābaq*) to his woman/wife (*'iššā*), and they shall become one flesh.(2:7-24).

Now the man (*'ādām*) knew (*yādā*) his wife (*'iššā*) Eve and she conceived...(Gen.4:1)

The Implications

The natural way to take this would be that marriage was something designed by God. One implication would be that he meant it to be heterosexual since he did not make another *'ādām*, nor another *'iš*, but an *'iššā*. It might also be concluded that monogamy was intended, since only one woman was made for the one man. Finally, the “one flesh” nature of the bond, accompanied by the decisive “leaving and cleaving” seems to indicate that marriage was meant to be permanent. Wenham (1987) p.71 says:

...in traditional societies like Israel where honoring parents is the highest human obligation next to honouring God, this remark about forsaking them is very striking.

“And sticks to his wife.” This phrase suggests both passion and permanence should characterize marriage. Shechem’s love of Dinah is described as “his soul stuck to Dinah” (Gen 34:3). The tribes of Israel are assured that they will stick to their own inheritance; i.e. it will be theirs permanently (Num 36:36:7,9). Israel is repeatedly urged to stick to the Lord (Deut 10:20; 11:22; 13:5 etc). The use of the terms “forsake” and “stick” in the context of Israel’s covenant with the Lord suggests that the OT viewed marriage as a kind of covenant.

Wenham is surely right in claiming that the word “cleave” implies more than a transient union; it means some kind of commitment. It can involve strong, loving attachment not only with Shechem and Dinah but when famously Ruth “clave” to Naomi (Ru.1:14), or when linked directly with love as in 1 Ki.11:2.

Covenant

The Word “covenant”

The word “covenant” (*b'erit* or *berith*) is common in the OT; it is a “flexible” concept⁴ and it means a specific agreement, usually

⁴ Gordon McConville in VanGemeren (1996) vol. 1.p.748.

mutual agreement, between individuals or groups. It is used naturally for God's covenantal relationship with his people, and in the NT the Greek *diathēkē* occurs in the context of a "New Covenant" (cf Matt 26:28; Mark 14:25; Lk 22;20; 1 Cor 11:25.)

Marriage and the Concept of Covenant in Scripture

Is the concept of "covenant" central to Christian views of marriage? The answer to this will depend on two features of exegetical approach:

1. How far particular features of Jewish OT perception should be accepted by Christians without specific or at least implicit NT sanction.⁵
2. How far particular descriptive features of OT life should be taken as "normative" (ie as indicating what *should* be done)⁶

Instone-Brewer (2002) ch.1 and Atkinson (1979) pp.72-100 have presented clear evidence that in later OT times the Hebrews (and other contemporary cultures) perceived marriage as a covenant. The clearest actual reference to this is Malachi 2:14:

Because The Lord has been witness
Between you and the wife of your youth
With whom you have dealt treacherously
Yet she is your companion
And your wife by covenant.

Marriage is also one picture God makes of his covenantal relationship with Israel and Judah in various words to later prophets.⁷ As with all metaphors, however, we should not base

⁵ Thus eg Fee and Stuart (1993) actually say that "*Only that which is explicitly renewed from the Old Testament law can be considered part of the New Testament "law of Christ."*" (p.154)

⁶ Again Fee and Stuart (1993) state: "*unless Scripture explicitly tells us that we must do something, what is only narrated or described does not function in a normative way – unless it can be demonstrated on other grounds that the author intended it to function in this way.*"(p.105) Klein et al (1993) p.349 "reject" this, because 3 Tim 3:16 implies otherwise, but they then admit: "one must proceed much more cautiously when commands are absent"

⁷ Gordon McConville in VanGemeren vol.1 p.751 is a little more cautious, noting the "lawsuit-pattern" ascribed to Hosea, Micah and perhaps Amos in reference to the issue.

doctrine on specific details of the parallel that are not supported elsewhere. In Jeremiah, God is “married” both to Israel and her “sister” Judah, so does this imply approval of polygamy? Moreover in Jer.3:14,18 they are also his “children”, but this does not mean that God approves incestuous polygamous marriage. In any case, since the concept of covenant *was* assumed by Jews to be involved in marriage, it should be no surprise that God uses it in parable.

There may, however, be other features that are assumed in Jewish culture but not in other cultures and societies. In the Jewish society various features of marriage were assumed eg:

- (1) First marriages were arranged – albeit consensually.⁸
- (2) A bride-price was paid by the groom to the bride’s father.⁹

Modern Christians in *some* cultures have arranged marriages but many do not, and neither arranged marriage nor bride price (albeit OT Jewish marital norms) are considered to be part of God’s general intention for marriage. So is “covenant” just a part of the Jewish cultural understanding of marriage, or is it central to God’s intentions for all human marriages?

The narrative of Adam and Eve in the creation account does not emphasize or even mention any covenant aspect of marriage. Some commentators have tried to read covenant into the idea of “leaving and cleaving” but there are problems with this. Logically it would imply that a man must have a covenant with his parents before “forsaking” them to cleave instead to a wife. Plainly this is not the case; obligation to parents is *not* covenant-based but relationship based. Of course “cleaving” *can* be in context of a covenant, or it can (as with Ruth) be part of a verbalised intention. But the cleaving of the soul of Shechem to Dinah (Gen.34:3) was based on attraction not covenant, and Ruth “clave” to Obed’s maidens (Ru.2:8,21,23) at his suggestion but perhaps not as a part of any verbalised covenant. This is a weak basis on which to emphasize verbalised covenant rather than significant action as central to the ideas on marriage in the creation passages.

⁸ See eg Gen 24:58; Ex.22:17

⁹ Ex 22:16; Gen 24:12; 1 Sam 8:25

Neither Jesus nor Paul, in referring to this creation account, mention covenant. Surely the Genesis writer could easily have put in some sentence in which the 'îš and 'îššâ covenantally plighted their troth before God? Surely Jesus could have said something about the covenantal nature of marriage?

This issue is not actually immediately concerned with the “indissolubility view”: Heth & Wenham (like Deasley, Instone-Brewer etc) do take marriage as inherently covenantal, whilst Cornes notes that the NT never refers to it as such and doubts its centrality to Christian concepts of marriage. There are, however, several points that are related to the issue. If marriage were indissoluble there would have to be an exact moment when this indissolubility begins: is it the first sex act or is it the moment of a specific ceremony? The former is a poor candidate because (a) it might be the first for one partner and not the other, and (b) it seems inconsistent with eg Ex.22:17. If, on the other hand, indissoluble marriage begins with some specific covenantal ceremony¹⁰, then, in society in which this does not happen, can have no one in it who is indissolubly married. Yet Paul, in 1 Cor.7, does not ask in what kind of ceremony (if any) they married their pagan partners, nor does he assume that only “Christian” wedding is valid.

The creation-passage and NT view of marriage is that it is:

- heterosexual
- monogamous
- involves mental “cleaving”
- involves exclusive physical one-flesh (sexual) intimacy
- involves identification in society as “an item” replacing previous parental ties

How and where this is recognised may be culturally based, and in a few cultures will (inevitably in view of divergent customs) be

¹⁰ Roman Catholics regard as “sacramental” only marriages contracted between two baptized Catholics, or a Catholic and non-Catholic with dispensation. Other marriages can be “annulled” and partners can remarry (although any children are still deemed legitimate). Though 1 Cor 7 is cited, this seems inconsistent with it.

fuzzy. In the UK at the time of writing increasing numbers of couples live together as “partners” without wedding (or more commonly put off the wedding to save up for it and sometimes let their eldest child act as page or bridesmaid). There is, however, little or no legal status for “common-law marriage”, and in legal terms such a partner has little or no rights. Obviously it might be better for a couple to live in love and harmony with their children *without* getting wedded, than to go through a ceremony but live in hatred and discord. In reality, however, wedding and harmony are not “either-or” alternatives – and there *are* distinct advantages to having a wedding ceremony (religious or civil) in which mutual expectations are explicitly stated publicly. Having an unofficial “trial marriage” to avoid “making a mistake” does not work – the statistics show that such couples are more, not less, likely to break up later.

The point being made here is not any denial that specific covenant in wedding ceremony is of value both to the couple and society, but that it is not central to the ideas of marriage in the creation passages and the NT. This means, firstly, that it is difficult to view the moment of wedding ceremony commitment as the initiation of a literally indissoluble bond. It also means, although this is not a present concern, that the argument sometimes now made that such a covenant might equally well be homosexual as heterosexual is not a valid one. The “validity” of the marriage of Adam and Eve was not based on covenant but on the natural committed re-bonding of *’iš* and *’iššā*.

One Flesh

The “Indissolubility” View of One-Flesh Union

Cornes (p.59) argues of Gen 2:24 that:

...it is not they who make themselves one flesh. Rather as they marry, of which consummation is a part, so something happens to them: they become one flesh.

Williams (p.323f) follows Cornes, and states:

The fundamental principle is that the one flesh marriage bond is indissoluble and even divorce cannot break it.

So does this verse about “becoming one flesh” mean *God* effects some kind of “mystic union” beyond their obvious social and economic identification as an “item” and the physical union as such?

The Creation Passage

Looking firstly at the Genesis passage itself, it is quite reasonable to read into it an implication that in uniting an *'iš* and an *'iššâ* one gets the complete humanity (or generic *'ādām* which was male and female” in Gen 1). It is also reasonable to assume (though may be not quite so obvious) that monogamy was intended, because God made only one woman not two or more. The permanence and commitment of the relationship is implied in the commentary that says that “for this reason” a man shall “cleave” to his wife as the two become one flesh. But this is just saying that this *human* action of cleaving is following out a design plan. It nevertheless leaves it that the process itself is a human action – it does not say that in some way God mystically and indissolubly links them. Plainly also the Jews did not understand it to be saying this, as we shall see below.

The NT Perspective

We are, however, applying a “Jesus-centred” hermeneutic, understanding the OT in the light of the NT. Paul was a Jewish rabbi saturated in Jewish thinking, but also a NT apostle – so his understanding is of crucial importance. Paul refers twice to the “one-flesh” concept. First in Ephesians 5:

²⁸So husbands ought to love their own wives as their own bodies; he who loves his wife loves himself. ²⁹For no one ever hated his own flesh, but nourishes and cherishes it, just as the Lord does the church. ³⁰For we are members of His body, of His flesh and of His bones. ³¹For this reason a man shall leave his father and mother and be joined to his wife, and the two shall become one flesh. ³²This is a great mystery (Gk: *mysterion*), but I speak concerning Christ and the church.

Firstly we should note that the Greek word *mysterion* does not have the same meaning as the later Latin *sacramentum*; rather it means a secret - though one which is now revealed (cf Brown (1986) iii p. 501f). The later invention of the idea of “sacraments”

is historically interesting but irrelevant to NT exegesis. Secondly, it is *specifically* applied by Paul here to Christ and the church rather than to human marriage. There plainly is, here and elsewhere, an imagery of Christ and the church based on the “bride”. We need, however, to be wary of overpressing the details of a parable or metaphorical image - as all works on hermeneutics insist. Paul’s emphasis here is that husband and wife are “one flesh” so that in loving his wife the husband loves himself. Actually the organic union of husband and wife are essential to understanding Paul’s teaching (in the same passage) that the husband is head *of the wife*. Ironically, Williams (2000) p.326 cites the verse “For the husband is the head of the wife as Christ is the head of the church.” and from this claims; “The Bible teaches that the husband is the head of the family.” The Bible teaches no such thing; “headship” has to do with being part of the same organism. The husband-wife is pictured as an “organic” unity but the family is not – and where the Pauline corpus refers to church leaders “ruling their household well” (1 Tim 3:4-5,12 referring specifically to the children), it later refers to the woman and not the man as the “despot of the household”(1 Tim 5:14).

Does all this, then, imply that Paul believed “one flesh” to imply a mystical indissoluble union? This is not particularly his focus in Ephesians, and he also refers to Gen 2:24 in 1 Corinthians 6:

¹⁵Do you not know that your bodies are members of Christ? Shall I then take the members of Christ and make them members of a harlot? Certainly not! ¹⁶Or do you not know that he who is joined to a harlot is one body with her? For “the two,” He says, “shall become one flesh.” ¹⁷But he who is joined to the Lord is one spirit with Him.

Here we have again the mystical union of the believer in the body of Christ, but Paul also *specifically* applies the “one flesh” concept to a physical union with a prostitute who presumably has hundreds of such unions. The “one-flesh” concept in Genesis does *not*, to Paul, imply an indissoluble, mystical, God-wrought union. He believes, of course, that the *proper* place for the one-flesh union is within a *cleaving* monogamous faithful marriage relationship, and any sensible interpretation of Gen 2:24 would take it that the Genesis writer *assumed* that this was so. Nevertheless, what Paul

says here is really not compatible with a view that “one-flesh” union means either anything God-wrought, or anything indissoluble. A Corinthian prostitute could have bonded with literally hundreds of men, she surely could not be said to have been indissolubly united with all of them. The “cleaving”, of course, is something that Paul does not ascribe to casual sex, but “cleaving” is clearly something that the people themselves do in every case where this word occurs – it is never any kind of divinely-wrought mystical operation.

Jesus also refers to Gen.2:24, and it is also difficult to harmonise the “indissolubility” view with his words, but as we will look at this in detail later we will pass over it here.

Does “One-Flesh” Imply Biological Type Kinship?

We know, of course, that *biologically* marriage does not change genetics, and whilst a brother and sister share DNA a husband and wife do not. But advocates of “indissolubility” have made claims something like this:

...just as blood relations are one’s flesh and bone... so marriage creates a similar kinship between man and wife. They become related to each other as brother and sister are. [Wenham (1987) p.71]

Biologically this is not true, but is there any Scriptural evidence that God regards it as true in some spiritual sense? Not only is any such reference lacking, but if it *were* true then surely Lev 18:9 would apply:

The nakedness of your sister, the daughter of your father, or the daughter of your mother, whether born at home or elsewhere, their nakedness you shall not uncover.

The “nakedness” is rightly taken by most commentators (including Wenham) to refer euphemistically to sex, so surely if marriage *really* made a wife equivalent to a sister, then husband and wife should not have sex because it would be incestuous? Of course this is absurd, but how, then, can any such notion of the “one flesh” literally making a wife into a sister be read into Gen 2:24? One suspects that (in ancient Jewish as in modern commentators)

this was in effort to explain the provision in Deut 24 – but its failure even to help in this will be explored below.

One-Flesh and “Indissolubility”

The bottom line is that, we should reject any argument that “one flesh” in itself must mean that the bond is indissoluble. In the Genesis context itself “one-flesh” *might* imply that separation would be *painful* (and on this we may agree with writers like Williams & co), but it implies neither that some mystical divine action is involved nor that separation is *impossible* because the bond is indissoluble. This kind of view is not taught in Genesis 2, it is incompatible with the OT understanding, and it is incompatible with the references made to Gen 2:24 by both Paul and (as we shall later see) Jesus.

Genesis 21: Abraham’s Divorce

Polygamists Are Really Married

God never instructs anyone in the OT to marry polygamously. Paul, in Galatians 4, makes it very clear that it was Abraham’s (or more exactly Sarah’s) own fleshly idea for Abraham to take a second wife. Nevertheless there is no indication anywhere in Scripture that polygamists like Abraham, or Jacob (all of whose sons fathered tribes of Israel), or David (whose line was confirmed through Solomon although David married Bath-Sheba polygamously) were not “really married” to their plural wives. No one denies that in each marriage, polygamous or not, an *’iš* and an *’iššá* combine to form a union. Thus Paul, in Gal.4, contrasts the child of the slave woman with the child of the freewoman – but he does not imply that Ishmael is illegitimate nor that Abraham was not “really married” to Hagar. This is unsurprising, for Gen.16:3 itself says:

Then Sarai, Abram's wife, took Hagar her maid, the Egyptian, and gave her to her husband Abram **to be his wife**, after Abram had dwelt ten years in the land of Canaan.

Divinely Ordered Divorce

Hagar was Abraham's wife. So should the words of Jesus apply here: "What God has put together let no man separate"? If his words were intended as some kind of universal absolute law then presumably they would apply. But what do we find in Scripture?

Sarah saw the son of Hagar the Egyptian, whom she had borne to Abraham, scoffing. ¹⁰Therefore she said to Abraham, "Cast out (*garish*=divorce) this bondwoman and her son; for the son of this bondwoman shall not be heir with my son, namely with Isaac." ¹¹And the matter was very displeasing in Abraham's sight because of his son. ¹²But God said to Abraham, "Do not let it be displeasing in your sight because of the lad or because of your bondwoman. Whatever Sarah has said to you, listen to her voice; for in Isaac your seed shall be called. ¹³Yet I will also make a nation of the son of the bondwoman, because he is your seed."

Sarah's concern was that Ishmael was the firstborn son of Abraham and his wife Hagar, and so Isaac's inheritance was in question. This was *not* just a question that they didn't get on, so Abraham should set up Hagar and Ishmael in the ancient equivalent of a flat in town where he would periodically visit as husband and father. Sarah wanted him to *divorce* or "cast out" Hagar – to terminate the marriage – so that inheritance rights would be terminated. Whether or not Hagar was given the right to remarry, God's instruction to Abraham here is clearly in breach of Jesus' words which were not "let not man separate *and* remarry" but simply "let not man *separate*". Abram was *told* by God to *separate* from Hagar.

The circumstances were special, God himself promised to look after Hagar and Ishmael, and there are dangers of reading any general theology into particular instances. God is, apparently, being pragmatic in a situation in which Abraham and Sarah have made a mess of things. Nevertheless, if Abraham really were indissolubly bonded with Hagar, God could surely not have instructed him to cast her out and to deny her the conjugal rights (shelter, food and sex), which both the rabbis and Paul assumed were implied by marriage in Exodus 21.

Deuteronomy 24:1-4

The Text

When a man takes a wife and marries her, if then she finds no favour in his eyes because he has found in her indecency of a matter, and he writes her a certificate of divorce, gives it to her and sends her from his house,² and if after she leaves his house she becomes the wife of another man,³ and her second husband dislikes her and writes her a certificate of divorce, gives it to her and sends her from his house, or if he dies,⁴ then her first husband, who divorced her, is not allowed to marry her again after she has been defiled. That would be detestable in the eyes of the LORD. Do not bring sin upon the land the LORD your God is giving you as an inheritance.

This is the main OT statute dealing specifically with divorce, and we will look at some of the alternatives suggested for understanding it because it is crucial to the understanding of Jesus' teaching on divorce.

Understanding

Uncleanness of a Thing

A first puzzle is the meaning of “uncleanness of a thing” or “indecency of a matter” or “nakedness of a thing”. It cannot be adultery, because the official punishment for this would be death. It cannot be that the man finds that she is not in fact a virgin when he marries her, for then the punishment (Deut 22:20) would also be death. We cannot, then, be sure what Deuteronomy meant by the phrase – and neither could the rabbis, which was partly what led to the question to Jesus in Mt 19.

The Intention and Effect of the Law

In any event, this is not a law *introducing* divorce, nor even *suggesting* it. It is a law to restrict certain practices surrounding an already existing custom. It is presumed that, on the man's action, if not initiative, a woman may be divorced. It is also presumed that she can and may remarry; there is no concept of divorce in order to stay unmarried. In fact, it presumes that the man will have to give her a “bill of divorce”, the purpose of which seems simply to

enable her to remarry. A woman cast out (like Hagar) without any proof that she had been legally divorced would be unable to remarry. So the bill seems to be for her benefit and protection, providing for possible remarriage. But all this is incidental to the passage. Its actual point is to *forbid* her original husband to take her back again if she has been married to another man in the meantime. We note that only her original husband but *no one else* is forbidden to take her in a *third* marriage.

How shall we understand this apparently strange law? Obviously in view of Jesus' later comments we should suppose that the whole thing is to allow for "hardness of heart" rather than to express God's real desires. The Law is to moderate rather than condone or encourage divorce. Yet, even so, it surely must be moderating the practice in a direction in line with God's desires – and cannot be pointing in the exact opposite direction.

Is this Law compatible with "indissolubility"?

The Basic Inconsistency

Supposing, then, that marriage is indissoluble. This would imply that, whatever happens, the woman is "really" indissolubly married to her first husband. What we would then expect would be that if he finds in her "indecent of a thing" (whatever that is) then:

- (1) He should separate from her but maintain her in a state of unmarried separateness – either for all time or else until such time as she may repent
- (2) If she repents and makes appropriate sacrifice he should receive her back

The actual provisions in Deut 24 do the exact opposite of both of these. Firstly, the bill of divorce is explicitly to allow her to remarry and the expectancy is that she probably will. Secondly, after her second marriage has ended, *the only one* who is not allowed to take her as wife is the man to whom she is in fact (according to this view) indissolubly linked in marriage – and no exception is stated for repentance or anything else.

Cornes (1993) well states the paradox thus:

If it was the circumstances surrounding her first divorce that defiled her, apparently it didn't prohibit her second marriage since this does not seem to be condemned. If it was the second marriage what defiled her, the law seems very specific that it is only her first husband with whom she must not remarry. The implication is that it would be perfectly acceptable to marry a third man. We are forced to the conclusion, therefore, that in saying 'she has been defiled' (4) the law means defiled, in some way, *in her first husband's eyes*, or *defiled in relation to her first husband*.

Is It Intended as Conditional on Unrepentance?

Cornes' own suggestion is that we need to read this in the light of Jeremiah 3 (see below). Thus if first husband "were to take her back *without her repenting*, he would simply be winking at her sin." He can, then, take her back, but *only if she repents*. The ban on taking her back is conditional on her lack of repentance.

There are several serious problems with this exegesis.

Firstly, it says absolutely nothing in Deuteronomy about not taking her back *unless she repent*; it just says "don't take her back". Jeremiah prophesied around 600BC, perhaps some eight centuries after the death of Moses¹¹, and it would be dangerous to read back this idea into Deuteronomy unless we took Jeremiah to be implying that this was the normal Jewish understanding. But, on the contrary, Jer 3:1 makes it clear that the general understanding in Jeremiah's day was, indeed, that a wife retaken *in any circumstances* by her first husband would lead to pollution of the land. The clear implication in Jer 3:2 is that *in spite of this* the Lord wants to take the nation back. He is being more merciful to the nation than Deut 24 told them that a man should be to his ex-wife. But God does not tell them to reinterpret the Deut 24 law.

Secondly, Cornes does not explain why, if her unrepentance really is the core issue, it is (in his own words) "perfectly acceptable to marry a third man". Surely, if "uncleanness of a thing" were some unrepented moral failing, then neither the second nor any third

¹¹ Josiah "re-discovered" Deuteronomy around 622BC (2 Ki.22:8), probably shortly before Jeremiah was born.

man should take her? To make sense of it we would have to imagine that her sin somehow affected *only* her former husband. But this would be bizarre. David, having clearly sinned both against Uriah and Bathsheba to commit adultery, cries out hyperbolically to God in Psalm 51 “Against you, you only, have I sinned.” The divorced wife’s unrepented sin might make her unacceptable *emotionally* to her former husband – but this would be his problem and there could be no imaginable reason why it should be “detestable in the eyes of the Lord” for her to reunite with her *true* husband to whom she is (as Cornes believes) *indissolubly bound*, but not for her to marry someone else.

Is the “Uncleanness” Just a Personal Thing?

Cornes (1993) also tries to argue (following Driver) that “defiled” (Hebrew root *tm*) is also used in cases of adultery (eg Lev.18:20, Num.5:13f, 20):

Thus while the second marriage cannot be adulterous in the eyes of the law – because if so it would surely be more clearly condemned and would be punishable by death – the phrase ‘she has been defiled’ perhaps tells us that it is adulterous in the eyes of her original husband.

This seems even more bizarre. The whole point of her first husband giving her a bill of divorce was so that she could remarry – so this would mean that the only one for whom the remarriage constituted “adultery” was the one who cast her out and gave her the certificate to cause and enable her to enter this second adulterous remarriage in the first place. It is, moreover, disingenuous to say that the word for defiled “is also used in cases of adultery”; it is actually a very frequently used root with a whole range of meanings of “defilement” from moral to purely ceremonial. In any case, as already noted, the idea that it can be sin in one person’s eyes and not another’s surely goes against the whole idea that sin is sin, and that primarily sin is something in the eyes of God? Does *God* view the second marriage as adulterous?

A further point is that later in his book Cornes will argue that remarriage after divorce is equivalent to polygamy, and he presumably accepts that in the case of women it is polyandry because otherwise we would have the situation that only the

remarriage of divorced men would be valid and not that of divorced women. To Cornes, then, a divorced woman's second marriage is *not* adultery but polyandry – and there would be no reason for her original husband not to remain polyandrously married to her. Since, moreover, her first husband would be quite likely also remarried by this time, how would he be in a moral position to regard her as adulterous when he occasioned it anyway? Surely, also, it would be better for her to be polyandrously married to two men rather than take yet another third husband as the Deut 24 law permits? Whatever way one turns, no sense could be made at all of Deut 24 if marriage were literally indissoluble.

Is it About Incest?

Another approach has been to suggest that the “one flesh” nature of marriage means that a man receiving back his former wife is equivalent to incest. This has been based on the idea already considered that marriage makes a wife one flesh and so equivalent to a sister. No one however, ancient or modern, has been able properly to explain why it was not then incest for the husband to have sex with the wife in the first place, as we already noted. Whilst this kind of abstruse argument might have satisfied some of the rabbis, it does little for us, however eminent its advocates.

None of any of this – albeit backed by Driver, Keil, and various well-known commentators, makes any sense at all. Nor does it, as they want to claim, “prepare the way for the teaching of Christ on the subject of marriage”. If (as again they claim) Christ regarded all second marriages as adulterous, then no wronged husband should provide any bill of divorce to enable his estranged wife to remarry, and all wronged husbands should take back their original wives. It is odd to suggest that a law that seems to encourage the exact opposite “prepares the way” for Jesus’ supposed teaching on the indissolubility of marriage.

How Can it be Understood Sensibly?

The Law as Protecting Women’s Rights

Instone-Brewer (2002) makes two major points about this law in Deut 24. The first is that the later rabbinic understanding of it was

that the “bill of divorcement” was to specifically say “You are allowed to marry any man you wish” (p.29). The second is that the law should be seen against the background of other Near Eastern law codes (cf David and Michal below), under which the first husband could always claim her back. Instone-Brewer’s basic suggestion is that this is actually a further protection for the woman and her right to remarry – it protects the second marriage against the original husband reclaiming the woman after either intimidating the second husband into divorcing her or even killing him. If this is indeed the motivation, then we may see the “defilement” in ceremonial rather than strictly moral terms, and behind the ceremonial (as we find eg in the Sabbath provision) there is also a social concern. This is not to say that the Israelite holiness code made any clearcut distinction between moral and social, but that from our perspective this helps us to distinguish God’s underlying social motive from the ceremonial garb. It would be consistent with eg Numbers 6, which speaks of (ceremonial) “defilement” of a Nazirite by things that would not defile others.

The Law as Protection Against Dowry Exploitation

Instone-Brewer also gives a more specific rationale for the apparently odd features of Deut 24:

This passage is an item of case laws about a man who wanted to remarry a wife whom he had divorced, and who had been married again in the meantime. The ruling states that she would now be unclean for him. The reason for this ruling has been traced by Raymond Westbrook to the financial payments and penalties involved in marriage and divorce. Westbrook has pointed out that the main difference between these two marriages was the financial consequence for the woman. The first marriage ended when the man cited a valid ground for divorce, namely "a matter of indecency." The fact that he had a valid ground for the divorce meant that she lost her right to her dowry. The second marriage ended without any valid grounds for divorce, either because the man "hated/disliked" her (which was a technical term for a groundless divorce), or because he died. In either case the woman would have kept her dowry. If she had not brought a dowry into this second marriage, she

would nevertheless have been awarded an equivalent amount. Westbrook thus noted that this would give the first husband a financial motive for remarrying his wife, because he would then have both her new dowry and her old one. This law therefore forbids the first husband from getting financial benefit in this way. (p.7)

Certainly it *was* true that in general the dowry systems common in this period penalized those who initiated divorce without any real grounds. Also, as Edersheim pointed out of the later Jewish understanding:

All agreed that moral blame made divorce a duty, and that in such cases a woman should not be taken back. According to the Mishnah, women could not only be divorced, but with the loss of their dowry if they transgressed against the Law of Moses or of Israel. [Edersheim (1900) ii.p.334]

The suggestion of Westbrook and Instone-Brewer is that this divorce law is to prevent the exploitation of an ex-wife by her first husband reclaiming her to seize her second dowry. This does make sense of the statute, as alternative suggestions about supposed sisterly incest etc simply do not.

Implications

Assuming that the statute is indeed divinely given, we may note several implications from it:

1. It regulates apparent divorce practices, rather than initiating provision for divorce. It does not, therefore, indicate God's approval of the divorce practice itself
2. The assumption/provision that a bill of divorce should be given was to enable the woman to remarry without it being considered as adultery. There would be no reason to give a bill of divorce if it were merely physical separation.
3. The ban on the first husband retaking her is not conditional, and this must imply that the marriage bond has ended. This, in turn, implies that this marriage-bond was *not* indissoluble.

Exodus 21:7-11

The Text

If a man sells his daughter as a servant, she is not to go free as menservants do. ⁸If she does not please the master who has selected her for himself, he must let her be redeemed. He has no right to sell her to foreigners, because he has broken faith with her. ⁹If he selects her for his son, he must grant her the rights of a daughter. ¹⁰If he marries another woman, he must not deprive the first one of her food, clothing and marital rights. ¹¹If he does not provide her with these three things, she is to go free, without any payment of money.

The Meaning

The Slave-Wife: Divorce for Denial of Marital Rights

The slave-wife is entitled to the three basic marital rights:

- (1) food
- (2) clothing (including basic shelter)
- (3) marital rights ie regular sexual intimacy

These have to be given even if the man takes a second wife. If they are not then she is to “go free”. So what does “go free” mean? It surely cannot mean that she is to remain indissolubly linked to her true and first husband but now live as a free-wife rather than slave-wife. This would make nonsense of the whole context as it was because she did not have the wifely rights that the situation arose in the first place. So does it mean that she is to be free from slavery, but should now live as an ever-separated wife but not free to remarry? This was neither how the Jews understood it, nor would it have made any sense at all in that culture – she would actually have been worse off. The rabbis sensibly understood the words “go free” to mean as free from slavery *and* free to remarry. This applied, then, if any of the three basic marital rights were denied, and logically enough this applied whether or not a new partner for the man were involved.

This understanding, of course, is at odds with the view that marriage is “indissoluble”.

The Free-Wife: Divorce for Denial of Marital Rights

The Jewish lawyers agreed on a further implication of this divinely given statute: if this applied to a slave woman who was deserted or materially and sexually neglected, then surely it must also apply to a freeborn wife? A wife who was deserted, or denied the marital rights of food, clothing and sexual intimacy, had grounds for forcing her husband to issue her with a divorce certificate releasing her to remarry.

As we shall see, this is probably the issue that Paul took up in 1 Cor.7 – but actually the grounds are broader than solely literal desertion. It is not that the man in the case dealt with in Ex 21 is behaving as God would wish – what the statute is doing is granting rights to the wronged wife when her husband behaves unacceptably (in this sense) towards her.

Deuteronomy 24:13-29

The Text

¹³If any man takes a wife, and goes in to her, and detests her,
¹⁴and charges her with shameful conduct, and brings a bad name on her, and says, "I took this woman, and when I came to her I found she was not a virgin,"¹⁵ then the father and mother of the young woman shall take and bring out the evidence of the young woman's virginity to the elders of the city at the gate.¹⁶ And the young woman's father shall say to the elders, "I gave my daughter to this man as wife, and he detests her."¹⁷ Now he has charged her with shameful conduct, saying, "I found your daughter was not a virgin," and yet these are the evidences of my daughter's virginity.' And they shall spread the cloth before the elders of the city.¹⁸ Then the elders of that city shall take that man and punish him;¹⁹ and they shall fine him one hundred shekels of silver and give them to the father of the young woman, because he has brought a bad name on a virgin of Israel. And she shall be his wife; he cannot divorce her all his days...

²⁸"If a man finds a young woman who is a virgin, who is not betrothed, and he seizes her and lies with her, and they are found out,²⁹ then the man who lay with her shall give to the young

woman's father fifty shekels of silver, and she shall be his wife because he has humbled her; he shall not be permitted to divorce her all his days.

The Meaning

These were laws forbidding a man to divorce if he had been made to marry after forcing/seducing the woman, or if he had wrongly accused her of not being a virgin on their wedding night. This, presumably, was because these might indicate that he was an unwilling spouse in a “shotgun wedding”!

David and Michal

The Background

David’s first wife was Princess Michal, who fell madly in love with him. When times became difficult for David, he deserted her and took other wives. Michal, now evidently considered to be divorced from David, became the wife of a man called Palti or Palti-el. The Scripture itself calls Palti her “husband” (2 Sam.3:14), and so the new marriage was presumably legally valid – Scripture did not consider her ‘still married’ (indissolubly or otherwise) to David. Under the Mosaic Law, therefore, Michal was divorced from David and remarried, and David was strictly forbidden to take her back as his wife again. This, as we know, is precisely what David *did* do when he came to power, to her legal husband’s evident distress. David reclaimed her as his “wife” (this latter act apparently according to *Mesopotamian* custom rather than biblical guidelines)¹² but Scripture itself refers to her thereafter *not* as the “wife of David but as the “daughter of Saul” (2 Sam. 6:16, 20 23). David had perhaps committed the “abomination unto the Lord” of divorce and remarriage to the same woman, forbidden in Deuteronomy, and God did *not* regard her still as David’s wife even though they were certainly the first spouse to each other. In other words, God did *not* regard David as indissolubly married to his first wife.

¹² Ben-Barak explains this in Clines & Eskenazi (1991) – the presumption was that David’s desertion was involuntary.

David's Adultery and God's Pragmatism

Later, David committed adultery with the wife of a man away fighting for him, and in fear of discovery had the man murdered. The punishment for this, of course, should have been death. But no one, not even God, suggested it. God instead sent Nathan to touch David's shepherd-heart and conscience at its most tender point, and David repented of this at least. Yet, even after this, David decided to continue his liaison with the woman. He made her his queen, although he was already married. He gave her son Solomon the inheritance rights of the firstborn, although forbidden in the Mosaic Law to do so. Yet God (after punishing David.) accepted this arrangement and Solomon as king,¹³ he did not insist that David was "truly" married only to his first wife. We see, of course, that not all the effects of David's sins could be removed. In this area especially the "sins of the fathers are visited on the children", for they learn wrong approaches to relationships from their parents. Thus, David's son Ammon raped his half-sister and then spurned her; David could say nothing after his own scandalous conduct. Another son, Absalom, later took the law into his own hands, and humbled his father by taking his harem. Solomon himself eliminated a rival older prince Adonijah. It was a sorry tale, and the narrative in no way condones David's acts or lifestyle – but it does accept Bath-Sheba as his wife and queen.

Jeremiah 3:1-25

The Text

¹"They say, 'If a man divorces his wife, and she goes from him, and becomes another man's, may he return to her again? Would not that land be greatly polluted?' But you have played the harlot with many lovers; yet return to Me," says the LORD.

²"Lift up your eyes to the desolate heights and see: where have you not lain with men? By the road you have sat for them like an Arabian in the wilderness; and you have polluted the land with

¹³ An interesting point in the context of our Prince Charles and his marriage to Camilla – at least the Prince did not attempt to have Andrew Parker Bowles eliminated.

your harlotries and your wickedness. ³Therefore the showers have been withheld, and there has been no latter rain. You have had a harlot's forehead; you refuse to be ashamed. ⁴Will you not from this time cry to me, 'My Father, You are the guide of my youth?' ⁵Will He remain angry forever? Will He keep it to the end?' Behold, you have spoken and done evil things, as you were able."

⁶The LORD said also to me in the days of Josiah the king: "Have you seen what backsliding Israel has done? She has gone up on every high mountain and under every green tree, and there played the harlot. ⁷And I said, after she had done all these things, 'Return to Me.' But she did not return. And her treacherous sister Judah saw it. ⁸Then I saw that for all the causes for which backsliding Israel had committed adultery, I had put her away and given her a certificate of divorce; yet her treacherous sister Judah did not fear, but went and played the harlot also. ⁹So it came to pass, through her casual harlotry, that she defiled the land and committed adultery with stones and trees. ¹⁰And yet for all this her treacherous sister Judah has not turned to me with her whole heart, but in pretense," says the LORD.

¹¹Then the LORD said to me, "Backsliding Israel has shown herself more righteous than treacherous Judah. ¹²Go and proclaim these words toward the north, and say: 'Return, backsliding Israel,' says the LORD; 'I will not cause My anger to fall on you. For I am merciful,' says the LORD; 'I will not remain angry forever. ¹³Only acknowledge your iniquity, that you have transgressed against the LORD your God, And have scattered your charms To alien deities under every green tree, And you have not obeyed My voice,'" says the LORD.

¹⁴"Return, O backsliding children," says the LORD; "for I am married to you. I will take you, one from a city and two from a family, and I will bring you to Zion. ¹⁵And I will give you shepherds according to My heart, who will feed you with knowledge and understanding. ¹⁶"Then it shall come to pass, when you are multiplied and increased in the land in those days," says the LORD, "that they will say no more, 'The ark of the covenant of the LORD.' It shall not come to mind, nor shall they remember it, nor shall they visit it, nor shall it be made anymore." ¹⁷At that time Jerusalem shall be called The Throne

of the LORD, and all the nations shall be gathered to it, to the name of the LORD, to Jerusalem. No more shall they follow the dictates of their evil hearts.

¹⁸”In those days the house of Judah shall walk with the house of Israel, and they shall come together out of the land of the north to the land that I have given as an inheritance to your fathers.” ¹⁹But I said: ‘How can I put you among the children and give you a pleasant land, A beautiful heritage of the hosts of nations?’ And I said: ‘You shall call Me, "My Father," And not turn away from Me.’ ²⁰Surely, as a wife treacherously departs from her husband, So have you dealt treacherously with Me, O house of Israel," says the LORD. ²¹A voice was heard on the desolate heights, weeping and supplications of the children of Israel. For they have perverted their way; they have forgotten the LORD their God. ²²”Return, you backsliding children, And I will heal your backslidings.” “Indeed we do come to You, For You are the LORD our God. ²³Truly, in vain is salvation hoped for from the hills, and from the multitude of mountains; truly, in the LORD our God is the salvation of Israel. ²⁴For shame has devoured The labor of our fathers from our youth - their flocks and their herds, their sons and their daughters. ²⁵We lie down in our shame, and our reproach covers us. For we have sinned against the LORD our God, We and our fathers, From our youth even to this day, and have not obeyed the voice of the LORD our God.”

The Meaning

This, like the parallel passages in Hosea, uses marriage, divorce and reconciliation as a parable of God’s relationship with Israel and Judah. As noted, in strict sense God would be married polygamously to Israel and Judah, and incestuously because they are also his children. Books on exegesis, such as Fee and Stuart (1993), rightly warn, however, against the pressing of *all* the details in a parable into having theological meaning – and against using them to support theological beliefs otherwise unasserted in Scripture. Jeremiah is explicitly aware that it is against the Law for an ex-husband to receive back a divorced wife, but is making the point that God is nevertheless willing to take back Israel. In the context, though, it is clearly their own freewill choice (the “bill of

divorce” itself indicates that God gives them their freedom to choose) and God does not take them back by force or eliminate the multiple “adulterous” options open to them. Perhaps we could say, then, that the *principle* behind Deut 24 is *not* being violated – though it is doubtful in any case that Jeremiah would have intended what is just a parable to be pressed this far. The prophetic use of marriage and divorce, then, may indicate that a genuine reconciliation of marriage partners is not in itself abhorrent – but it would be dangerous to draw much conclusion about human marriage from these parables.

Ezra 10:2-3.

The Text

²“We have sinned against our God, and have taken heathen wives from the peoples of the land; yet now there is hope in Israel in spite of this. ³Now let us make a covenant before our God to send away all these women and their children, in accordance with the counsel of my lord and of those who fear the commands of our God. Let it be done according to the Law.”

The Meaning

This is narrative, and it could conceivably be argued that Ezra got it wrong (though there seems no more reason to suppose this than that Malachi did), but the context seems to show that the biblical writer approved of this whole programme to divorce the unbelieving women “according to the Law”. Paul, in 1 Cor.7, may well be thinking of this passage and reversing the principle for the New Covenant: now the unbelieving partner is “sanctified” by the marriage rather than the believing one defiled.

Malachi 2:16.

The Text

For the LORD God of Israel says that He hates divorce, “for it covers one’s garment with violence,” says the LORD of hosts. “Therefore take heed to your spirit, that you do not deal treacherously.”

The Meaning

Malachi is dealing with a situation quite different from that facing Ezra, and his solution is virtually the opposite. Divorce (presumably of an Israelite woman to whom one has implicitly or explicitly pledged fidelity) is here seen as treachery.

Conclusions from the Prophets

Jeremiah

Jeremiah is not saying that the Deut 24:1-4 injunction applies only if the wife is unrepentant, nor is he saying that his Jewish hearers should abrogate, alter, or reinterpret the Law as applied to human divorce.. He is simply saying that God is being more merciful than the Law permits human husbands to be. In the New Covenant, of course, no longer being under the Jewish Torah as such, we may wish to let the Divine forgiving attitude inform our actions more than a specific Deut 24 law which was almost certainly to prevent dowry exploitation in a social situation we no longer have.

Ezra and Malachi

Ezra and Malachi have been put together to show that divorce is a contextual issue and (as with Abraham) can sometimes be the “least worst solution”. In Ezra they believe it right that they should divorce their unbelieving wives *and* children – though Paul in 1 Cor.7 gives another ruling in the New Covenant in an analogous situation. Malachi shows that in a more general case God regards divorce as a kind of treachery, presumably because it involves a breaking of the marriage undertaking, whether the latter was implicit or specifically covenantal.

4. First Century Jewish Understanding

The Need to Understand Jewish Thought & Terms

We have considered the meaning of the OT passages relevant to divorce primarily in their own contexts. We have considered what they may tell us about the attitude to marriage and divorce of the God who spoke in the OT.

We also, however, need to know how those to whom Jesus spoke understood these OT passages and the terms used in them. This is not because we will assume that Jesus shared their views on divorce, but because Jesus would assume that the meanings of his words would be taken by his Jewish questioners and hearers in the context of their understandings of the language of the OT – both in the Hebrew and in the LXX Greek version so common in his times. If, then, he wished to redefine any of the terms to mean something quite different, he would have had to make this very clear. Now Wenham [in Wenham et al (2006) p.35] argues that

The synoptic Gospels often show Jesus picking up a term used by someone else and giving it a different meaning.

The examples Wenham cites are of Jesus:

1. Referring to believers as his “mother and brothers”.
2. Referring to his body as the Temple.
3. Referring to children as “little ones”.
4. Referring to “my Father’s house”.

Wenham concludes:

In light of these examples, it could be argued that it would be strange if Jesus had not used *apolyein* [= divorce] in a different sense from his opponents.

In reality it would not be “strange” at all if Jesus did not redefine this legal term to mean effectively the opposite, and the argument itself is strange. Let us look at the examples given.

In Wenham's example 1 Jesus' meaning was made totally clear to his hearers, and the use of "brothers" to indicate more than literal siblings was common Jewish practice (cf eg Acts 7:2, 13:15). There is no total redefinition of any term.

Wenham's example 2 follows a common pattern of Jesus using physical symbols of spiritual realities (eg to Nicodemus and the woman at the well). It is about use of metaphorical language.

Wenham's example 3 is, in any case, obscure, controversial, and does not involve redefinition.

Wenham's example 4 relates to the fact that in rabbinic literature God is described as "Father in Heaven" in about 100 places. The fatherhood of God to his elect was a common Jewish concept. Jesus is not "redefining" anything, but using existing Jewish thought to make an ironic point to his earthly parents.

So are any of these similar to the situation where Wenham argues that Jesus reinterpreted a common Jewish legal term *apolyein*:

from: [= divorce specifically sanctioning remarriage (perhaps with a few exceptions)]

to mean: [= separation without allowing legitimate remarriage in any circumstance].

This would not be an example of using language metaphorically, it would be an example of redefining a legal term so that it stays a legal term but has an almost opposite meaning. It is no use arguing that even the Jews thought that a divorcee could not marry literally *anyone* - there is a big difference between making an *exception* to the pronouncement in *apolyein* "you are now free to remarry anyone"¹⁴ and negating it altogether.

If Jesus really intended to redefine *apolyein* in this way (especially having explicitly said that he had not come to abrogate the Law), he would have needed to be really clear. Whether Jesus does this we shall see later, but it is important to understand what the term would mean to his hearers in default of any such clear redefinition.

¹⁴ The exceptions were to a man whom the wife had previously divorced (as in Deut 24), and any lover whose adultery with the wife had caused the marital break up.

Sources for Jewish Thought

The Septuagint or LXX

The LXX is so called because “Septuagint” is derived from the Latin word for “seventy” and 70 (or in some versions 72) scholars were supposed to have translated the Hebrew Scriptures into Greek in Alexandria, Egypt, in the 3rd century BC. Probably only the Torah or Pentateuch was then translated, but all the OT books were included by the time of Jesus. The NT draws extensively, but not exclusively, from the LXX for OT quotations. Pauline terminology often reflects the LXX, and in some instances its translation is crucial. Thus eg the Hebrew of Isaiah 7:14 says only that a woman (*almah*) will become pregnant, whilst the LXX renders it as “virgin”, which is the understanding taken in the gospels.

The Mishnah

“Mishnah” is a Hebrew term meaning “repetition” or “study”. It is the name given to the oldest codification of Jewish Oral Law. Together with the later commentaries on it called the “Gemara”, it forms the Jewish “Talmud”. After the destruction of Jerusalem and its Temple in 70 AD, the Jewish scholars and teachers called *tannaim* continued to elaborate and systematize the Oral Torah. The Mishnah was written down c 200AD. We cannot be certain how much of it genuinely reflects the views and discussions current c 33 AD, but in that culture oral tradition tended to be maintained more verbatim than in ours, and much of it does illuminate NT issues.

Other Jewish Sources

The Qumran materials reflect the Essene community view (most scholars more or less equating the two), though Instone Brewer (2000) p.72 concludes that:

...the Qumran documents do not say anything significant about divorce or remarriage. (p.72)

We also have the works of 1st century Jews Philo of Alexandria (c 25BC-50AD) and Flavius Josephus (c 37-101AD), which do have some references to easy divorce.

The Rabbinical Views on Divorce

Marriage Was Meant to be Monogamous

Gen.2:14 reads:

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

The LXX version, in common use amongst Diaspora Greek-speaking Jews in the first century, had strengthened the implication of monogamy:

Therefore shall a man leave his father and his mother and shall cleave to his wife and they **two** (*duo*) shall be one flesh. And the **two** were naked, both Adam and his woman, and were not ashamed.

The insertion of the word “two” reflected assumptions that monogamy was intended. All rabbinical schools accepted this, and polygamy was not an option for first century Jews – a married man had first to divorce before taking a new wife.

Interpreting Deut 24:1-4

Text

When a man takes a wife and marries her, if then she finds no favour in his eyes because he has found in her indecency of a matter (*'ervat davar*), and he writes her a certificate of divorce, gives it to her and sends her from his house,

The Basic Dispute in the Mishnah

The Mishnah records a basic dispute over Deut 24:1 that went back to the rabbis Hillel and Shammai in the first century BC:

The School of Shammai say: “A man should not divorce his wife unless he has found in her a matter of indecency, as it is said: For he finds in her an indecent matter.” And the school of

Hillel say, “Even if she spoiled his dish, since it says: For he finds in her an indecent matter.”¹⁵

The Problem and Terms Used

The Hebrew phrase *'ervat davar* is two words: {*indecenty*} and {*of-a-matter*}. Instone_Brewer beautifully sums up the two rabbinic approaches to this rather odd phrase.

The Hillelites concluded that the strangeness of the phrase suggested there was an extra hidden meaning hidden in it. This was a common technique in early rabbinic exegesis. They therefore concluded that the two words referred to different grounds for divorce – “indecenty” and “a matter”. This meant that one could base a divorce on an act of “indecenty” or on “a matter”, which meant “any-matter”...

The Shammaites took the two words to mean a “matter of indecenty”, by which they understood the phrase to mean “adultery”. In their ruling they quoted the text of Deuteronomy 24:1 but they reversed the order of the two contentious words to emphasize their interpretation.” [Instone-Brewer (2002) p. 111]

He summarizes:

The Hillelites argued from Deuteronomy 24:1 that divorce could be on the [alternative] grounds of “any-matter” *or* “indecenty”; the Shammaites replied, “No, this text allows divorce *only* for ‘a matter of indecenty’”.(p.112).

At least one highly renowned later Hillelite, the rabbi Aqiba or Akiba (died c 135 AD) went even further. The Mishnah reports:

R.Aqiba says, Even if he found someone else prettier than she, since it says “And it shall be if she find no favour in his eyes.”¹⁶

By this time, of course, polygamy was not an option as we have noted. Aqiba (or Akiba) was, to say the least, rather stretching it because Deut 24:1 says “if she finds no favour in his eyes *because* he has found in her uncleanness of a matter”. What it shows, however, is that the Hillelite mind-set was that the grounds of “a matter” or as we might say “any-matter” meant that virtually any

¹⁵ *m. Git. 9:30.*

¹⁶ *m. Gitt. 9:10*

old thing would suffice. Later Hillelites thought eg that if she spoiled her husband's dinner this was enough.¹⁷ It may well be, then, that even in Jesus' day Hillelites were effectively allowing divorce just to marry a younger/prettier woman.

This is the background against which the Pharisee-Jesus dialogue took place, and Paul made his comments in 1 Cor 7. No exegesis of the NT passages can be taken seriously today which does not take it into account. Heth and Wenham, the authority behind the modern "indissolubility" view, also accept this on p.46 of their book.

The bottom line is that in the days of Jesus there were two possible grounds for divorce based on Deut 24:1-4:

1. For serious sexual misdemeanour or other serious moral blame [both Shammaites and Hillelites]
2. For "any-matter" [only Hillelites]

When in this book the grounds are cited as for "any-matter" it should be taken that this is a technical term and refers specifically to this Hillelite ground, which was very broad indeed, in distinction to the grounds accepted by Shammaites of more serious moral sin.

An Analogy

To make an analogy, currently divorce in England is based on "irretrievable breakdown" of the marriage but this breakdown must be proved by evidence of one of five "facts":

- Adultery
- Unreasonable behaviour
- Desertion
- Two years' separation with consent
- Five years' separation without consent

In practice courts are very lax about what constitutes "unreasonable behaviour", so couples wanting a quick divorce but where there is no adultery can easily claim it, and it is the most frequent ground for divorce in English divorce law. Some have

¹⁷ see eg *Sifré Deut* 269

argued that this is a shame if couples have simply and amicably “drifted apart”. The 1996 Family Law Act was intended to replace all this with “no-blame” divorce and compulsory counselling – but has been shelved.

Now the point is this: “unreasonable behaviour” is a technical term here. Adultery or desertion may, of course, also be “unreasonable”, but the term is used in a distinct and technical sense, which is not exactly the same as the everyday sense.

Like “unreasonable behaviour” in English divorce law, the term “any matter” is effectively a technical legal Jewish term. There is, of course, little first century extra biblical Jewish material available to us, but in both Philo (*Special Laws* 3:30) and Josephus (*Antiquities* 4:253) we find reference to divorce “for any cause whatsoever”, ie the “any-matter” divorce.

Further Points to Note

David Instone-Brewer’s work on all this is so well written and detailed that it bears close reading, and he brings out some further points.

Because the Shammaites restricted divorce to grounds of serious sexual sin, this had to be proved in court. The Hillelite grounds were so lax that this was not necessary, but they therefore made the actual procedures to issuing a bill of divorce more complex to prevent divorce on over-hasty whim. A court was still involved, but it could be a quiet non-adversarial affair.

Adultery (or other serious but rarer sexual sin eg bestiality) was, in any case, difficult to prove, as witnesses were required, and the “any-matter” divorces became the norm – even in cases of suspected adultery.

Joseph

Matt 1:19 Then Joseph her husband, being a just man, and not wanting to make her a public example, was minded to put her away secretly.

This refers to a Hillelite procedure, a quiet divorce on “any-matter” grounds. A Shammaite court would have made Mary a public example for supposed sexual infidelity.

What is also interesting is that Matthew says not that Joseph was a “merciful” person but that he was “just” or “righteous”. It seems that the fact that he was “just” determined not the manner in which he sought divorce, but that he felt obligated to seek it in some way or another. His “justice” required that he do it, but he was reluctant to do it publicly.

Was Divorce for Uncleaness Obligatory?

Many commentators state that rabbis generally thought it an *obligation* to divorce for “uncleaness”. Ezra, as noted, thought it an *obligation* to divorce from idolatrous wives. Instone-Brewer , however, states, giving reasons:

Although it might have been expected that a husband would divorce a suspected adulteress, this was not compulsory before 70 C.E. (p.96)

There may, however, have been such strong pressure, if not outright compulsion at this stage, that a just man (like Joseph) felt he had no socially acceptable and “respectable” choice but to divorce his apparently “unfaithful” betrothed wife.

Interpreting Exodus 21:7-11

We already noted that the slave-wife was entitled to the three basic marital rights:

- (4) food
- (5) clothing (including basic shelter)
- (6) conjugal rights ie regular sexual intimacy

We also noted that the rabbis extended this, logically enough, to the free-born wife. A free-born wife who was denied any of these three basic marital rights was entitled to divorce. There was no disagreement between the Shammaites and Hilellites over this, all schools accepted it. Instone Brewer describes the detail given in later rabbinic literature concerning exactly what deficiencies in these three rights constituted divorce grounds.

Could Women Divorce?

Because polygamy was possible in earlier OT times, “adultery”

was seen as sex between a man and a married woman. Jesus, of course, changes this perspective to make it totally gender-neutral, but this did mean that women could not divorce for adultery. Strictly speaking the OT divorce laws see divorce as something only men can initiate, and divorce on Ex 21 grounds was formally done by the man giving a certificate of divorce. In practice, Jewish courts could “encourage” the man to do his duty and grant divorce (the Talmud late mentions both fines and scourging if necessary).¹⁸

Instone-Brewer (2002) p.88 notes an extant second century divorce certificate issued by a Jewish woman to her husband, but this was neither the normal nor the earlier practice. Josephus wrote:

But some time afterward, when Salome happened to quarrel with Costobarus, she sent him a bill of divorce, and dissolved her marriage with him, although this was not according to Jewish Laws, for with us it is lawful for a husband to do so; but a wife if she departs from her husband, cannot be married to another, unless her former husband put her away. However, Salome chose not to follow the law of her country, the law of her authority, and so renounced her wedlock. [*Antiquities*: 15:7:10]

A wife could divorce under Graeco-Roman law and Salome presumably used a Roman *repudium*. Josephus was not bothered about divorce (he divorced his wife because her behaviour displeased him), but about the breaking of Jewish institutions.

¹⁸ Instone-Brewer (20002) p. 86.

5. The Gospels Passages

Background

The Passages

There are two “divorce” passages in Matthew’s gospel: the first (Mt 5:31-32) is a short reference in the sermon-on-the-mount; the second (Mt 19:1-12) is the longest and most detailed passage on Jesus’ teaching. There is a passage in Mk.10:2-12 which looks very much like a direct parallel of Mt.19:1-12. Finally, there is a short reference in Lk.16:14-18 which uses language similar to the Matthew and Mark accounts but rather more cryptically.

Which Text to Begin From ?

It generally makes sense, especially when we are dealing with translations into Greek of what was presumably originally spoken in Aramaic, to look at the most full accounts and through them to understand the more aphoristic references to Jesus’ teaching. In this we agree with Heth & Wenham (the authoritative source to which other advocates of “indissolubility” make reference) that Mt 19 is the primary passage to understand Jesus on divorce.¹⁹

We noted, of course, in our thoughts on exegesis that Jesus spoke Aramaic. We are not looking at literal *transcripts* but conveyance (we assume Spirit-guided) of meaning through translation. We also noted that a question like “Is it OK to go out with an unbeliever?” is given meaning by context beyond the bare words. Some later editor, in an era in which the real meaning of the question might be unclear, might write: “Is it OK *for a Christian* to go out with a *non-Christian* who is *of the opposite sex*, and *with a view to possible courtship*?” The italicised words may not even have been *said* by the original enquirer – but they were what was meant. Thus different gospel editors could add different phrases

¹⁹ The great Jewish commentator also held this in Edersheim (1900) ii p.334.

not to alter or add to what Jesus actually said (which was in any case in another language), but to properly explain his meaning.²⁰

I have decided, however, to look *first* at Lk 16:18 because this illustrates succinctly a couple of key contextual and grammatical points. Mt 19:1-12 will then be used to explore more fully the context of these points.

Luke 16:14-18

The Whole Passage

¹⁴Now the Pharisees, who were lovers of money, also heard all these things, and they derided Him. ¹⁵And He said to them, "You are those who justify yourselves before men, but God knows your hearts. For what is highly esteemed among men is an abomination in the sight of God. ¹⁶The law and the prophets were until John. Since that time the kingdom of God has been preached, and everyone is pressing into it. ¹⁷And it is easier for heaven and earth to pass away than for one tittle of the law to fail. ¹⁸Whoever divorces his wife and marries another commits adultery; and whoever marries her who is divorced from her husband commits adultery.

Can't we simply "take Jesus at his word"?

Some may feel Lk 16:18 is totally straightforward, "Surely," they may ask, "*any* remarriage of *any* divorcee is adultery, whatever the circumstances, and any other view is just trying to get around the 'plain meaning of Scripture'?"

Well, in its "plain meaning" without contextual interpretation, Jesus would be implying that after a man divorces his wife, *any* remarriage would be adulterous. He does not, for example, say:

Whoever divorces his wife, and marries another whilst the first wife is still living, commits adultery.

In its "plain meaning" his actual recorded words imply that *even if the first wife has died*, remarriage would constitute adultery. Would any modern commentator, Wenham and Cornes included,

²⁰ As noted, Fee and Stuart (1993) p.123 compare Mt.24:15-16, Mk.13:14 and Lk.21:20-21.

so understand Jesus' words? Surely they would take note of what Paul says in 1 Cor 7:39:

³⁹A wife is bound by law as long as her husband lives; but if her husband dies, she is at liberty to be married to whom she wishes, only in the Lord.

This Pauline teaching is not, of course, based on the creation passages, because God never intended Adam or Eve to die so that the other could remarry. It is based, *explicitly*, on the Jewish Law. Paul simply adds "only in the Lord" to the Jewish ordinance. We will later consider whether Paul meant, here, to deny the aspect of the Law that permitted remarriage after divorce, but the point in the present context is that death of a husband frees a wife to remarry. This was implicit also in the "seven brothers" question to Jesus in Mt 22, Mk 12 and Lk 20. Modern commentators do not accept the exegetical gymnastics needed by early church teachers like Anaxagoras, Tertullian and Augustine, to argue that remarriage *in any circumstance including bereavement* is wrong.

So in practice all expositors (including Wenham and Cornes) have to add at least one "interpretation" to Jesus' "plain words", if in the meantime her divorced husband has died the woman can then remarry.

Understanding it thus is not to reject Jesus' teaching, but to understand the context and assumptions behind the "plain words" and through this to discern his real meaning.

But if the divorcee whose former spouse has *died* is free to remarry, what about the divorcee whose former spouse has *remarried*? The situation in the case of bereavement is delineated, Paul implies, by the Jewish Law. But in the second case the Jewish Law in Deuteronomy actually *forbad* a husband to ever take back a divorced wife who had since remarried. What then would Jesus, (who said in Lk 16:17 that he had *not* come to abolish the Law) have meant to imply about this in Lk 16:18? He says nothing explicitly, of course, about whether the divorced wife might in the meantime have either died or remarried, but if we wish to interpret his words to exclude the first case then why not the second on the same basis?

All this is not trying to “escape the plain meaning”, but to understand the context. Scripture has to be consistently and contextually understood.

We may also look more deeply at the exact language and grammar of Lk 16:18 as we seek to explore what Jesus really meant.

The Grammar

The phrase “divorces... and marries another (*kai gamēsē akkēn*) (*και γαμηση ακκην*)” occurs in Lk.16:18 and also in Mt 19:9

Everyone divorcing his wife and marrying another commits adultery, and the woman having been divorced by her husband marrying commits adultery.

The Word commentary of Nolland notes on Lk 16:18 that

... it is very likely that the subject here is divorce for the sake of remarriage... Descamps, RTL 11 [1980] 16 n.37, has noted that among the Greek Fathers the linking *kai* [lit. “and”] was often understood in a final sense [that is as denoting purpose: so, “dismisses... in order to marry”]... Surely the remarriage is to be interpreted as adultery and in no sense the divorce already (to call divorce adultery would represent a quite arbitrary equation of incommensurables). At the very least we may say the divorce is no more than the logically necessary antecedent to the remarriage, and since the focus of the saying is upon the remarriage, it is most natural to take the sense as “divorces in order to”... it seems best to allow the concern for remarriage to be the dominant focus as well for the second half of the verse. A Jewish woman could not initiate divorce, but she could provoke it. The paramour who is waiting in the wings for his love to extricate herself from her present marriage is, in marrying his beloved, only giving a cloak of legitimacy that he, and therefore she, are arranging to commit. [Nolland (1993) p.822.]

The Greek fathers may not be useful as guides on Jewish divorce practice (cf **Appendix 2**), but they probably did know about Greek syntax.

Moreover, the idea of divorcing to remarry a prettier woman would be (as noted) *specifically* sanctioned by the later leading Hillelite Rabbi Aqiba, so we know that such ideas were likely to be in the minds of Jesus’ hearers and questioners.

The Context

The Luke 16:18 passage occurs in the context of questions about the hearts and desires of Jesus' opponents. Love of money, love of human praise, and selfishness in divorcing to remarry mark their attitudes. They simply do not begin from the point of delighting in what is in the Father's heart:

As we have noted, Nolland argues cogently that the grammatical as well as the contextual meaning is "Whoever divorces his wife *in order to* marry another..." Jesus is condemning divorce (presumably on Hillelite "any-matter" grounds) in order to remarry a more desirable partner.

But we may also note how this sets the scene of their relationship. It is not that Jesus rejects the Law, he is explicitly insistent on this, and whatever he meant by verse 18 it was clearly not to contradict the Law or change it. Rather it is about where their hearts are, and what is their first and central love. But it also left an unfinished topic, and the Pharisees return to that divorce topic later when Jesus is back in that same geographical area in Mt 19.

The Radical View of Gender Equality

What is noteworthy both here and in the parallel gospel passages is that Jesus has no gender-based double-standards. In traditional Jewish culture "adultery" was a crime committed by a wife and her lover against her husband – not a crime committed by a man against his wife. Already by Jesus' time Jewish thinking rejected polygamy as an option, so gender inequalities were lessening. Marital fidelity was expected for a pious man. Jesus is not, then, introducing an alien concept – but he *is* making the gender equality totally explicit. A lustful heart is adulterous irrespective of whether the object of the man's lust is married. A husband's infidelity is "adultery" as much as the wife's. Sadly, in many periods since of "Christian" history, this total rejection of any double standards has been ignored by men.

Matthew: 19:1-12:

The Whole Passage

³The Pharisees also came to Him, testing Him, and saying to Him, “Is it lawful for a man to divorce his wife for any-matter {*pasan eitian*}?” ⁴And he answered and said to them, “Have you not read that He who made them at the beginning ‘made them male and female’ ⁵and 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’? ⁶So then, they are no longer two but one flesh. Therefore what God has joined together, let not man separate.” ⁷They said to him, “Why then did Moses command to give a certificate of divorce, and to put her away?” ⁸He said to them, “Moses, because of the hardness [stubbornness] of your hearts, permitted you to divorce your wives. But from the beginning it was not so. ⁹And I say to you, whoever divorces his wife, not for sexual immorality {*mē epi porneia*}, and marries another, commits adultery {*moichatai*} [And whoever marries her who is divorced commits adultery.”²¹] ¹⁰His disciples said to Him, “If such be the case of a man with his wife, it is better not to marry.” ¹²But he said to them, “All cannot accept this saying, but only those to whom it has been given. ¹²For there are eunuchs who were born eunuchs from their mother’s womb, and there were eunuchs who were made eunuchs by men, and there are eunuchs who have made themselves eunuchs for the kingdom of heaven’s sake. He who is able to accept it, let him accept it.”.

What was their question/agenda?

What were they “testing”?

The Pharisees came to “test” (*peirazō*) Jesus with their question. The word *peirazō* can be used neutrally of “testing” as in Jn 6:6 and Rev 2:2, though it more often means test in the sense of tempt or entice.

²¹ The best manuscripts omit this second clause.

So what was the test? Ewald (1991) p.64 suggests that it was tempting him to contradict the Law because in his earlier comments he had seemed to reject divorce altogether.

There are, however, some central flaws in this suggestion.

Firstly, Mt 5:31-32 and Lk 16:18 follow respectively Mt 5:17-18 and Lk 16:17 in which Jesus states in the strongest terms both his commitment to the Law and belief that not a tittle of it will fail. Whatever the Pharisees took him to be saying, it was surely not that he would contradict the Law.

Secondly, even in the Mt 5:31-2 passage Jesus specifically said “divorces... not for *porneia*”. The natural understanding of this by his hearers would be that he aligned with the contemporary Shammaites who allowed divorce for *porneia*, not that he rejected divorce altogether.²² We have already noted the difficulty of taking the “face value” of the English of Lk 16:18, and that even the syntax in Greek indicates that what is in view is divorce *in order to remarry*. As we will see, this should be seen as an attack on the Hillelite view of easy divorce, not on the Mosaic Law as such.

So what *was* the test? It could just have been to see how well he stood up to the cut and thrust of rabbinic debate. If we look for more than this, we may note that both in the situation of Lk 16:18, and when they later return to the topic in Mt 19, Jesus is in Peraea in the jurisdiction of Herod Antipas. Herod Antipas and Herodias had both divorced previous spouses *in order to remarry to each other*. This was quite acceptable under the Hillelite approach, but any open assertion of a “Shammaite” rejection of such divorce could be politically dangerous in Peraea.

Edersheim, for example, accepts this possibility of political dimension, though he goes on to assert:

But their main object evidently was to involve Christ in controversy with some of the Rabbinic schools. This appears from the form in which they put the question, whether it was lawful to put away a wife for every cause? St Mark, who gives a very condensed account, omits this clause; but in Jewish circles

²² See also **Appendix 3** on the meaning of *porneia* in these passages.

the whole controversy between different teachers turned upon this point. All held that divorce was lawful, the only question being as to its grounds [Edersheim (1900) ii.p.332]

What Was the Question About?

Now Ewald takes the question in Mk 10:10 and Mt 19:2 as being “the broadest possible” ie “Are there any circumstances at all in which a man can divorce?” But this was simply not on the agenda, and it is not what they ask. They ask specifically about what is *lawful*. Absolutely no Jewish group believed that there were *no* circumstances at all in which it was *lawful* to divorce.²³ The Jewish Law plainly *did* allow divorce, the issue was on what grounds it was to be permitted.

Actually, their question is even more specific than this. A century after Edersheim noted it, Instone-Brewer has brought out much more clearly that the phrase “for-any-matter” (*pasan eitan*) indicates that it is the Hillelite-Shammaite controversy that is in view. We already noted that Shammaites held that the vague phrase used in Deut 24 referred specifically to serious moral impropriety (particularly sexual uncleanness including adultery), whilst the Hillelites held that divorce could be for *pasan eitan* (=any-matter). This is fairly explicit in Matthew, and implicit in Mark, as Instone-Brewer (2002) p.134 says:

The main differences between the accounts in Mark and Matthew... are the inclusion of the phrases “for any-matter” and “except for (a matter of) indecency” in Matthew... Most commentators have concluded that the phrases have been added by Mathew because the latter phrase is present in both Matthew 5:32 and 19:9, while they are absent from the parallels in Luke 16:18 and Mark 10:12. Although I will agree that Matthew has probably added these phrases to the tradition that he received, I will argue that he has correctly reinserted something that was present in the original debate. These phrases (or their equivalent) were removed when the debate was summarized for oral or written transmission. They were so obvious and well known to the original audience that they were considered superfluous.

²³ The Essenes rejected divorce, but their lifestyle was deliberately going beyond what the Law required for ordinary Jewish people, to take a priestly standard.

They would have been mentally inserted whether they were included or not. The phrases “any-matter” and “except indecency” were the phrases that encapsulated the positions of the Hillelites and Shammaites respectively, in their debate about the meaning of *‘ervat dabar* [indency of a matter] in Deuteronomy 24:1.

This is absolutely crucial to understanding Jesus’ reply.

The question was *not* a broad question about divorce, it was a specific reference to the Hillelite-Shammaite controversy. The phrase *pasan eitan* is far too similar to the key controversial phrase for this to be coincidence, and nothing in Jesus’ earlier teaching would have indicated that he might forbid divorce altogether in contradiction to Torah. The NIV tries to convey this by rendering it: “Is it lawful for a man to divorce his wife for any and every reason?” This was clearly the Hillelite position.

Heth and Wenham (the authority and doyen of the “indissolubility view”) also agree that:

Jesus is asked for his opinion on one of the big moral issues of the day: how should Deuteronomy’s law of divorce be interpreted. The Pharisees who followed Shammai held that divorce was only legitimate for serious sexual offences, whereas the more liberal followers of Hillel argued that any misdemeanor, even spilling food or talking too loud, justified divorce

This is a question specifically about the right interpretation of Deut 24, not some general question about divorce.

To summarize:

- They are not asking a general question about divorce; it is specifically about the interpretation of the particular OT passage Deut 24:1-4 on divorce.
- They asking him whether he takes the Hillelite view that divorce based on Deut 24 can be for “any-matter”, or the Shammaite one that it is only for serious sexual or idolatrous immorality ie *porneia*.
- They may be simply “testing him” in the sense of seeing how well he enters Jewish rabbinical debate. They may be trying to

get him into trouble with Herodias and Antipas who both divorced for “any-matter” in order to remarry each other.

Jesus' First Answer

The Text

And he answered and said to them, “Have you not read that He who made them at 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 then, they are no longer two but one flesh. Therefore what God has joined together, let not man separate.”

Legalism and the Heart

The Hillelites (and arguably the Shammaites) were beginning with the wrong question. They were asking:

“When does Deut 24:1-4 let us get rid of a wife?”

The Pharisees and most rabbis were (like my own church) part of a “holiness movement”. Like all holiness movements their temptation was to fall into legalism – which is why Jesus is so hard on them as a group in Mt 23. Legalists ask what they *can* do; children of the Father ask *first* what is in the Father’s heart. Interestingly, this was raised immediately before the earlier discussion of divorce issues in this geographical location in Lk 16:18 – in 16:16 we find that their hearts are far from God even in their legalism.

So Jesus doesn’t immediately answer their question. Just as when dealing eg with Nicodemus or the woman at the well, he cuts across their thinking with his own agenda and issues. *We should, Jesus says, always begin from the fact that God intended marriage to be permanent.*

It would be a fundamental mistake to see this as a new legalism, as though we now had *three* alternative sets of rules:

1. *Hillelites*: you are allowed to divorce for “just-any-any reason”.
2. *Shammaites*: you are allowed to (and should) divorce only for serious sexual misdemeanour or other serious moral blame.
3. *Jesus*: you are not allowed to divorce at all.

It is no use hedging this with some caveat such as that Jesus was “only setting standards for discipleship not making rules”. The rabbinic rules themselves were not about “getting right with God” but about expressing the holy lifestyle fitting the covenant people of God.²⁴ But the basic problem with the Pharisees in Lk 16:17 is not that they have got the rules about possessions wrong, but that their *focus* is love of money not love of God. The problem with their lifestyle is not that they get the phylacteries and feasts wrong, but that their *focus* is on human opinion and not on divine relationship. The problem with the Hillelite view of divorce is not so much that they get the specific regulations wrong (though they do), but that their whole question is based on selfishness and not on the heart and intentions of God. The question “Can I divorce my wife for any reason I like?” just begins from the wrong place. The Shammaites actually get the interpretation of the Deut 24 statute “right”, but even they are probably still seeing it legalistically.

There are, however, a number of key points to note in the wording on his answer in the context, which do inform us as to what is generally in the heart of God for marriage:

Male and Female:

Jesus deliberately links together the “male and female” of Gen 1:24 with the “leaving and cleaving etc” of Gen 2. He assumes that marriage involves the reuniting of male (*zākār*) and female (*n^eqēbā*), the bonding of man (*'iš*) and woman (*'iššā*) to form the human unit that Genesis symbolically records as split to make them in the first place. This is, then, quite definitely a heterosexual bonding in the view of Jesus.

Monogamy:

A second point is that Jesus quotes the LXX “the **two** shall become one flesh”. The Hebrew text, as noted, was less specific, but Jesus is here endorsing the rabbinic understanding by this time

²⁴ This has been made clear with the work of Ed Sanders, Tom Wright, James Dunn and others. The rabbinic traditions are about holy living, not about “getting right with God”.

(reflected in the LXX) that the original intention of God was that marriage should be monogamous.

The One Flesh:

What would Jesus' hearers have understood from his reference to the "one flesh"?

As concerns what initiates it, it is the action of the man in leaving and cleaving which creates the one flesh. Jesus' second sentence "So now they are no longer two but one flesh" simply reiterates the point.

So, then, does the next phrase "What God has put together..." imply some irreversible divine action? Remember, what we are asking, is what Jesus would reasonably have expected his hearers to understand from his words. Nowhere in any previous or contemporary Jewish or rabbinic work is there any indication that the "one flesh" was taken to imply some kind of mystic divine action. As already noted, the Jewish rabbi Paul, though apparently familiar with some of Jesus' words on divorce, took casual sex with a prostitute as forming "one flesh", albeit temporarily and illicitly. There is no reason whatever to expect that Jesus' Jewish hearers would take his words to mean a mystic irreversible divine action *in addition to* the sexual bonding and cleaving of the partners in marriage. So would the phrase "What God has put together..." be enough to convey this? Let us remind ourselves that if it did imply some irreversible mystic divine action this would be a totally new idea to them – and Jesus would have needed to express it very clearly.

In the context Jesus refers to God's creation of "male and female" and then jumps to "*for this reason...*" The point is that marriage is not merely some human invention, but an expression of divine intention. The *reason* behind the bonding in marriage (even though that bonding is a deliberate human action in each case) is that this was God's intention in creating male and female in the first place. In the Genesis context, God has made an "ally corresponding to" the man, so that he should not be alone. The whole implication is that when a man (*'iš*) cleaves to a woman (*'iššā*) in the intimacy of sex and becomes one-flesh, *it is fulfilling God's intention*. But there is no implication in the Genesis text

that God does some kind of mystical unification process to create an indissoluble union, and nothing anywhere in the OT or rabbinical documentation to suggest that anyone thought there was. God has “joined them together” in the sense that this was his whole intention in creating sex and gender, the bonding of marriage is part of the divine plan.

Now all this was a perfectly logical and mainstream view for a spiritual first century Jew to take. Jesus is drawing out the true implications of a mainstream OT exegesis, not inventing some totally new and previously unheard of notion of a divine action separate from the human cleaving and bonding in marriage.

“Let not” versus “Can not”:

This understanding is enforced by the second half of the sentence:

What God has put together *let not* man separate.

There is no point in forbidding someone to do what is impossible for him or her to do anyway. We noted above eg the indissolubility view of Williams:

The fundamental principle is that the one flesh marriage bond is indissoluble and even divorce cannot break it.

But if Jesus had thought this then surely he would have said: “What God has put together man *cannot* really separate”. If Jesus believed that God had irreversibly bound a married couple (by direct divine action) into an indissoluble “one flesh”, then it would be not merely *undesirable* but *impossible* for man to separate them. If God really indissolubly bound married couples together, then to say “What God has put together let not man separate...” would be like saying after the destruction of the inhabitants of Sodom: “Whom God has destroyed by fire let not man resurrect...” Since no man could do it anyway it would be pointless to forbid it.

In summary, the “one flesh” concept did not imply indissolubility. To say “let not” rather than “cannot” clearly implies that “indissolubility” is not in the mind of Jesus here. What Jesus *is* saying is that the “one flesh” bonding of marriage is humanly initiated but is undertaken in fulfilment of a divine intention for

monogamous permanent commitment, and that humans *can* terminate this bonding but *should not*.

The Purpose of the Divorce Law

The Text

⁷They said to Him, "Why then did Moses command to give a certificate of divorce, and to put her away?" ⁸He said to them, "Moses, because of the hardness of your hearts, permitted you to divorce your wives, but from the beginning it was not so.

Command or Allow

Too much should not be made of the word "command" here because the Mark parallel has "allowed". Though many rabbis may have thought it morally incumbent to divorce an unfaithful wife, the basic question is: "Why did God give us a law if he didn't intend us to use it?" This is a typical legalist response: it sees the laws as setting bounds for what is permitted rather than as part of guidelines for living in harmony with God's heart.

Jesus' Response

So Jesus addresses the purpose of such laws. We know that in actual society there is "hardness of heart". This last term is used only in this context and in Mk 16:14 (of the disciples' lack of spiritual perception of the whole divine heart and plan because they did not believe those who had seen the resurrected Messiah). Had all the Israelites been really living in spiritual harmony with the Father there would have been no need for any divorce law. Had Abraham really been living in total spiritual accord with the Father then he would never have married Hagar, and never have needed to divorce her. Yet God *did* tell Abraham to divorce her – and not for any moral impurity or desertion on her part. Divorce was for Abraham the "least worst option", and divorce in general never occurs because people are living in harmony with God's plan and intentions but because in some way or another it is the "least worst option".

The Hillelites wrongly interpreted Deut 24:1-4 to condone purely selfish divorce, and both Hillelites and Shammaites interpreted it that "justice" *required* an unfaithful wife to be divorced. This was why, Joseph *being a just man*, went for the gentler non-public

Hillelite option of divorcing his betrothed but (as he thought) unfaithful wife Mary privately. But both of these interpretations misinterpreted the text. The first because easy selfish divorce is clearly against the heart and mind of God for marriage, and the second because although in cases of *porneia* divorce may *sometimes* be the “least worst” option, yet in other instances the “least worst option” may be reconciliation and forgiveness.²⁵ Both rabbinical schools were wrongheaded because legalism does not begin with seeking the mind and heart of God, and his pragmatic solution to situations that are sometimes less than ideal. But Jesus did not intend his words to be taken to set up some new even stricter “legalism”, with the divorce pragmatism of Deut 24:1-4 abrogated altogether and disciples locked into a legalistic nightmare where (as we shall see) convicted wife murderers can remarry but innocent victims of selfish divorce cannot remarry.

Jesus' Elaboration

The Text

⁹ And I say to you, whoever divorces his wife, not for sexual immorality, {*mē epi porneia*}, and marries another, commits adultery; and whoever marries her who is divorced commits adultery."

The Meaning of *Porneia*

The word *porneia* is not the usual word for “adultery”, and there is controversy as to what it means here. This is looked at in detail in **Appendix 3**. The clear evidence points to the conclusion reached by Heth & Wenham (1984) on this:

Though a term like *moichaeia* (‘adultery’) clearly and unambiguously denotes the act of adultery, *porneia*, in and of itself, does not signify any one particular sexual sin. It is a wide expression, and the context in which it appears determines its meaning. Hence it may be used to denote *any and every* form of sexual misconduct contrary to the will of God. (p.176)

²⁵ Even in the Old Covenant Hosea took back unfaithful Gomer.

The Reference to Shammaite and Hillelite Views

Heth & Wenham (1984)²⁶ also firmly accept (as does Instone-Brewer) that the primary reference in the phrase *mē epi porneia* is to the Shammaite view of Deut 24:

This is the near certainty that the phrase in Matthew 5:32 and the abbreviated form in 19:9 correspond to Shammai's transposition of the Hebrew words in Deuteronomy 24:1 (cf. m. Git 9:10)

Now in Mt 5:31-2 we read:

³¹ "Furthermore it has been said, 'Whoever divorces his wife, let him give her a certificate of divorce.' ³² "But I say to you that whoever divorces his wife except for sexual immorality {*pareketos logou porneias*} causes her to commit adultery; and whoever marries a woman who is divorced commits adultery.

In the context of Matt 5, of course, Jesus is not denying that any of the biblical laws are not inspired by God – he quite specifically says that he has *not* come to abrogate the Law. He is criticising their *understanding* of it – they are missing the point because their *hearts* are wrong. Likewise the “eye for an eye” law is not wrong (because in its context it was to *limit* revenge), but their approach to it misses the point of a merciful and forgiving spirit. Their common (Hillelite) understanding of the Deut 24:1-4 divorce law begins from selfish desires to divorce wives for little or no reason other than to marry a prettier or better one. Verse 31, then, clearly indicates that Jesus is talking specifically about the common interpretation of Deut 24:1-4 (not, for example, about the Ex 21 grounds on which he makes no comment). The phrase *pareketos logou porneias* clearly signals that what he is talking about is Hillelite divorce. He was not meaning to reject the Deut 24 law altogether and abolish the Law. He rejects divorce for “any-matter” ie on grounds other than porneia.

In Mt 19, again, he is dealing with the two divergent rabbinical views of Deut 24:1-4.

1. For “any-matter” [only Hillelites]
{This is represented in the their phrase *pasan eitian*}

²⁶ Wenham effectively endorses this in Wenham et al (2006) p. 30.

2. For serious sexual misdemeanour or other serious moral blame [both Shammaites and Hillelites]
 {This is represented by Jesus' term *mē epi porneia*}

Grammatical Considerations

Heth & Wenham accept with M. Zerwick and J. Dupont that the phrase as used in Mt 5:32 and 19:9 has similar meaning. They are, as noted, different in the Greek of most manuscripts:²⁷

Mt: 5:32: *pareketos logou porneias*

Mt 19:9: *mē epi porneia*

The word *parektos* appears in the NT only in Acts 26:29 and 2 Cor 11:28, and means “aside from” or “apart from”. Heth & Wenham show that the phrase therefore qualifies the kind of divorce: it is “divorce apart from that for *porneia*” ie it is the Hillelite for “just-any-cause” divorce Jesus is criticising as arising from an adulterous spirit.

In the Mt 19 passage it reads:

hos an apolusē tēn gunaika autou mē epi porneia kai
 whosoever shall divorce wife of him not for *porneia* and
gamēsē allēm moichatai
 shall marry another commits adultery

This uses *epi* followed by the dative, and Heth and Wenham state that:

One of the most common ways Matthew uses *epi* followed by the dative is to denote the basis or grounds for an action.” (p.182)

The basis or ground of the divorce, therefore, was “not for *porneia*”. Since, as we have noted, divorce was generally either on the universally accepted grounds of “*porneia*”, or for “any-

²⁷ Though some manuscripts have Mt.19:9 as the same as 5:32, and Clement mixes the two together.

matter”, if its not the one then it is the other. In other words, Jesus is talking about divorce for “any-matter” in the Hillelite terms..

In the context they asked him about divorce for “any-matter”, and he replied that divorce “not-for-pornea” to remarry comes from an adulterous mind-set and spirit..

Is This One Statement or Two?

Heth and Wenham argue that the “preterists” want to take *mē epi porneia* parenthetically. It seems that “preterists” want to get two statements out of the saying:

(a) All remarriage after divorce is adultery.

(b) Those who divorce for adultery are an exception to this.

Grammatically this is not really possible, as Heth and Wenham show – and they give this as their major reason for rejecting the view. Like various traditional Catholic theologians, they emphasize that the *mē epi porneia* qualifies the divorce, not the remarriage. Of course it does. The starting question was whether a particular kind of divorce, a “divorce for anything” was OK. Jesus replied that divorce of any kind implied departure somewhere along the line from God’s original intention, and added a comment about those who divorce-for-any-matter and remarry (with a strong implication that the *motivation* for the divorce was because of the wish to remarry, rather than because there was any serious sin or moral defect in the wife). But it remains a single statement about an adulterous spirit in this particular group of people: “those who divorce-for-any-matter and/to remarry”. It does not comment on those who divorce for *porneia* and later remarry – because the original question did not concern them. Moreover, although earlier Jesus has said “let not man separate” which implies that divorcing on whim is wrong, those who divorce “for-anything” and do not remarry are not the subject of his present sentence either. To reiterate, it concerns only “those who divorce-for-any-matter to remarry” whose spirit is adulterous, like those who lust (which is where this process begins – in seeing a “more desirable” potential partner).

However, Heth and Wenham themselves also want to make this sentence into two (or even three) statements – giving this in two

separate places:

‘No cause, save unchastity, justifies divorce, and even then remarriage is adultery.’ (p.52)

“Jesus replies: ‘It is always wrong to divorce what God has joined together: what is more, divorce, except for unchastity, is adulterous²⁸, and remarriage after divorce is always so.’” (p.71)

They claim, then, that Jesus made two or maybe three separate assertions:

- (a) (i) A man can divorce only for *porneia* (ii) a divorce for any other reason is adultery.
- (b) If a man remarries after divorcing for any reason including *porneia* then this is adultery.

What is odd is that this resembles the actual text even less than the “preterist” view. There is simply no way that by rearranging, reassociating, or doing anything else with Mt 19:9, it can be made into saying these two or three statements. It might perhaps have given these statements *if* Jesus had said:

And I say to you, whoever divorces his wife, except for sexual immorality **OR** marries another, commits adultery

But there is no linguistic basis at all for reading the Greek word *kai* to mean “or”. It can mean either “and” or “even” depending on context, but not “or”. Actually, this would not help anyway, because this would imply that a Hillelite “no-blame” separation, *even without remarriage* was adultery – which would be very odd indeed. We might agree, for example, that a man who deserted his blameless wife to become a celibate monk was violating the precept “let not man separate” – but he surely could not be called “*adulterous*”?

Trying to make Mt.19:9 mean two statements leads Heth and Wenham into just this confusion. Only *one* sin of the man is ascribed here (adultery), so if both unjustifiable divorce and

²⁸ In Wenham et al (2006) p. 29 Wenham also takes Mt 5:32 to say: “Divorce alone (except for *porneia*) = adultery”. In fact Jesus there says that divorce causes the woman to commit adultery, not that it is itself adultery.

remarriage in any circumstance are wrong, are they both adulterous? Compare:

... it is divorce followed by remarriage that constitutes adultery, not the divorce itself.” (Heth & Wenham p.48).

...what is more, divorce, except for unchastity, is adulterous (p.71)

One can see why Jesus would say that lust was equivalent to adultery, but what conceivable logic would make divorce for any reason other than *porneia* (eg to join a monastery) constitute “adultery”? It might be wrong, uncaring, un-Christlike, and evil – but it would not be “adultery”. This kind of confusion and self-contradiction is the result of trying to make what is plainly one statement about those who “divorce not-for-*porneia* to remarry” into two separate statements about two different (if overlapping) groups of people.

Jesus could easily, of course, have made two clear statements eg:

“A man can legitimately divorce only for *porneia*, and even in such a circumstance must then remain unmarried because all remarriage after divorce is adulterous.”

Had he made such a statement, we might note:

1. He would indeed be abolishing the Law – which is precisely what he says he is not doing both in Mt 5:17 and Lk 16:17.
2. He would be introducing a new concept of divorce without possibility of remarriage that would be totally radical and unlike anything else contemporary Jews believed and so he would have needed to make it crystal clear.
3. The whole point of giving the “bill of divorce”, in Jewish eyes, was to enable remarriage. It would be really confusing to use the term “divorce” and mean something different from this without really explicitly explaining this.

Neither grammatically nor contextually does the Heth & Wenham attempt to make Mt 19:9 into two separate statements make sense.

Contextually we have seen (and Heth & Wenham agree) that the *pasan eitian* and *mē epi porneia* both refer to the Hillelite divorce

grounds. Jesus has been asked whether he thinks that the Hillelite divorce grounds are OK, and he effectively replies:

“Those who divorce on Hillelite grounds to remarry commit adultery”.

Matthew makes extra clear what Jesus means by identifying the specifically “Hillelite” grounds though using the phrase “not-for -adultery” rather than “for-any-matter”. Had he used the latter phrase then literally it would have read:

“Those who divorce for any reason and remarry commit adultery.”

Modern legalists would then have absolutely insisted that this meant remarriage after divorce *for any reason at all* (including porneia) was adulterous! It is probably to stop this that Matthew uses the equivalent phrase “not-for-*porneia*” rather than use “for-any-matter” in its technical sense, to clarify that it is specifically Hillelite-grounds-divorcees he is referring to.

What About Those Who Divorce for *porneia*?

Jesus actually makes no comment at all in Mt 19 about the remarriage of those who divorce on the basis of the Shammaite understanding of Deut 24. He is just not talking about them, and the question he was asked did not concern them.

As an analogy, suppose there is a notice up in an airport:

Anyone landing without the correct visa will be detained

This is not commenting on what may happen to those who land *with* a visa. It does not tell us whether some (or all) of them may also be detained. It is not making possession of a visa an “exception clause” for detention. It addresses only those without a visa.

At the same time, it *is* sensible to conclude that at least *some* of those who arrive with a visa will *not* be detained. Otherwise the notice might just as well have said:

Anyone landing without or without a visa will be detained

Actually, there would then really be no point in mentioning the visa at all, it might just as well have said:

Anyone landing will be detained

Analogously, if absolutely anyone who remarried after divorce were committing adultery, what possible point is there in restricting his statement to those who remarry after divorce on Hillelite grounds? As already noted, he makes only one statement, he does *not* make a first statement about divorce and then a second about remarriage after divorce.

Divorcing to Remarry

The difference between divorces based on “*porneia*” and those based on “any-matter” is not simply about correct interpretation of Deut 24:1-4. Underlying it is a difference of heart-attitude.

If a man’s wife commits a serious sexual sin (adultery, bestiality or a lesbian affair) then his seeking divorce is initiated by her action, which effectively has already broken the relationship.²⁹ This is not to say (in the New Covenant) that divorce is then *compulsory*, but that her *porneia* is its initiating stimulus.

For, however, a man contemplating divorce on grounds of “any-matter” this would usually be because he wanted to take up a “better option” ie a new partner. The man who:

“divorces his wife for “any-matter” and marries another”

was almost always (in Jewish culture where singleness was unusual) doing the first *in order to do* the second. No serious breach of the marital bond has occurred, the man just doesn’t fancy her anymore and wants to move on.

It should be reiterated that not only contextually but also linguistically it would be better rendered “whoever divorces his wife *in order to* marry another commits adultery”. As already noted, the phrase “divorces... and marries another (*kai gamēsē akkēn*) (*και γαμηση ακκην*)” occurs in Mt 19:9 and also in Lk.16:18, and Nolland’s Word commentary states:

... it is very likely that the subject here is divorce for the sake of remarriage... Descamps, RTL 11 [1980] 16 n.37, has noted that among the Greek Fathers the linking *kai* [lit. “and”] was often

²⁹ Actually, the alternative Ex 21 grounds of denial of basic rights (though desertion etc) is similar – but this is not the issue in Mt 19.

understood in a final sense [that is as denoting purpose: so, “dismisses... in order to marry”]...

Moreover, the idea of divorcing to remarry a prettier woman was *specifically* sanctioned by the not much later Hillelite Rabbi Aqiba, so we know that such ideas are likely to be in the minds of Jesus’ hearers and questioners. Those who divorce for “any-matter” will *usually* be divorcing to remarry. That Jesus should refer directly to these makes perfect sense of the context in which they asked him the question.

The Pre and Post Situation

Some points may be reiterated in terms of “pre and post”. We have already noted the impossibility of taking Jesus’ words as rendered into English “at face value”. The NIV, for example, translates it:

I tell you that anyone who divorces his wife, except for marital unfaithfulness, and marries another woman commits adultery.

As this stands it would imply that if Jack divorces Jill by mutual agreement in 1992, then whatever happens in the future *any* future remarriage is adultery. Yet no modern commentator suggests that a once divorced man can *never under any circumstances* remarry. Suppose eg:

- (a) Jill remarries and has six children.
- (b) Jill dies in a car accident.
- (c) Jack murders Jill a year after divorcing her.

Wenham, Cornes, Williams etc will all accept from Paul’s statement of the Jewish Law (eg in Rom 7:1) that death dissolves marital obligation and if either (b) or (c) occurs then Jack (after suitable repentance) can remarry. But Jesus does not mention this here, and if he is (as those advocating “indissolubility” assert) cancelling the Deut 24:1-4 Jewish divorce Law, then why not other aspects of the Law as well? No possible interpretation of the Jewish Divorce Law would hold that under (a) Jack cannot remarry – in fact the whole point of Deut 24:1-4 was that her marriage to Jack is irrevocably ended and he is *forbidden* to take her back even if her second husband were to die. So what possible logic would there be in applying the Jewish marital law to (b) and

(c) but not to (a) when Jesus' words give no apparent exceptions on any of the three grounds?

There is, as already noted, a strong case that the sentence would be better rendered:

I tell you that anyone who divorces his wife, not-for-sexual-impurity, to marry another woman commits adultery.

Jesus is addressing men who wanted to know if it was OK to divorce their wives to move on to a new partner. It is, in a sense, a pre-divorce question:

“Can I ditch this wife and get a better one?”

Jesus is *not* answering the question eg:

“If I divorced my wife ten years ago and she now has a new husband, am I now free to remarry?”

To further illustrate this “pre” and “post” situation, suppose that Jesus had been asked:

“Is it OK for a man who no longer loves his wife to murder her and remarry?”

One presumes that he would say “NO!” not only because the ten commandments forbid murder, but because this kind of action is not in the heart or intention of God for a *loving* marital bond. But this would be quite a different question from:

“If I murdered my wife ten years ago, and have deeply repented this sin; am I now free to remarry?”

To forbid a man to murder his wife to remarry another, is not the same as saying that a convicted but repentant wife-murderer can never remarry. To say that a man should not divorce his wife to remarry another is not the same as saying that a divorced but repentant man, even if eg his ex-wife has herself since remarried, can never remarry while she lives. There *is* a difference between a pre and post situation in our walk with God, and the dangers of what some call “cheap grace” do not nullify this.

Implications and the Disciples' Response

Jesus was asked a question about Hillelite divorce, and responded by starting from God's intention that marriage should be

permanent and not subject to human separation. He then said plainly that Hillelite grounds are not acceptable, and that to use them to remarry (the main motive) is as effectively adulterous as “looking lustfully”.

The implications of this are

- (i) If you have a wife you are probably stuck with her.
- (ii) Don't marry unless you intend it to be “for-keeps”.

Cornes has suggested that the disciples were astonished at this novel teaching, but the text says nothing of the kind. We are told 11 times in the gospels that they were astonished at his teaching (eg in this very chapter in Mt 25:19 when he says how hard it is for a rich man to be saved) but it says no such thing here. The Hillelite view was probably greatly preponderant³⁰ (and Joseph thought to follow Hillelite procedure in divorcing Mary privately so perhaps Jesus was from a Hillelite background), but the disciples express no particular surprise. They just give an obvious reaction: “If it's that permanent a commitment then best stay clear of it.”

Matt 19:¹⁰ His disciples said to Him, "If such is the case of the man with his wife, it is better not to marry."

Jesus' reply was this:

¹¹ But He said to them, “All cannot accept this saying, but only those to whom it has been given: ¹² For there are eunuchs who were born thus from their mother's womb, and there are eunuchs who were made eunuchs by men, and there are eunuchs who have made themselves eunuchs for the kingdom of heaven's sake. He who is able to accept it, let him accept it.”

The reference to “eunuchs” is, of course, hyperbole for staying celibate.

Several other things about this may be noted.

Firstly, to those who feel unable to make a permanent commitment Jesus does not offer caring promiscuity, gay sex, or state-run brothels – he offers them the choice to stay single and celibate for the Kingdom of Heaven.

³⁰ Instone-Brewer (2002) gives good reasons for believing this on pp.114f.

Secondly, unlike Paul who sees it as a “calling”, Jesus puts the onus onto their own choice. Some people are constitutionally unable to enter a permanent relationship, some are rendered such by their society-given position (eg slaves who have no choice), but others may deliberately decide to chose this life of single celibacy “for the Kingdom of Heaven” because they feel unable (for whatever reason) to make a permanent commitment. It is a positive choice.

Thirdly, Jesus is not here addressing the situation of a divorced person who wonders if they can legitimately remarry. It is not a plea to stay celibate if they are separated. It is a response to a question as to whether, if someone feels unable to make a permanent commitment, it would be better to stay single. The central question (irrespective of whether the unmarried person concerned is a bachelor, widower, or divorcee) is that if they cannot commit to a permanent relationship then they should stay single. It is not about someone staying single because (s)he is divorced.

Finally, we may note that Jesus clearly did not see childbearing as central to human identity. Celibacy is advised for those who feel unable to enter faithful marriages, and celibates bear no children.

Mark 10:2-12

The Text

²Some Pharisees came and to test him they asked: “Is it lawful for a man to divorce his wife?” ³He answered them: “What did Moses command you?” ⁴They said: “Moses allowed a man to write a certificate of dismissal and to divorce her.” ⁵But Jesus said to them: “Because of your hardness of heart he wrote this commandment to you. ⁶But from the beginning of creation ‘God made them male and female’, ⁷For this reason a man shall leave his father and mother and be joined to his wife, ⁸and the two shall become one flesh. ⁹Therefore what God has joined together let no one separate.” ¹⁰Then in the house his disciples asked him again about this matter: ¹¹He said to them, “Whoever divorces his wife and marries another commits adultery against her, ¹²and

if she divorces her husband and marries another she commits adultery.”

Matthew and Mark

The Mark passage is directly parallel to Mt 19, and, as Instone-Brewer asserts, Matthew adds the explanations that to us are really necessary. First century Jews knew very well that no Pharisee would conceivably come and ask baldly: “Is it lawful for a man to divorce his wife?” Matthew adds the Hillelite clause <for “any-matter”> to clarify what the questioner was really after.

We may note the difference in the wording in Mark:

He answered them: What did Moses command you?” They said: “Moses **allowed** a man to write a certificate of dismissal and to divorce her.”

This indicates that it is Hillelite divorce that is in view. In a case of *porneia* they were not “allowed” to divorce, it was more of an obligation. Their focus is on what they are “allowed to do”.

Their question, ostensibly, was just about divorce. Yet Jesus’ reply says:

Whoever divorces his wife and marries another commits adultery against her.

This shows that, as in Matthew, their real intent is Hillelite “any-matter” divorce to remarry. As already noted, the patristic understanding of this grammatical structure was “divorces *in order to* remarry” – and this is certainly the idea here.

As before, Jesus does not qualify his words. Thus eg if a man divorced his wife who later died he could presumably remarry – but Jesus is dealing with their Hillelite intentions and not giving comprehensive new legislation on divorce.

Matthew 5:27-33

Text

Matt 5: ²⁷ "You have heard that it was said to those of old, 'You shall not commit adultery.' ²⁸ But I say to you that whoever looks at a woman to lust for her has already committed adultery with her in his heart. ²⁹ If your right eye causes you to sin, pluck

it out and cast it from you; for it is more profitable for you that one of your members perish, than for your whole body to be cast into hell.³⁰ And if your right hand causes you to sin, cut it off and cast it from you; for it is more profitable for you that one of your members perish, than for your whole body to be cast into hell.³¹ "Furthermore it has been said, 'Whoever divorces his wife, let him give her a certificate of divorce.'³² "But I say to you that whoever divorces his wife except on a matter of *porneia* {*parektos logou porneias*} causes her to commit adultery; and whoever marries a woman who is divorced commits adultery.

Interpretation

This passage needs to be looked at as a whole – it is *all* about adultery. They all knew, of course, the seventh commandment; however Jesus is concerned not just with acts but also with the heart. Of course vs 28 is both aphorism and hyperbole. A lustful man has not *literally* committed adultery. Neither does Jesus intend us to take vs.29 “literally” – it is surprising how few one-eyed men there are amongst self-proclaimed literalists! Then Jesus progresses naturally from the lust – which is equivalent to adultery – to the eye that leads to it, and hand that begins the process of actualizing the lust into act.

But, Jesus might be asked, what is wrong with a married man looking with infatuation at an another woman – surely the whole point of Deut 24:1-4 is that a man can divorce his present wife for “any-matter” in order to marry the new object of his desire? Verse 31 specifically refers to Deut 24:1-4, and Jesus indicates his intention to comment specifically on this point. So vs 32 flows naturally on from the rest. The context is a man looking lustfully at a woman other than his wife, and then divorcing his wife not because she has done some serious misdemeanour (*porneia*), but for “any-matter” to take instead the object of his lust. The “adultery” of the man, Jesus says, had already effectively happened at the time the lust was entertained. But the further effect is that in giving the wife a bill of divorce everyone presumes that she will then remarry – that is what the bill of divorce is to enable. In a sense, then, as well as his lust

constituting “adultery” in the man, the resulting unjustifiable divorce leads the woman to remarry “adulterously” too.

However 5:32 is taken, it must be intended to be somewhat cryptic. At face value it says that to divorce a woman makes her adulterous – irrespective of what then happens to her. At face value it seems to imply that if a woman is divorced for *porneia* then this does not make her commit adultery whatever happens to her. At face value it says nothing about whether or not her former husband dies before any remarriage on her part takes place. But none of these would make any sense – any more than to suggest that the implication of 5:27 is that if a man has ever lusted then his wife has reason either to divorce him or even have him executed under Jewish law for adultery.³¹ This is why we can only assume that the whole scenario is lust → divorce for “any-matter” → remarriage of both partners. What Jesus is saying is that the whole thinking behind this process is wrong. God intends us to work to preserve our marriages, and for a man to “delight in the wife of your youth”.

Conclusions

Jesus is, in his divorce pronouncements, fundamentally addressing people whose lustful spirit was leading them to divorce spouses without any real cause, in order to take a more desirable partner. The background context is the Hillelite view that expressly condoned this from Deut 24, and in Mt 19 this was what he was asked about. In saying “*let not man separate*” he implies that divorce really *does* terminate marriage, marriage is not indissoluble. Jesus wants his follower, however, to think in terms of God’s heart and intentions, which is for marriage to be permanent, faithful, loving and lifelong, and divorce is only ever a “least worst” option. He is not meaning to comment on whether eg a person who has been divorced and whose ex-spouse may now be remarried, is free to remarry. Nor is he saying that remarriages are in some way not real marriages. He is simply not addressing such issues in the words we have recorded of him in the Gospels, and his words have to be taken in context.

³¹ Though getting the required two witnesses would be difficult!

6. Paul's Teaching

Corinthian Background

The Corinthian Church

Paul's most detailed teaching on the separation-divorce issue is in 1 Corinthians. A lot is known about both the general background and the church background in Corinth.³² In 46 BC, after a century of it lying ruined, Julius Caesar rebuilt Corinth as a Roman colony calling it *Laus Iulia Corinthus* ("Corinth, the praise of Julius") [see Appian, 8.136]. It was this "Roman" Corinth (not the earlier Greek city) with which Paul dealt. Divorce in "Roman" Corinth would be frequent and easy. Seneca says many Roman women:

...reckon their years not by the number of consuls but by the number of their husbands. They leave home in order to marry and marry in order to divorce.³³

Sexual promiscuity was also common, and the idea of marital fidelity (other than in the Jewish community) not prominent. Corinth was a wealthy commercial port, with all the general facilities offered to sailors, including prostitution.

Paul went to Corinth on his second missionary journey. He found fellow tentmakers Aquilla and Priscilla newly expelled from Rome (probably in 49AD), and with them effectively founded the church there. Later, while in Ephesus (c AD 55), Paul heard of moral problems within the Corinthian church from "Chloe's people" and wrote a letter of instruction to them (cf 1 Cor. 5:9) though this first letter is not extant. Paul stayed in Ephesus for a total of three years (Acts 19:1; 20:31), and wrote his second letter to the church in Corinth, (known to us as 1 Corinthians) in the last of these three years.

They were a real mixed bunch. Crispus (Acts 18:8 and 1 Cor.1:14) was a prominent Jew. Titus Justus was apparently a well-to-do

³² See especially Winter (2001), Thistleton (2000).

³³ Seneca (4-65 AD) *De Beneficiis* 3:16:2.

“God-fearer”, a Gentile (like Cornelius and Lydia) who worshipped the Jewish God without assuming Jewish identity or nationality. Paul also indicated that some had formerly worshipped idols (1 Cor.6:11), and there was a large Gentile component. Paul unflatteringly remarked (1 Cor.1:26) that among the members of the church there were “not many wise according to the flesh, not many powerful, not many noble.” But clearly there were also the rich (1 Cor.11:22), presumably including Gaius and Erastus who was from the highest echelons of society.

Sex and One Flesh

There were also various rival groups in Corinth, including those we might call “libertines” and those we might call “ascetics” in sexual matters. The libertines apparently thought that as long as the spirit was pure the body did not matter. Paul addresses the libertine party in 1 Cor.6, and of particular interest to us is this:

¹⁶Do you not know that he who unites himself with a prostitute is one with her in body? For it is said, “The two will become one flesh.”

As we have noted, this cites (as does Jesus) the “one flesh” union of Gen 2:24. But it implies that Paul does not see the “one-flesh” bonding as involving, in itself, any kind of mystic indissoluble bonding wrought by God. Paul here refers simply to the act of sexual union itself – and that in casual sex with a prostitute or loose-woman. One presumes that in such a “one-flesh” bonding (perhaps his 20th and her 750th such sexual bonding) there is no divinely wrought indissolubility inherent in the one-flesh idea. There is not even the implication that separating the one-flesh is painful.

Paul, of course, believed that the *right* place for one-flesh-bonding was within a committed marriage relationship. He believed that God intended it only to be done in such relationship. But he did not believe that in itself one-flesh-bonding (ie sex) involved any indissolubility.

So could it be that the “indissoluble bond” is created only if there is both the *one-flesh* of sex **and** a *wedding ceremony*? There are some basic problems with supposing this:

1. Scripture refers to no ceremony in Genesis 2, and Paul in 1 Cor 7 evidently regards also as a valid marriage any non-Christian, secular or pagan form of wedding/marriage.
2. It would imply that in polygamous marriages (eg Abraham to Hagar or Jacob to Rachel) they were also indissolubly linked. It would presumably imply that the apparently divorced Michal was still really married to David as well as to the man (Paltiel) Scripture calls her husband (2 Sam 3:16).
3. Indissolubility based on “wedding+sex” is nowhere either said or implied in Scripture – in the OT, by Jesus, or by Paul.

Paul on Sex and Celibacy

The Text

(1) Now for the matters about which you wrote: “It is good for a man not to have physical intimacy with a woman.” (2) On the contrary, on account of cases of irregular physical intimacy, let each man hold to his own wife, and let each woman hold to her own husband. [Thistleton (2000) p.497].

The Context and Meaning

The version of the text given above is that from the detailed commentary of Thistleton (2000). There are two key, interrelated, points to note about this. The first thing to note is the inadmissibility of the NIV rendering:

It is good for a man not to marry.

Paul does refer to the unmarried (*hagamois*) in 1 Cor 7:8, and could easily have said: “it is good for a man to remain unmarried”. What he actually says is “It is good for a man not to be intimate with a woman”. The Greek words used here for “man” and “woman” are totally general³⁴, and refer to any heterosexual intimacy. This is about physical intimacy *per se* – and this includes *intimacy between husband and wife*, which is why Paul goes on to speak about just such marital intimacy.

³⁴ Man (*anthrōpō*) and woman (*gynaikos*) can mean “husband” and “wife”.

The second thing to note is that Thistelton, and also Heth & Wenham following Fee (1953), rightly place the sentence in quotation marks to show that this passage begins with a kind of quotation. Paul is quoting the suggestion put by the ascetic party in Corinth: "It is good for a man/husband not to have sex with a woman/wife", before Paul disagrees with it emphatically: "On the contrary..." The ascetic party in Corinth was at the opposite extreme from the libertines of ch 6. The libertines thought that casual sex was OK as long as the spirit was right. The ascetics thought that *all* physical intimacy was to be avoided, by maintaining celibacy outside or inside marriage. The issue (as just noted) was not primarily about whether or not to get married, but avoidance of all sexual intimacy.

Paul goes on immediately to insist that it is the right thing for married couples to have regular sexual intimacy. It is interesting that, after doing "gymnastic exegesis" on this passage of Paul, Tertullian, and even more Augustine, later actually *advocated* celibacy *within* marriage, so this heresy remained rife in spite of Paul's frontal attack here.

Unfortunately, few bible versions render this verse very well. Most modern versions (eg RSV, NKJV, ASV CEV, Message, NEB) do manage to indicate that this is about celibacy (inside or outside marriage) and not about whether to get married – though the NLV doesn't, the NIV reduces this to a footnote and gets it wrong in the actual text, and the Amplified predictably confuses it. However, the CEV and Message seem to be the *only* versions that indicate that the desirability of celibacy is a Corinthian question and not Paul's statement.

Paul's primary point here is to deny the ascetic view that sexual abstinence per se (and including within marriage) is a good thing – to Paul all healthy marriages should involve regular sex for pleasure, and both the pleasure and the rights are mutual. Abstinence from marital sex is to be only for a specific period of prayer – during which that other good thing, food, may also be foregone. Even this temporary sexual abstinence, Paul says, he

allows only by mutual consent and as a concession not a command (7:6).³⁵

Paul does also reaffirm remaining “unmarried” in 7:8, as a good and personally preferred lifestyle without ties in times of special difficulty. Interestingly, since Paul uses the same word “unmarried” in 7:11 to refer to women separated from their husbands, the term plainly can in his usage include the divorced, as well as the widowed (as Paul himself perhaps was). So does he intend 7:9 to refer to the divorced as well, ie for them too it is no sin to remarry? It *could* do, but this was obviously not Paul’s primary thought, and to make it any central plank in arguments for permitting remarriage would be stretching it.

Separation and Reconciliation

The Text

To those who are married I give this charge, which is not mine but the Lord’s: a wife should not separate from her husband (but if a separation occurs, she is to remain unmarried or else be reconciled to her husband); and a husband is not to divorce his wife.

The Reference

1 Cor.7:10-11 is agreed by “virtually all modern writers”³⁶ to concern marriage between Christians: Paul here addresses the “pre-divorce” situation, where Christian married people are thinking about divorce – possibly to marry someone else and possibly in a mutually agreed amicable break-up. The most obvious way to take his words is as a reference to Jesus’ teachings later embodied in the gospel passages already considered. Paul uses the same verb *chōrizō* as Jesus when Jesus said: “What God has put together let no man separate/divide (*chōrizetō*)”. This has

³⁵ That the “concession” is about having abstinence rather than about having sex best fits the passage, cf eg Thistleton (2000) p.511. The rabbinic commentary in *Kethubbiōth* vi.6 allows the man to decide *without* mutual consent on two such weeks of abstinence (Shammai) or one such week (Hillel).

³⁶ Thiselton (2000) p.523.

to be the first point of departure in any Christian teaching: God does not want Christians to divorce each other.

Paul, Jesus and Absolutes

It is interesting that both Jesus and Paul state an apparent absolute law, and then imply that it may not always apply. Jesus simply says: “let not man separate...” but then goes on to imply that separation/divorce *can* be done for *porneia*. Paul, similarly, cites the apparent absolute given by Jesus “a wife should not separate from her husband”, but immediately goes on to say “But *IF* she does separate...”

How can we explain this pattern of apparent absolutes followed by statements implying exception?

Andrew Cornes argues on this matter that Paul knows not only the Jesus saying “let not man separate” but also Jesus’ later phrase “not for *porneia*”. He further argues that Paul assumes the Corinthians will know this too, and will read it into his statement about separation.

This argument presents several problems. The first concerns what Paul would reasonably have assumed they knew. Writing to the Romans he assumes (Rom 7:1) that they know the Jewish Torah or Law, and since he makes a very similar legal point in 1 Cor 7:39 he probably assumes that the Corinthians have similar familiarity. But Paul is writing almost certainly before Matthew’s gospel appears in written form, and probably before Mark’s does. Would he really assume that the Corinthians at this early stage not only know details of any oral traditions about Jesus’ teaching, but know them well enough to “read in” later parts of Jesus’ discussion? This seems highly unlikely.

The second problem is that Paul could easily have, and surely would have, clarified it by adding a phrase like:

“a wife should not separate from her husband except for *porneia*”?

Then, again, he simply speaks about “reconciliation” – as though they have just “fallen out with each other”. Why is there not (as there is eg in the early *Shepherd of Hermas* Command 4 (31-39))

any comment about repentance from the *porneia* before such reconciliation is appropriate?

On any normal reading of his words, Paul is just not dealing with the issue of whether *porneia* is grounds for divorce or not. He just says what we might say in our church: “Christian couples should not separate, but if it comes to the worst and they do, then they should at least stay single and see if reconciliation is possible.” It is nothing to do with whether or not *porneia* is involved.

Was Jesus speaking of temporary separation?

If Paul were really just repeating Jesus’ teaching, then Jesus should have said something like this:

Matt 19:9 What God has put together, let not man permanently separate... And I say to you, whoever separates from his wife, can only do so for sexual immorality, and on a temporary basis. If, moreover, he divorces for any reason at all and marries another, he commits adultery

This would mean that Paul’s words could be seen more or less as reinforcing this teaching. Unfortunately it has now ceased to bear any resemblance to what Jesus actually said. In the Mt 19:6 Jesus says “let not man separate” (*chorizetō*) - the term for “separate” used by Paul in 1 Cor 7:10 and 11. In Mt 19:9 the word Jesus uses is *apolusē*, which is the word for divorce used in Mt 19:7 “a bill of divorcement to put away (*apolusai*)”. In other words this is not merely temporary separation, but divorce. No hearer of Jesus would conceivably have imagined that by this he meant a temporary separation pending reconciliation – if this is what he meant then he would have needed to be really really clear. There is nothing in any of Jesus passages about *temporary* separation or about *reconciliation* – he surely did not expect for them to wait for Paul to write over two decades later and on a different continent to explain it? What he said had to be clear to them at the time. At the time, there was strong pressure from all rabbinical schools that a known-to-be adulterous wife *should* be divorced – and when this happened it was not temporary.

Laws, Rules and Guidelines

The point is that Paul is simply not giving legalistic inviolable rules for all circumstances; he is trying to encourage them to remember the heart of God as they seek ways forward in various situations.

So Paul, having told Christians the wife should never separate from her husband, goes on to say that *if she does*:

Let her remain unmarried or be reconciled to her husband. And a man is not to divorce his wife.

Now did Paul intend here to introduce a Mishnah-like ruling, a new category of “permanently separated” as against “divorced”? Or is it rather that he is trying to give some sensible pastoral guidelines and approach? Remember he has just given an apparently immutable law without exceptions direct from Jesus: “a woman is not to separate from her husband.” What could be plainer? Then he immediately goes on to assume that there may be occasions when this law without exceptions is broken: “But *IF* she separates...” So now shall we elevate his own words to being an immutable law without exceptions: “Let her remain unmarried or be reconciled to her husband.”? Having said it may sometimes be apposite to break Jesus’ apparently absolute command, would Paul now expect his own almost casually delivered advice to become an immutable law? Surely he would not? It is intended as a guideline to God’s heart, not part of a new legislation.

What is his real point? He recognises that, in the real world, in spite of the church’s best efforts, there may be a Christian couple who seem unable to resolve their differences, and who separate. In such circumstances, he says, always look for and leave the door open to reconciliation. This is what is in the true heart of God.

But what would Paul advise (say) a man whose wife had not only divorce him but remarried? What is the point of him now remaining single?³⁷ Even if the wife’s new husband died, under Jewish Law he could not take her back (and it seems doubtful

³⁷ Interestingly, the early *Shepherd of Hermas*, which advocates divorcees staying single in case an adulterous spouse repents, does not say whether this still applies of the ex has since remarried.

whether Paul would have encouraged the Jewish Christians to break this command). Or would it be more reasonable to expect something like this:

“the Lord says Christians should never separate”

- *But if* they do separate...

“let both remain single and open to reconciliation”

- *But if* one of the apostatises and remarries so that reconciliation is impossible...

“the other partner is free to remarry.”

God intended their marriage to be permanent, but sometimes their first marriage has now been dissolved because marriage is not indissoluble and eg one partner has not only separated but remarried. Surely Paul would now expect for the man to be no longer bound by a legal marriage tie to his departed partner.

Does Any Of This Teach Indissolubility?

We failed to find any evidence of “indissolubility” in Jesus’ teaching – and his phrase “let not” seemed to imply the opposite. Is there any such evidence in what we have seen so far in Paul? An awful lot has to be read into his text to “find” this there. He says exactly what we in our church would say to Christians whose marriage was “in difficulties”. We would say: “Don’t separate, but if you do then give it time to see if reconciliation is possible”. But we do not believe marriage is indissoluble. Paul says nothing about *porneia* being involved – again that has to be “read in”. He says nothing about what happens if one partner remarries. He says absolutely nothing about marriage being indissoluble.

Paul and Desertion

The Text

Paul recognises that there are different circumstances in which pastoral judgement is needed, and some such circumstances he goes on to address. Thistleton renders 1 Cor.7:12-16 as:

(12, 13) But to the rest I say (not a saying of the Lord): if any Christian brother has a wife who is an unbeliever and she consents to continue to live with him, he is not to divorce her. And if any woman has a husband who is an unbeliever and he consents to go on living with her, she is not to divorce her husband. (14) For the husband who is not a believer is made holy through his wife, and the wife who is not a believer is made holy through her husband. Otherwise, it follows, your children would not be cleansed: but now in fact they are holy. (15) If, on the other hand, the unbeliever takes the step of separation, let the separation take place. The Christian husband or the Christian wife does not remain in slavery in such circumstances. No. God has called you to live in peace. (16) For how far do you know, you who are the wife, whether you will bring your husband to salvation? Or how can you know, you who are the husband, whether you will save your wife?

The Meaning

The basic Issue

Many in Corinth became Christians after contracting non-Christian marriages, and remained married to non-Christians. In the OT Ezra 10:11 sees separation (divorce) from foreign and therefore heathen wives as essential for holiness. In Paul's NT thinking the "holiness" principle is transformed – they are not "polluted" by contact with unbelieving partners, rather the unbelievers are (in a sense) made "holy" (or "set apart in a special way") by contact with them.³⁸ Unlike Ezra, Paul advises *against* divorce simply because a partner is an unbeliever. A marriage is, of course, to Paul, not dependent on any particular religious ceremony (sometimes Romans had none) but on the intent – and pagan marriages are just as "valid". A spouse should not be divorced merely because they are unbelieving. The question, however, is what the Christian should do if their unbelieving (or apostate) partner separates from them.

³⁸ See eg Deasley (p.131) and Thiselton (p.528f) and Fee (p.299) for further discussion on what "holy" means here, but the issue is not crucial to our theme.

The Divorce Terms Used

In Mt 19, as already noted, the terms “separate” (*chōrizetō*,) (v6), “bill of divorce” (*apostasion*) (v.7) and “put away” or “set free” (*apolyō*) (v.7) are all used. In 1 Cor 7:10-11 Paul uses “separate” (*chōrizō*) and “put away” (*aphiēmi*) and in 12-15 again uses both terms. The bill of divorce (*apostasion*) is a noun derived from the verb *aphistēmi*, which (in intrans.) can mean to withdraw or separate. All the terms are speaking of a separation that terminates marriage.

Possible Meanings of “Not Bound”

Christians should not divorce spouses merely because they are unbelievers, but Paul adds that “if the unbeliever divide/separate” then the Christian should let them separate and is “not bound” (*ou dedoulōtai*). Now what does this mean?

Thiselton (2000) sums up the two basic views:

The syntactical meaning is clear: **the Christian husband or wife does not remain in slavery**, *does not remain under bondage* in the present as a result of a past action. But does the referential denotation mean: *not... in slavery to remain with the former spouse, or not in bondage to the marriage tie which would prevent freedom to remarry? The latter way of understanding Paul has come to be known as “the Pauline privilege.”* (p.534)

The word used is derived from *doulos* = slave, so it either means “Not in bondage to live with them” or “Not in bondage to remain single”. Thiselton, Deasley, and others, list advocates on both sides of this debate. It is not an “ivory tower issue” because it affects in a major lifestyle sense multitudes of modern Christians whose partners have deserted and divorced them, and perhaps later remarried; should the deserted one stay single or can they themselves remarry?

Well we need first to note that, the term “Pauline privilege” is probably unhelpful as far as evangelicals are concerned. It may make it sound as though Jesus had a strong line on divorce and then Paul watered it down to offer some kind of special privilege. Surely this could not be true. If the early church really understood

Jesus in “Let not man separate” etc, to be giving an absolute ban on divorce and remarriage, it seems inconceivable that his apostle would take it upon himself to grant “exemptions”. Obviously, if Jesus had taught that marriage was literally indissoluble then no evangelical could take it that Paul was here (or anywhere else) allowing remarriage after divorce for desertion, so some other meaning must apply. We have, however, seen that Jesus did *not* teach indissolubility of marriage. This means that we have to determine on the basis of the context and text alone whether or not Paul meant here to sanction remarriage.

Immediate Literary Context

The immediate textual context is of a Christian whose unbelieving spouse has deserted them, often to the point where that spouse has remarried. So could Paul then really mean that the Christian is “not bound” to live with that ex-spouse? The problem with this is that if the unbelieving partner has already separated then the Christian has no choice in the matter. How could one be “in bondage” to do something which was not possible anyway?

The Jewish Context

As already noted, the general Jewish view of divorce was based on two distinct passages:

1. Deut 24:1: “uncleanness of a thing“ (which Jesus took to be *porneia*)
2. Ex.21:1-11: Desertion or denial of basic marital rights of food, shelter and sex.

Jesus was dealing in Mt 19 with a specific question concerning the technical interpretation of the Deut 24:1-4 divorce grounds. He pronounced in strong terms that those who took the Hillelite line on the passage and divorced *not for porneia* but on an “any-matter” divorce to get a better/prettier wife were effectively adulterous. But the Shammaites and Hillelites had no divergence on divorce for a deserted spouse as in the Ex.21:1-11 context, and this passage was simply not at issue. Plainly Jesus’ general statement that God’s ideal and intention was for permanent monogamous heterosexual commitment would imply that there was sin involved in such a situation. But this is not the same as

saying that a spouse who has been so deserted (possibly even where their ex-partner has remarried) has to remain single. Had Jesus really intended not only to interpret Deut 24:1 about which they had asked, but also to cancel the Jewish understanding of Ex.21:1-11 which was not in question, then surely he would have had to be much more specific?

In writing this letter Paul clearly has in mind the Jewish Torah as guidance on sexual/marital issues – even when he notes that Gentile ethics may sometimes concur. Thus eg:

- 5:1 refers to Lev 18:8 (and 5:7 to Passover symbolism)
- 5:3 quotes Deut 17:7
- 6:16 quotes Gen 2:24
- 7:39 refers to the Jewish Torah

He does not, of course, assume that Jewish Torah and its statutes apply to Gentiles, but he does assume that they offer guidance, and that his readers will be made familiar with them by Jews amongst them. Instone-Brewer (2003) p.88 well points out that in chapter 7 Paul ‘s whole teaching on marriage reflects Exodus 21:

Ex 21:10: If he takes another wife to himself he shall not diminish her food, her clothing, or her conjugal love.

So we may note:

- In 7:39 Paul confirms *explicitly* that the Jewish Law³⁹ is good guidance on remarriage of widows⁴⁰ – but puts it in Christian context “only in the Lord”.
- In 7:3-5 Paul deliberately reinforces the conjugal-love implications of Ex 21:11 in a Christian context of mutual care.
- In 7:32-34 Paul implicitly assumes the practical “caring” implications of Ex 21:11 in terms of difficult and distracting commitments in the current difficult times.

³⁹ The parallel Rom 7:1 makes it clear he refers to Jewish Law, though there were similarities of course in Roman law.

⁴⁰ Eg Num 30:9 – widows *and divorced women* – are free to make their own vows. Jews certainly thought this for marriage vows – cf eg 1 Sam 25:39.

- In 7:15 Paul speaks of exactly the kind of irrevocable desertion that all Jews believed Ex 21:11 to deal with, and says that in such cases the deserted Christian spouse “is not bound”.

The rabbinical understanding of the rights and duties in marriage implied in Ex 21:10-11 is clearly a background here. In 7:15 Paul does not use the identical language of Ex 21:11, because the *original* context is of a slave-wife being *ejected* rather than a partner being *deserted* – although all Jews applied it also to desertion. But when he says that in a case of irrevocable desertion:

the Christian spouse is not bound in such circumstances

it is very hard to believe that his readers would not assume he was applying Ex 21:11 in exactly the normal way all Jews would apply it. They took “shall go out free” to be free to remarry, and applied it also to cases where a spouse was deserted rather than made to “go out”. For Paul to say “not bound”, in a whole context of reasserting the rights given in Ex 21:10-11, would inevitably make his readers think of this statute.

The Jewish law (as 7:39) is a guidance rather than having immediate jurisdiction over Gentiles, but on the rights to divorce for material neglect, and the rights of widows or divorced women to choose their own remarriage partners, the Roman, Greek and other contemporary laws had the same kinds of provision. The difference was that eg Roman women could divorce unfaithful or deserting husbands directly and without relying on the pressures applied by a Jewish court on an erring husband.

If, then, by “not bound” Paul means that such Christians are indeed free to remarry he is not introducing some kind of novel “privilege” – he is just reapplying the Ex.21:1-11 statute (as Jews generally understood it) in this particular context. There is no reason to suppose that Jesus would have understood it any differently – though of course this cannot be *proved* as Jesus left no saying concerning Ex.21:1-11, he commented only on Deut 24:1. Paul, then, is not “watering down” Jesus’ more strict principles; he is addressing a situation that Jesus did not address and applying a Jewish statute on which Jesus left no comment (or at least none we now have). It should not be called “Pauline

privilege” but “Torah application” – Paul was applying standard Jewish legal understanding of Torah, he was not innovating.

The Parallel with 1 Cor 7:39

We can find a number of parallels in what Paul says in 1 Cor 7:15 and later in the same passage in 7:39:

¹⁵But if the unbeliever departs, let him depart; a brother or a sister is not under bondage in such cases.

³⁹A wife is bound by law as long as her husband lives; but if her husband dies, she is at liberty to be married to whom she wishes, only in the Lord.

The first point of parallel is that both speak of something not mentioned by Jesus. In Mt 22:29 Jesus says that marriage will not apply *in the resurrection*, but makes no specific comment on whether it is *right* for a widow to remarry whilst her ex-husband is awaiting the resurrection.

The second point of parallel is that, if we took the indissolubility of marriage totally literally there would be no reason to suppose that death would sever it. Such a severing cannot be implied in the creation passages where death of a spouse is not envisaged. For all we know the indissoluble bond could remain until the resurrection.

The third point of parallel is that the Jewish Law had clear implications for the situation. Whilst eg a priest could not marry either a widow or a divorcee (Lev 21:14), either were free to remarry by their own choice.

Paul here, and in Rom 7:1, specifically appeals to the Jewish Law, even though many of those concerned are actually Gentiles. If we do indeed conclude that 1 Cor 7:15 is implying that a deserted spouse is “free” to remarry then this would simply be a fourth point of parallel.

No one would argue that because Paul in 7:39 is applying Jewish law to a situation on which Jesus did not pronounce, he is therefore “watering down” what Jesus said. Neither is he doing so in 7:15.

Objections

The objections to this obvious understanding of “are not bound”

can be summarised thus:⁴¹

- (i) Paul would not introduce so major an idea in a throwaway line when the whole thrust of his passage is against remarriage
- (ii) The use of the word *douleuō* = serve in slavery is not a usual way to describe marriage.
- (iii) In 1 Cor. 7:39 Paul says only death breaks the marriage bond.
- (iv) The general argument in this chapter is that people should remain in whatever marital status they find themselves

We will now consider each of these objections, and find that in each case the analysis actually strengthens the case for the interpretation I have suggested.

Objection (i)

There are two elements here: (a) discouraging remarriage (b) the supposedly “throwaway line”.

As to (a), the thrust of the passage is *not* against remarriage, Paul says that he expects (and as an apostle following Christ *instructs*) two Christians to try to work things out, and not to divorce. They should therefore avoid remarrying so that the way to reconciliation remains open. He then moves on to the different situation where desertion has been initiated by an unbelieving or apostatised spouse, over whom (as an apostle) he therefore has no say or authority. For such cases he gives different guidance – be open to maintaining the marriage where possible but if the spouse has irrevocably left then the Christian is free to remarry. He does, in this passage, say that “in view of the present distress” it may be better to stay single – but this is about marriage in general and not specifically *remarriage*.

The issue of the “throwaway line” would, of course, be valid were Paul to be introducing this ruling out of thin air. This, however, is not the case. As we have seen, he speaks in a context of addressing those who know both the Jewish Law and that he looks to it for guidance on such issues (as 7:39 shows). The phrase “they are not

⁴¹ See eg Fee (1987) p. 303 who argues against “are not bound” meaning freedom to remarry.

bound” is not all that far from “she is to go free” (Ex 21:11) – though Paul is, of course, speaking gender-free and in a situation where the person concerned has been deserted rather than been ejected. In such a context, and writing to those people, the rationale and meaning of his words will have been clear.

Objection (ii)

Can Marriage Really Be Described As “Slavery”?

On point (ii) Thiselton (2000) p.536 cites Deming’s work which shows that the word “slavery” was frequently used of marriage in secular sources, whilst Martin has shown that in Paul (cf 1 Cor.7:22) “slavery” is not necessarily a derogatory term. Paul’s usual term for the marriage “bond” (Rom 7:2; 1 Cor.7:27, 39) is based on *deō*, this is actually a much strong term that usually means being tied up, imprisoned or enchained (eg Acts 9:2, 12:6, 21:11; Col.4:3). Being “released” (*luō*) from a wife (7:27) is a very strong picture, but it does not imply that Paul thought marriage a kind of imprisonment. Consider Rom.7:1-3:

¹Or do you not know, brethren (for I speak to those who know the law), that the law has dominion over a man as long as he lives? ²For the woman who has a husband is bound (*deō*) by the law to her husband as long as he lives. But if the husband dies, she is released (*luō*) from the law of her husband. ³So then if, while her husband lives, she marries another man, she will be called an adulteress; but if her husband dies, she is free (*eleutheria*) from that law, so that she is no adulteress, though she has married another man.

The term *eleutheria* means (in the LXX and NT) freedom in contrast to slavery – and indeed Paul uses it explicitly in such a sense in this very passage in 1 Cor.7:21. What the Romans 7 passage shows is that, to Paul, being under the marriage-Law binding a person to a spouse could indeed be seen as a kind of “slavery” from which one could be “freed”. Indeed, in Rom.6:15-18 they are explicitly pictured as being “freed” from a previous “enslavement” to Sin. Romans 7-8 contains a reprise in a more personal format of some of the themes in ch.6, and Paul’s analogy to marriage in Rom.7.1-3 sees people as though in a kind of “marriage bond” to Sin, from which they are “freed” by their

death in Christ. Thus the “enslavement” in 1 Cor.7:15 is *not* enslavement to the departed partner, but to the marriage-Law which previously bound the Christian to that partner. To be “free” (*eleutheria*) from bond of a marriage-Law (Rom.7:3) is surely the same as to be “not enslaved” (*ou dedoulōtai*) to it (1 Cor.7:15)? If Paul used the former term relating to termination of the bond of a marriage-Law in Rom.7, surely we should understand the latter term in a similar context in 1 Cor.7?

Objection (iii)

Does Paul Say That Only Death Breaks Marital Bonds?

On point (iii), when Paul says that the woman or man is bound (*deō*) to a spouse until their death, on both occasions (Rom.7:2; 1 Cor.7:39) he says “by the Law”. The Romans passage just cited makes it absolutely clear in v.2 that by this he means the Jewish Law in the Torah. But Paul knew perfectly well that divorce (whether on a basis of Deut 24:1 or Ex.21:1-11) also terminated this bond according to the Torah *as all Jews then understood it*. The very fact that he raises the (presumably) Jewish Law in 7:39 makes it the more likely that he has had it in mind in 7:15. He does not put a parenthesis “(or divorce)” after “death” in Rom.7:1 or 1 Cor.7:39 because it is not really his point – his point in both passages is the freedom of action which ensues after the marriage bond terminates. One of the few things Heth & Wenham ascribe to the “Erasmian” view with which I could identify was the argument that Rom.7:1-3 a parable, and all books on hermeneutics tell us to be wary of drawing unintended implications from parables. Paul is very specifically referring to the Jewish Law – *and to their particular understanding of it at that*. Unless he was an ignoramus (which he was not) he certainly knew that they all accepted that Jewish Law allowed for divorce – on both Deut.24:1 and Ex.21:1-11 grounds – and that such divorce was also seen as terminating the marriage bond.

Objection (iv)

Should Everyone Stay In His or Her Present Marital State?

Point (iv) is a very weak argument. Paul does say in 1 Cor.7:27 that he advises “in view of the present distress” (which

background Winter (2001) has explored) that single people and those “released from a wife” would best stay single – but he immediately goes on to say that *it is no sin* if they choose to marry or remarry. He is not explicit as to whether by those “released” he meant to include those no longer enslaved by the marriage-Law (1 Cor.7:15) as well as widows who are now “freed from the law of their husband”(as in Rom.7:2), but in any event the question we are considering is not whether he would *advise* remarriage for those deserted by pagan spouses, but whether it would be a *sin* for them to remarry. Assuming they are “not bound” by the marriage-Law, then surely to remarry is no sin and it is better to marry than to burn as he says in 1 Cor.7:8-9 which (unlike 7:34ff) is *not* particularly focussing just on *first* marriages.

Attractive is the suggestion of Héring (cited in Thiselton (2000) p. 537), which sees “we are called to peace” (7:15) as relating to the Hebrew term *shalom*. Peace, to Paul, may include implications of wholeness, a sense of well-being - and to be “not bound in slavery to a defunct legal marriage-bond” may well be part of this.

Conclusions

All the language used by Paul, when compared with similar language elsewhere, indicates that his basic teaching is that if a Christian is permanently and decisively deserted by an apostate or unbeliever then they are “free” from the Law of the marriage, and can remarry. This is not a novel doctrine, but simply a reiteration of the familiar divorce law of Ex 21 well known to his readers who “know the Law”. Obviously there may be questions in some cases about whether that desertion is really permanent – and this is a question of personal divine guidance and pastoral counselling. But where, eg, the ex-spouse has remarried and has three children (as would often be the case in Paul’s day) there can be little doubt. Whilst he might advise those “free from a wife” not to marry, it is “no sin” if they do.

The Harmony of Jesus and Paul

There is, on this understanding, no contradiction between Jesus and Paul, no “liberalising”, no “Pauline privilege” which waters down the absolutes of Jesus. They were simply commenting on

the application of different parts of the OT Jewish Laws on marriage and divorce in different circumstances.

There needs to be some kind of guidelines for pastoral advice, but we cannot expect to construct a kind of Christian version of the Talmud (whether “Canon Law” or some evangelical version of the same) that covers all possible eventualities. This kind of legalism would be totally against the whole ethos of Jesus and Paul in which relationship with God is central in working out ways forward in less than ideal situations (eg where a Christian is married to an unbeliever).

Elders and Bishops

The Text

In 1 Tim 3:2 we read:

A bishop, then, must be blameless, the husband/man (*andra*) of one wife/woman (*gynaikos*), temperate, sober minded... he must have a good testimony among those who are outside...

“Husband of One Wife” or “One-Woman-Man”?

What does this mean? The first thing to note is that the word *andra* means *either* husband *or* man, and the word *gynaikos* means *either* wife *or* woman. Thus the phrase rendered eg in the NIV or NKJ “husband of one wife” could as well be rendered “one-woman-man”, and a major commentary like eg Marshall (1999) p. 477 can remark:

The phrase “one-woman man” occurs in qualifications for leadership in (1 Tim) 3:12, Tit.1:6 (for the female equivalent see 5:9).

The verse could therefore mean any of the following:

- (a) A husband in a monogamous rather than polygamous relationship.
- (b) A husband for whom this was his first wife – he had not previously been divorced *or widowed*.
- (c) A husband who might have been previously widowed but not divorced.

- (d) A man who had only ever had sex with one woman.
- (e) A man who was now a strictly “one-woman-man” whatever his past history.

The (a) seems highly unlikely for polygamy was not a practice amongst either Jews or Gentiles in Ephesus at this time. Some later church fathers took it as (b), eg Tertullian changed his mind from accepting remarriage after bereavement to emphatically rejecting it. The problem with either (b) or (c), however, is that they say nothing about sexual behaviour – only about wedding ceremonies. An ex male gigolo/stud who was converted and married for the first time would fulfil this, a man who presently had a wife and two mistresses would fulfil it, but man whose first wife left him before his conversion but who was now totally faithful to his present wife would not. This is not only silly, but is not in the spirit of the Greek phrase “one-woman-man that does not focus on wedding.

The sensible choice must be between (d) and (e). Faithful sex with one woman (presumably one to whom the man is wed) is God’s design for us. The only issue is whether the blood of Jesus is sufficient to atone for past sins or not. If not, then the writer to Timothy must have meant (d). Surely, though, he thought that it was sufficient, and meant (e)? The focus is on the present lifestyle commitment of the man – not his past history.

Some of the new versions render it “committed to his wife”(The Message) or “faithful in marriage” (CEV) or “faithful to his wife” (NLT) which are all better than “husband of one wife” – though Howard Marshall’s phrase seems even better ie a church leader should be a strictly “one-woman-man”, or equivalently (cf 1 Tim.5:9 for one office) a one-man-woman.

7. The Status of Remarried Divorcees

Implications of Indissolubility

Central Issues

The Issue of Implications

The “indissolubility” concept of marriage, as we have seen, is neither said nor implied anywhere by either Jesus or Paul and is inconsistent with some of what they teach. But it also brings severe problems with some of its apparent implications for those who are already remarried divorcees. The central question is: are they “really married” or not?

Standards and Pastoral Concern

Heth & Wenham remark:

Some of the precepts of Scripture are difficult to accept and often make the Christian uncomfortable as he considers the implications of these teachings for his own life and the lives of those to whom he ministers. This is certainly true with respect to the conclusions we have reached in this study. One of the most difficult problems facing a minister of the Gospel is counselling the divorced and those already remarried. How does one move from a careful exegesis of the relevant texts to the heartbreaking problems of those who seek his counsel in this matter? Carefully exegeting the texts is one thing, but the manner in which God's word is conveyed to believers facing divorce and the issue of remarriage is quite another. There are ethical problems involved, certainly, but there are also standards involved for those who by faith desire to be Christ's disciples and experience His joy in fullest measure (John 14: 20; 15: 1-11; 17:13)

All this is sensitive and right. Clearly many of the standards called upon for Christians (like turning the other cheek) are hard. This does not mean that they are mistaken. No one said that discipleship of Jesus would be easy. Heth & Wenham and Cornes well make this point. In reply to his disciples' exclamation that perhaps it would be better not to marry at all, Jesus clearly said that if one could not enter into a marriage partnership with the

intention that it would be lifelong and faithful then one should indeed stay celibate. Heth & Wenham are also right to say that, for people facing unpalatable demands of discipleship, sensitive counselling is needed – even though God’s standards cannot be dropped to make discipleship easier.

Theological Coherence

But our present question is not about whether difficult demands of discipleship can be watered down. It is whether the “indissolubility” concept of marriage can be sensibly applied at all by its advocates.

For such a follower of Jesus who is divorced (however the divorce occurred) *and currently single* the implications of “indissolubility” would be plain: “you cannot remarry whilst your original partner lives, even if (s)he is now remarried with six children.” Many people may find this harsh, but neither difficulty nor palatability is the issue here. For such a Christian the implications of indissolubility are at least coherent, and could be applied.

But what about the already remarried divorcee? We all know many of them in the church today – just as there must have been in Corinth or Ephesus (if not also in Jerusalem) in the first century. If the indissolubility view were true then it must be able to say something coherent (even if unpalatable) to such people. Let us look therefore at the following simple but now common case:

John married Beryl when both were 18, but they kept on quarrelling and divorced amicably after a one year-separation when they were 21.

Since then, Beryl has been living with the twice previously divorced Harry with whom she has two young children.

John has remarried to Jill (who was a virgin) and they now have three children.

Recently, John, Jill, and Beryl all went on an Alpha course and became disciples of Jesus.

So what are their respective marital statuses? What should they do now?

Heth & Wenham's Advice

The Advice to John and Jill

Heth and Wenham (and Piper is very similar) say this:

Those couples who have already remarried after divorce may be wondering how their situation fits into all of this. We believe that you should see that your present marriage is now God's will for you. You should seek to be the best husband or wife you can, rendering to each other your full marital duty. If you come to the realisation that Jesus calls remarriage after divorce the sin of adultery, then call sin 'sin' rather than seek to justify what have done. We believe this will bring great freedom to marriage and will break down barriers to ministry you may have encountered before. [Heth & Wenham p.200]⁴²

Their advice, then is that, whilst they need to repent past sins, John really is now married to Jill and they should continue to have sex and live as a family with their children. Their advice to Beryl and Harry may be less clear. Should this “unwed” partnership split, or should they legally wed, or should they live together celibately? Well let us first look at John and Jill, for whom their advice *is* clear.

Does It Make Sense?

Heth & Wenham actually give no Scriptural basis for this advice to John and Jill, and it is totally in contradiction with any “indissolubility” understanding of Jesus’ teachings. Let us remind ourselves of this:

God joins the wedded couple for ever and ever, and does not allow men to put apart what he has made one ... Jesus ... declares that marriage is indissoluble... (p.46)

Jesus makes his hearers realize that divorce has no effect on the marriage bond; although separated, the spouses remain united by the marriage. That is why a new marriage would be adultery. (p.48)

⁴² In Wenham et al (2006) Gordon Wenham simply says “It would be tactless in the extreme to suggest that the [remarried] couple break up” (p.123). He gives us no idea what he thinks is their status. Are they living in sin but we need to “turn a blind eye”? Bigamous? Or “really” married monogamously?

According to this, John was indissolubly joined by God to Beryl and remains “united by the marriage” – so any other liaison (however much sanctioned by human laws) is basically adultery. It is no use John simply repenting the sin of remarriage. Not only was his act of remarrying adulterous, but in God’s eyes remarried divorcees are *always* indissolubly bound and united in marriage to their original partners, so they commit adultery *every time* they have sex with their new “spouse”. So how can Heth & Wenham instruct John and Jill to continue to do so? Logically, John should return to his first and so indissolubly bound wife Beryl.

If John did so, of course, it would leave a problem for Jill. She cannot be indissolubly bound to John (unless it is polygamous), because he was already indissolubly bound to Beryl, and Jill’s apparent “marriage” to John was actually merely adultery. How can adultery be true marriage? Heth & Wenham will have to tell her, then, whether she is in fact free to repent her “adultery” with John, and to get married *for the first time in the eyes of God* to someone else. What she cannot do is to stay in her adulterous relationship with John who is really indissolubly married to Beryl.

This is not casuistic logic chopping – the church today is, alas, full of people in exactly this kind of position. To reiterate, this is not about palatability but incoherence. The logical implications of “indissolubility” for the remarried John and Jill are so manifestly a mixture of incoherence and ethical evil that spiritual and caring men like William Heth and Gordon Wenham cannot bring themselves to pursue them. Heth & Wenham’s actual advice is in total contradiction to their indissolubility understanding of Matthew 19. They will tell John and Jill that they are genuinely and uniquely married to each other, and should live accordingly.

Theology and exegesis that cannot be consistent must surely be mistaken?

Advice to Harry and Beryl

For Beryl and Harry what will they say? A “common law marriage” has no validity in current English law, so there is no legal bond between Beryl and Harry. Beryl is actually still indissolubly bonded with John, and has simply been living

adulterously with Harry. So there is a choice of three lines of advice:

- (i) Beryl and Harry should separate, and break up the family.
- (ii) They should continue to live together and act as mum and dad to their children, not wed, but from now on live celibately.
- (iii) They should now wed, legitimise their relationship, and continue to act as loving mum and dad to the kids.

The first is the logical corollary of “indissolubility” but is hard to see as other than an evil suggestion.

The second seems very odd. Would Jesus and Paul really have envisaged a situation in which a man and woman could live unwed together in a household, act as mum and dad to their own biological children, be thought of by all the neighbours as having sex with each other, but actually be celibate?

The third is hopefully what Heth & Wenham would advise – but it is in total contradiction to the fact that the couple are both (according to Heth & Wenham) indissolubly married to others, and entering an adulterous marriage. But as the two are now Christians, should they not be looking for a specifically “Christian” wedding? Presumably after they wed they would, in the words of Heth and Wenham, want to be the “best spouse they could” in Christian terms to each other. So it would be logical to enter the wedding in the acknowledged sight of God, and in the presence of and uplifted by the prayers of their Christian friends? In other words, to have a wedding “in church” – remembering that *in NT terms* the word “church” is a gathering of people and there are no “hallowed” Christian locations. So Heth and Wenham may have to finish by encouraging two enthusiastic disciples to enter into an adulterous marriage through a fully Christian wedding. Does this make any sense?

Andrew Cornes

Is Remarriage Polygamy?

Canon Andrew Cornes, of course, has a more specific suggestion concerning remarriage:

This, of course, does not dissolve their first marriage; only death can do that. It therefore means that they are in a similar position to those who practise polygamy... they have contracted a second (valid though illegitimate) marriage whilst their first marriage continues. [Cornes (p.402)]

For many it will be uncomfortable, even distasteful, to think of remarriage as analogous to polygamy, especially if the second marriage has been an obvious source of blessing to themselves, their families, and their friends around them. But the only alternative, given Christ's teaching, is to treat a second marriage as a forbidden liaison which should be abandoned as quickly as possible.[Cornes (p.403)].

We are not concerned with whether the idea of polygamy is "distasteful" but whether Cornes' interpretation is coherent. According to Cornes, John is now *polygamously* married to *both* Beryl *and* Jill.

Is Polygamy the Same As Adultery?

Needless to say, *no* Jewish rabbi ever did or could regard the remarriage of a divorcee as a polyandrous or polygamous marriage. The whole point of a divorce certificate was to allow the woman to remarry to a unique husband (since polyandry was forbidden). She was no longer married to her first husband, but even in their polygamous society was forbidden ever to return to him. Cornes' suggestion, then, is not based on any Jewish concept. But could Jesus have been implying it as a novel doctrine?

Well, we remember that Jesus said:

...whoever divorces his wife, not for sexual immorality, and marries another, commits adultery.

John, in our scenario, divorced not-for-*porneia* and remarried. By Jesus' words, his second marriage is "adultery". Cornes, however, tells us that it is in fact "polygamy". The only way in which this would make sense would be if Jesus assumed that polygamy was the same as adultery, otherwise presumably he should have said:

...whoever divorces his wife, not for sexual immorality, and marries another, commits polygamy

Now if Jesus really assumed that his hearers would understand that by “adultery” he actually meant “polygamy” because the two were identical, this has various implications. If Jacob were “really” only married to Leah then only half the tribes of Israel came from legitimate marriages; the rest were sired by bastards conceived in adultery with Rachel, Bilhar and Zilpar. David was only adulterously married to Bath-Sheba because he had previous wives, and Jesus himself was descended from the bastard Solomon. Is it likely any Jew would so have understood Jesus?

Well, none of us believe that polygamy was in the will and plan of God, and certainly it had ceased for Jews by the time of Jesus. But this is surely not to say that it is *identical* to adultery? And if not, then why did Jesus confuse us by calling adultery what was really polygamy?

Fulfilling Polygamous Duties

There is another issue. It would seem logical that, if the present status of remarried divorcees is really analogous to those married polygamously in the OT, then the laws enacted in the OT will indicate to us what God wants from them.

Now according to Cornes John is still married, albeit polygamously, to Beryl, and Ex 21 says of the husband of a first wife:

¹⁰ If he takes another wife, he shall not diminish her food, her clothing, and her sexual rights.

Paul, as already noted, repeats the usual sexual rights of the Torah:

1 Cor 7: ⁴The wife does not have authority over her own body, but the husband does. And likewise the husband does not have authority over his own body, but the wife does. ⁵Do not deprive one another except with consent for a time, that you may give yourselves to fasting and prayer.

As a disciple of Jesus, John surely should fulfil his husbandly duty, clearly laid down also in Ex.21:10, and his first wife must continue to receive her wifely rights of food, clothing *and sex* even though he has now taken a second wife. John and Jill should be having sex regularly, so should John and Beryl (and so should Harry with both his two previous wives). This would not be

optional, it would be in fulfilment of the clear commands of Scripture. Only the as-yet-unwed Beryl and Harry should desist from sex.

Is It Inoperative in a Monogamous Society?

When questioned Canon Cornes has asserted that, because we live in a monogamist society, the second marital promise “Forsaking all others...” supersedes the first. For this reason, he says, the first marriage no longer requires marital rights to be fulfilled.

This is not very convincing.

Firstly, as far as our society today is concerned, although bigamy is illegal no one would be concerned about a man having sex with two women. In fact, even the legal position may soon change in the UK – when someone in the European court decides that it is “against human rights” to forbid legal bigamy, just as they already have done concerning non-sanguine incestual remarriage.

Secondly, it is not clear how a second promise of monogamous partnership could really cancel out the first. Why should a promise that was valid but not legitimate cancel out one that was both valid and legitimate? In any event, the real issue is surely not what human promises have been made, but whether in the eyes of God John is still indissolubly married to Beryl. If he is, then surely the whole point of living in society as disciples is that we are prepared to be counter-cultural? John’s later promise could not break the indissoluble bonds of his first marriage. The first marriage vows were both valid and legitimate, the second marriage vows were (according to Cornes) valid but illegitimate. Both then, are valid, but how could illegitimate vows cancel out legitimate ones?

Thirdly, if Jill really wants to be a disciple, she may be willing to allow Beryl (as John’s first and indissolubly bound wife) to come and live with them and share John with her. Society would not stop this. Jill may recognise that John’s first promise could not be cancelled by his second, and that in any case it is their states *in the eyes of God* that counts, and in God’s eyes John is bigamously married. Of course, it may bring Jill some psychological problems she does not presently envisage – but then this is true of many other acts of discipleship (like turning the other cheek or giving up

a job to be a missionary wife). Surely mere psychological problems should not deter committed disciples from doing what is right?

What About Harry and Beryl?

Beryl and Harry have as yet made no “forsaking all” public promise to each other in any wedding, they are just living as partners. Beryl is, then, indissolubly bonded to John, but to no one else, polygamously or otherwise, because (as Cornes sees it) a wedding is essential for the bond to occur. So what should she do?

If she now marries Harry, then she closes the door to reuniting with her true husband John if eg he either moves to a polygamous society or his second wife dies. So should she separate from Harry (with or without their two children), or should she wed him even though the wedding would be polygamous in the eyes of God and Jesus has pronounced it to be adulterous for both of them?

Actually, I believe that Andrew Cornes would advise them to wed – but I cannot see how it could be consistent with his view of indissoluble marriage and polygamy.

Al this is a nightmare, and there is no possibility to make any sense of it. The suggestion that remarriages of divorcees are valid but polygamous has no basis in Jewish Law (which held no such thing), it makes no sense, and if applied properly in lifestyle would lead to what could only be called a cultic approach to group sex and marriage.

So Are All Remarriages Null and Void?

Canon Cornes himself seems hesitant in his book, and adds (as a kind of “frightener”) that the only alternative is that the second marriage is a “sinful liaison to be abandoned as quickly as possible”.⁴³ This would be pastorally most unfortunate for the three children of John and Jill, and the two children of Harry and Beryl, whose family lives would be destroyed; but perhaps this

⁴³ IF John and Beryl were practicing Catholics when they married, and there are no grounds for “annulment”, this is theoretically the view of the Catholic church ie that every sex act in their present “marriages” is sinful adultery and they cannot take communion unless they live celibately. In practice some Cardinals are now looking for a way around this, it makes so little sense!

would be just the price of becoming a real disciple – like plucking out one’s eye should occasion demand.

But actually we cannot advise John merely to “abandon” the “sinful liaison” and live celibately. Jesus said “do not *separate*” and John is still married to Beryl. John *must* therefore *return* to Beryl and live as husband-wife with the full sexual intimacy demanded by Ex.21:10 and 1 Cor.7:5, but in effective breach of Deut.24 (and had Harry and Beryl got around to wedding each other before her conversion it would be in flagrant breach).

What about Jill? If remarriages are null and void, then Jill’s marriage was not a polygamous marriage, it was no marriage at all but just state-sanctioned adultery. If she repents her adultery then presumably she can now marry. She can marry *any* man who has not previously been married, however many prostitutes he has (in Paul’s words in 1 Cor.6:16) become one-flesh with, or however many gay male lovers he has taken - as long as he has repented. She can marry a repentant wife-murderer. But she cannot be married to the father of her children because he divorced a previous wife long before he met her or became a Christian.

As we have said in our principles of biblical interpretation: interpretations have to make sense. The absurd pastoral contradictions into which any “indissolubility” view of marriage leads us may make us only too thankful that such an idea was never taught by Jesus or Paul.

The Real Position of Remarrieds

Giving Answers

The Challenge to Consistent Exegesis and Theology

None of the indissolubility positions make any sense, either theologically or pastorally, of the position of remarrieds. But is this because they are unanswerable problems? Is it possible to have a coherent position if we accept that marriage is *not* indissoluble? Can such a position be consistent with the teachings of Jesus and Paul?

The answer is “yes” and we will now explore this.

Death or Divorce Terminates Marriage

Marriage is Not Indissoluble

The central truth is that marriage is not “indissoluble”.

God never intended marriages to finish with either divorce or death, but either does in practice terminate marriage.

For the wife-murderer, killing his wife is a sin, but when she is dead his marriage really is terminated. For the “any-matter” divorcee, divorcing his wife is a sin, but when the divorce has been completed the marriage is terminated. If his wife has then remarried, his marriage is not only terminated, but probably irrevocably so.

Remarriage

God intended neither wife-murder nor divorce, but if they have occurred, the marriages are terminated, *and the ex partners may remarry*. This condones neither the divorce nor the murder – but it is a fact.

There is, of course, always the possibility that someone may feel that he or she can “get away with it” by murdering or divorcing his or her spouse and then repenting of it later. But some people will always try to abuse a “gospel of grace” – this does not nullify it.

There were, of course, those in the early church who thought that remarriage after either death or divorce was always wrong – but this is not what is taught in the NT.

Advice to Our Alpha Converts

Divorce May Need Repentance

The “no-blame” or effectively “any-matter” divorce of John and Beryl was not in the plan of God for their marriage and life. They both need to repent of their sin of divorcing.

Harry’s first divorce was from an adulterous wife who deserted him. He may have to repent of any of his attitudes or behaviours that contributed to this, but not necessarily for the divorce itself. His second divorce was because he himself committed adultery – and in this he needs both clear repentance and to try as far as

possible to express this to his ex-wife. He may also need to ensure that she is not under any financial hardship.

Divorce Terminates Marriage

Whatever the rights and wrongs of the divorces, John's marriage to Beryl really did terminate, as did Harry's earlier two marriages. None of them are now indissolubly bound to any previous spouses, polygamously or otherwise.

Remarriage is Marriage

John and Jill are genuinely and uniquely married to each other, in the eyes of the state and in the sight of God and his people. They should live henceforth as a one-woman-man and a one-man-woman because that is what marriage is about.

Marital Partnership is Not Always Clearcut

Harry and Beryl have obligations both to each other and to their children. The existence of a man-woman leaving-cleaving bonding is not always a clearcut issue. The bonding of Adam and Eve has no record of any ceremony or human witnesses – yet it was a leaving-cleaving commitment. It is a good thing to have a clear declaration to society (in some form of wedding) when a man and a woman are “an item”, and in our society Christians should not live together unwedded. But the partnership commitment of Harry and Beryl may be real, and if so should be legitimatised by a wedding. Obviously this is a personal and pastoral issue. If, eg, Harry was an abusive alcoholic father, then Beryl might be advised to leave him. If he is unwilling to accept her conversion, and deserts her, then she is free (though may be guided to wait a while and see if he may repent and come back to be partner and father). All these considerations, though, would apply even if neither Beryl nor Harry were divorcees

General Principles

What is Marriage?

Marriage is a permanent commitment to a monogamous male-female union. If a present union is seen as being this, then it is a “marriage” – irrespective of how it came to be there or what sins in the past were involved prior to and during its setting up. The

past history may mean that the path to the relationship has been wrong, but the present relationship (assuming that one rejects the “indissoluble marriage” view) fulfils God’s design for marriage.

For the Christian it is desirable that all the following are present to constitute a marriage:

- ☺ Male-female partnership.
- ☺ Some declaration recognised by society of being “an item” (usually a “wedding”).
- ☺ Commitment to permanent exclusive (ie monogamous) relationship.
- ☺ Cohabitation.
- ☺ Mutual caring.
- ☺ Regular loving sexual intercourse for mutual enjoyment.

Whether or not in some technical sense committed partners are “really married” without a wedding service is an interesting moot point (given that Adam and Eve seem to have had no ceremony), but it is not relevant practically for Christian disciples in our present society. If a present union is thought of as a permanent partnership, but there has been no formal ceremony to declare it as such in a way that society accepts, then a disciple of Christ should seek to regularize the relationship in the eyes of society as soon as practicable. In other words, if a couple are living as committed but unwed partners when they become Christians, they should wed. If only one such partner becomes a Christian, and the other is unwilling to wed, then this becomes a situation in which pastoral advice and divine guidance is needed. The present work is certainly not going to attempt a list of directions for all possible situations like some evangelical version of the Talmud or the books of Canon Law.

Divorce

Christians have a marriage based on commitment, not on feelings, and Jesus clearly said that divorce was not in the will and plan of God for us. For two Christians, both seeking to follow God in their lives, divorce should not normally be an option they would consider, for Jesus said “let not man separate”. Divorce can only

ever be the “least worst option”, as we will explore in the next section.

Remarriage

Whatever the reason for a divorce, it does terminate a marriage. If there is no real prospect of a reconciliation (eg because an ex-partner has a new spouse) then a divorcee is unmarried and can remarry. Whether or not to do so is a question of individual guidance.

Comparison With the “Gay-Partnership” Issue

This is very much a “side issue” in the present book, but those who advocate accepting “gay-partnerships” amongst Christians often argue that since Jesus absolutely forbade remarriage after divorce, those churches that accept remarried divorcees but not gay-partners are behaving inconsistently. This is not true because Jesus neither absolutely forbade remarriage, nor he did say that those who were currently remarried were not really married.

The question of whether a gay-partnership can ever be acceptable for Christians differs because it concerns not past events but the nature of the present relationship. Jesus’ words in Mt 19:4 confirm that God intends marriage to be male-female, committed, and a faithful bond between partners. A present heterosexual remarriage – whatever sins in the past may have led to it – is currently fulfilling this intention. A gay-partnership is not.

Cheap Grace and Soft on Divorce?

If the past can be forgiven, does this leave us open to “cheap grace” ie Christians going ahead with divorce and remarriage knowing that later they can “repent” and be reaccepted by the church? The gospel of grace is always open to this kind of attempted abuse. The same question might be asked of a wife or husband murderer, or someone like King David who has the desired woman’s husband eliminated. The approach to Christian church life that emphasizes walking with God rather than Talmudic-type rules, is always open to attempts to hoodwink and abuse.

Does this mean that churches should be “soft on divorce”? Certainly it does not. Churches need to prepare people for

marriage. Principles of adjusting respective expectations, mutual consideration, good communication, and various others are essential to successful marriage. Most centrally, however, marriage is based on commitment, not feeling. Reasons like “It was a mistake” or “We don’t love each other anymore” are not a basis for divorce. Marital counselling within the church should always be available. Jesus did not say “man cannot separate”, but he *did* say “let not man separate”. Both Jesus and Paul imply that Christian disciples should do all in their power to preserve a loving Christian marriage – and this means neither divorce nor separation

8. Pastoral Questions

Applying it Personally

This is a book about Jesus-centred and biblical principles, not pastoral practice. Having, though, established the general principles, many Christians may be faced with the issue *Is it right for this particular Christian to divorce or to remarry?* It may, therefore, be useful to map out some overall guidelines on approaching these questions.

Should I Divorce?

Starting Point

The starting point on marriage is that God intended marriage to be a permanent faithful commitment. Divorce occurs only as a result of human sin. The starting point on Christian discipleship is that it involves an individual Father-son relationship with God, and a life lived in the grace of Christ and the power of the spirit.

Seeking God

On some questions we do not need to ask God whether or not an action is right. “Should I commit rape?” Is an unnecessary question, the answer will always be “NO”.

On others we may have guidelines, but in the end it is an issue of personal guidance and pastoral counselling by people relying on the Holy Spirit in individual relationship. It is not about constructing so detailed a Talmud that every conceivable nuance of situation comes under legislation.

Possible Grounds

The clearcut biblical grounds on which divorce may be justified are:

1. *Porneia*: This includes adultery, but could also be gay sex, bestiality, or even (arguably) addiction to pornography, witchcraft/idolatry etc.

2. *Denial of Basic Marital Rights*: This includes desertion, physical cruelty, etc

This really cannot be exhaustive. An alcoholic or drug addict, for example, might pose a threat to the wife or her children.

But these are possible grounds – it is still an individually made decision. A faithful partner does not *have* to divorce a spouse for adultery, and should first seek God on the issue. Divorce *may* sometimes be the “least worst” way forward, but we may also know cases where an adulterous Christian has been forgiven by a spouse.

What is clear is that “incompatibility” or “we just don’t love each other anymore” are not grounds for divorce. This would be “any-matter” divorce, and Jesus expressly says don’t do it.

Should I Remarry?

The Question

The question may occur for the individual concerned or for the church with whom they are in fellowship deciding whether:

- (a) to approve the marriage
- (b) to conduct the wedding “in church”
- (c) to admit this particular remarried Christian to church membership or a particular ministry within it

Guidelines

Sets of “regulations” cannot replace the need for individuals and church leaders to seek the mind of Christ and illumination of the Holy Spirit on such matters. Nevertheless there are “check questions” to ask a divorced Christian contemplating remarriage:

- Is there *any* possibility at all of reconciliation to your original partner – especially if (s)he is also a Christian?
- Have you laid before the Lord *and genuinely* repented any sin of yours which caused or contributed to the divorce?
- If you have wronged your former spouse, have you tried as far as possible to tell them so and make reasonable recompense?

- Is your remarriage consistent with fulfilling any financial and emotional obligations to your former spouse and children?
- Do you and your intended new spouse enter this new marriage committing to be a “one woman man” and “one man woman”?
- Do you both enter this new marriage committed to permanency and mutual commitment not based on feeling or circumstance?

Ceremony and Church

The validity of a marriage or remarriage is not based on the type of ceremony used, but any Christian will want to take the step in the sight and recognition of God and presence of fellow Christians. They will want a Christian ceremony and “in church” (which means in presence of fellowshiping believers – not in a particular building). It would be very odd to conclude that it is right for a particular Christian divorcee to remarry but not “in church”. There may be some pastoral problems in placing some remarried divorcees in some church ministries – especially if a former spouse may conceive this as condoning their past actions. All this needs working out pastorally before God – but the above check questions might, at least, aid in this process.

Appendix 1

The Indissolubility View

Purpose

In this brief appendix is laid out the indissolubility view in the words of some the leading books that advocate it.

Sources

Heth & Wenham (1984) W.A.Heth & G.J.Wenham. *Jesus and Divorce: Towards an Evangelical Understanding of New Testament Teaching*. (Cumbria: STL).

Andrew Cornes (1993) *Divorce and Remarriage* (Grand Rapids; Eerdmans)

Extracts

Marriage is literally indissoluble – divorce does not dissolve the marriage bond

“In Mark, then, the question is simply about the general legitimacy of divorce. Matthew’s account makes the issue more specific. Jesus is asked for his opinion on one of the big moral issues of the day: how should Deuteronomy’s law of divorce be interpreted. The Pharisees who followed Shammai held that divorce was only legitimate for serious sexual offences, whereas the more liberal followers of Hillel argued that any misdemeanor, even spilling food or talking too loud, justified divorce. But Jesus rejects both positions. Quoting Genesis 1:27; 2:24 he says that marriage is indissoluble “What therefore God has joined together let no man separate. Neither the conservative Shammaites nor the liberal Hillelites are right in permitting divorce and remarriage. “God joins the wedded couple for ever and ever, and does not allow men to put apart what he has made one.... Jesus restores to force God’s will for paradise as the divine law of the new age, as he declares that marriage is indissoluble.” [Heth & Wenham (p.46)].

“Jesus makes his hearers realize that divorce has no effect on the marriage bond; although separated, the spouses remain united by the marriage. That is why a new marriage would be adultery.” [Heth & Wenham (p.48)].

Separation can be only for adultery, remarriage is always adulterous

“19:9 could be paraphrased on this interpretation, ‘No cause, save unchastity, justifies divorce, and even then remarriage is adultery.’” [Heth & Wenham (p.52)] “... it is divorce followed by remarriage that constitutes adultery, not the divorce itself.” [Heth & Wenham (p.48)].

“Jesus replies: ‘It is always wrong to divorce what God has joined together: what is more, divorce, except for unchastity, is adulterous, and remarriage after divorce is always so.’” [Heth & Wenham (p.71)]

Remarried people really are married (even if polygamously)

“Those couples who have already remarried after divorce may be wondering how their situation fits into all of this. We believe that you should see that your present marriage is now God's will for you. You should seek to be the best husband or wife you can, rendering to each other your full marital duty. If you come to the realisation that Jesus calls remarriage after divorce the sin of adultery, then call sin 'sin' rather than seek to justify what have done.” [Heth & Wenham (p.200)]

“The overwhelming majority of commentators conclude that the couple are indeed married.” [Cornes (p.401)]

“This, of course, does not dissolve their first marriage; only death can do that. It therefore means that they are in a similar position to those who practise polygamy... they have contracted a second (valid though illegitimate) marriage whilst their first marriage continues.” [Cornes (p.402)]

“For many it will be uncomfortable, even distasteful, to think of remarriage as analogous to polygamy, especially if the second marriage has been an obvious source of blessing to themselves, their families, and their friends around them. But the only alternative, given Christ's teaching, is to treat a second marriage

as a forbidden liaison which should be abandoned as quickly as possible.”[Comes (p.403)].

Appendix 2

The Early Church Teaching

The Interest

Heth and Wenham actually begin their work with a close look at the early Church teaching on this, and Wenham, in Wenham et al (2006) p.23, begins his argument with:

Early Christian writers – often referred to as the church fathers – almost universally rejected remarriage after divorce.

In general we don't believe, of course, that early church writers were "inspired", but their views are of interest, and we should take this seriously. Here, then, are some very brief comments on the main earliest figures.

The Writers

Shepherd of Hermas (probably early 2nd century)

In this vision, oddly overrated by the early church, divorce is presented as valid only for un-repented adultery, and divorcees are urged to stay single specifically because there should be reconciliation if the adulterer repents. It adds that only one repentance is allowed (?), and does not say what the situation is if the adulterous partner has him/herself remarried and reconciliation is therefore no longer possible.

Justin Martyr (c 100-165)

In his first *Apology* Justin speaks against "double marriages" but his meaning is unclear. In his second, he refers approvingly to a Christian lady who divorced her licentious adulterous husband, but does not deal with remarriage.

Athenagoras (2nd Century)

Athenagoras' *Supplication for Christians* says that divorce can be only for adultery, and forbids remarriage in any circumstances, *even after the death of a spouse.*

Theophilus (2nd Century)

In *Ad Autolyicum* 3.13 Theophilus more or less repeats Jesus words – without any exegesis.

Irenaeus (c 130-200)

In *Against Heresies* 5.15.2 Irenaeus alludes to Jesus' teaching, but does not expound it.

Clement of Alexandria (c. 150-215)

Clement teaches that divorce could only be for adultery, and remarriage is always wrong. He also takes (*Stromata* 3.6.50) the words about “eunuchs” to refer to the situation of someone contemplating remarriage, which seems highly unlikely.

Tertullian (c 155-220)

In Tertullian's earlier advice *To His Wife* it were *better* for a widow not to remarry, but she *could* remarry a Christian. By *On Monogamy* he insists (based on “New Prophecy” of the “Paraclete” bolstered by dubious exegesis of the “one-woman man” condition for elders etc) that remarriage of widows is effectively adultery. The 1 Tim.5:14 passage he now circumvents by proclaiming Christians “dead to the Law” which would free the widow from her husband. In “Latin” fashion “purity” now implies chastity – biblical warrant manufactured by rendering “*hagnos*” (pure) in 1 John 3:39 as *castus* (chaste) rather *purus* (pure) as the later Vulgate. Celibacy – even in marriage – is now lauded.

Origen (c 185-254)

Origen teaches that divorce can be only for adultery and remarriage is always wrong. He seems, however in his commentary on Matthew 19, to poorly understand what the Pharisees were asking, and he has no idea about the conflicting rabbinical schools that were behind the question.

Cyril of Jerusalem (c315-386)

In his fourth lecture sections 25-6 Cyril regards pure marriage as that entered “for procreation, not for indulgence”. He says it is “permissible to enter into a second marriage” citing 1 Cor 7:8-9, though he probably refers to post-bereavement rather than post-divorce on which he seems not to comment.

Gregory Nyzanzus (C325-389)

Gregory is a natural if moderate ascetic. His *Oration* xxxvii is an exegesis of Matthew 19:1-12. He takes Jesus primary reaction to the Pharisee question to be that they speak of “putting away a wife”, and the implication is that

...a woman who practises evil against her husband’s bed is an adulteress... but if the husband commits fornication against the wife he has no account to give? (vi)

Jesus’ first point, says Gregory, is that the law was made by men for men, but God treats both male and female with honour and requires fidelity both ways. He cites Paul’s various parallel’s of marriage and our relationships with Christ, and says:

I think that the Word here seems to deprecate second marriages. For if there were two Christs, there may be two husbands or wives... (viii)

This is very undogmatic, he then says:

Now the Law grants divorce for every cause; but Christ not for every cause, but He allows only separation from the whore, and in all other things he commands patience.

This shows, of course, that he has no notion of the Jewish technicalities behind the phrase “for any cause” – and that the whole point of the controversy was whether or not the Law *did* allow divorce for it. He, like all the others, has no real idea of the Jewish context.

Gregory struggles. He knows that “marriage is honourable”, but his heart longs to elevate virginity and celibacy; to him the contemplation of Christ is best when unhindered by earthly connection. This colours his whole understanding of Jesus’ words about “eunuchs”. However, it is also interesting that he adds:

For it is not only bodily sin that is called fornication and adultery; but any sin you have committed, especially against that which is divine. (xix)

From this he launches into a spiritualising of the saying about eunuchs, it is about spiritual purity.

Basil (c329-379)

In his Canon Law epistles to Amphilochius, Basil says:

The sentence of the Lord is that it is unlawful to withdraw from wedlock, save on account of fornication, applied, according to the argument, to men and women alike. (*Ep clxxxviii*)

Basil notes, however, that church practice and custom differ. Basically, a wife should not leave an unfaithful husband because of 1 Cor 7:16; then Basil continues:

...if she leaves her husband and goes to another, (she) is an adulteress. But the man who has been abandoned is pardonable, and the woman living with such a man is not condemned. But if the man who has deserted his wife goes to another, he is himself an adulterer because he makes her commit adultery; and the woman who lives with him is an adulteresses, because she has caused another woman's husband to come over to her.

This does not assume that marriage is indissoluble, but that in church practice desertion by a wife is adequate grounds for her husband to divorce her *and remarry*.⁴⁴

Chrysostom (c347-407)

The “golden throated” Chrysostom is the last of the great Greek writing Fathers, and his 62nd homily on Matthew is on 19:1-12. Chrysostom has no concept whatsoever of the rabbinical controversy behind the question. He correctly quotes: “Is it lawful to put away one's wife for every cause” and “But I say to you, Whosoever shall put away his wife except it be for fornication, and marry another, commits adultery.” He notes that Jesus answers them by going back to a more primeval “law” than that of Moses, the creation ordinance, and concludes that marriage was intended to be permanent. But there is no idea that marriage is literally indissoluble, indeed he says:

...“What therefore God has put together let not man put asunder,” showing that the act was both against nature and against law...

⁴⁴ See also the Canons on http://www.womenpriests.org/traditio/can_bas.asp

Like Jesus, he says that marriage should not be terminated, not that it cannot. He gives no detailed exegesis of the Greek text, however; he does not consider the case of a divorcee whose partner has remarried, and (as noted) has no idea of the Jewish background. The section on “eunuchs” he takes to be an indirect exaltation of celibacy: Jesus was “secretly leading them to choose the thing [ie celibacy]...”

Ambrosiaster (fl 366-383)

Wenham claims that “Ambrosiaster” was the only dissenter from early church condemnation of remarriage, and was:

...strongly influenced by Roman Law. For example he regarded adultery by a husband as much less serious than by a wife. This inequality put him at odds with both the New Testament and the general attitude of the early church...” [Wenham et al (2006) p. 23

However, as noted, the Canon Law related by Basil takes exactly the same gender inequality to be the general custom in the churches.

Conclusions

As noted, Gordon Wenham makes the early church teaching a primary part of his argument. He cites early Greek fathers as having nearly all “explicitly condemned marriage after divorce or clearly presupposed the view”, and regarded adultery as grounds for separation but not remarriage. He concludes:

That this was the way native Greek speakers understood our Lord’s teaching surely indicates it is the most natural explanation. [Wenham et al (2006) p.23]

There are several key reasons why this argument is seriously flawed:

1. None of the writers, even those who expound Matthew 19 in detail, show any knowledge or understanding of the Jewish background or the technical nature of the phrase “for any matter”. This background is surely more important than the purely linguistic and grammatical issues.

2. Some of the writings (eg the early Theophilus and Irenaeus) make reference to Jesus' teaching without exposition of comment on whether remarriage is ever permitted – their concern is that God intended marriage to be permanent.
3. Some writers (eg Anaxagoras and the later Tertullian) forbid remarriage even if the first spouse dies, and many (eg Basil, Gregory and Chrysostom) elevate celibacy and portray marriage as mainly for procreation in a way that sits uneasily with the biblical view of sexual intimacy in marriage.
4. There seems to be no direct assumption that marriage is literally indissoluble. Those who forbid remarriage do not assert this.
5. The sources are nothing like as uniform as Wenham claims. Apart from the general view that celibacy was superior and second marriages (even after bereavement) better avoided, Basil (like "Abrosiaster") seems to allow a deserted husband to remarry, and Gregory is undogmatic in his rejection of second marriages. Wenham's suggestion [Wenham et al (2006) p.27] that only from the time of Erasmus did a more "permissive" view grow up to rival the "restrictive early church view" is misleading.

The early church figures are, therefore, not very useful guides to the meaning of the teachings of Jesus and Paul. The limited benefits of understanding Greek grammar (even for those within a reasonable time of Jesus and Paul) are far outweighed by apparently total ignorance of the Jewish background, and failure to seriously engage with the exegesis of the actual words.

Where does this leave the "indissolubility" view?

Gordon Wenham [in Wenham et al (2006) p.89] gives three of what he calls "arguments that are stronger than any the permissives can offer".

1. *"Outside of Matthew's gospel there are no texts that hint at remarriage after divorce as being a possibility"*

But we note that (a) it is hardly mentioned anyway outside the synoptics, and (b) 1 Cor 7 also sanctions divorce for desertion.

2. *“in Matthew 19:3-12 only a no-remarriage view makes sense of the sequence of thought”*

This is just not true. It fails to consider the specific question with which Jesus was dealing, and forces some of the text to make two statements where there is clearly only one.

3. *“a no-remarriage view explains why the early church refused to sanction remarriage...”*

But this over-generalises and over-simplifies, and anyway there were other common early church teachings on sex, remarriage after bereavement, and celibacy, that we would find unacceptable.

The “indissolubility” view cannot properly interpret the actual text of Paul and Jesus, and is totally confused concerning the status of those who have actually already remarried – whether or not their divorces were “valid”. None of this is to in any way doubt the sincerity and spirituality of those who advocate it, but it is to say that there is very strong evidence that it is mistaken.

“Indissolublists” seem sometimes to have a mind-set that those who disagree are somehow wanting to “compromise” or be more “liberal”. This is simply not true. My own understanding is that the indissolublist view is an impossible interpretation of Jesus and Paul, and is just wrong. God always intended marriage to be monogamous, heterosexual, and permanent – but sometimes the marital bond *has* been irreparably broken, the divorcee is now unmarried, and it can sometimes be right to remarry – whatever the rights or wrongs of the divorce.

Appendix 3

The Meaning of “*Porneia*”

The Difficulty

Jesus uses this term in the clause “not for *porneia*” to qualify the type of divorce he is talking about in Mt 19 and also Mt 5. Various alternatives have been suggested as to what *porneia* means in this context. These are looked at in Heth and Wenham pp.135f, and will be considered here.

The Relationship With “*Moicheia*”

The Two Terms

The Greek word for “adultery” is a different word *moicheia*. There are three possibilities concerning the meaning of *porneia* in Jesus’ phrase:

1. It means exclusively adultery (= *moicheia*)
2. It means something different from adultery.
3. It means a range of things including adultery.

New Testament Use

The Accepted Range of Uses

Reisner in Brown (1986) 1. p.500 states:

In later Jewish Rab. language, *z^enūt* (*porneia*) is to be understood as including not only prostitution and any kind of extra-marital sexual intercourse (pirqe Aboth 2:8) but also all marriages between relatives forbidden by Rb. law (cf SB II 729 f.). Incest (Test.Rub 1, 6; Test.Jud. 13,6; cf Lev.18:6-18) and all kinds of unnatural sexual intercourse (e.g. Test.Ben.9:1) were viewed as fornication (*porneia*)...

2. In the Pauline writings the word-group *pornē* denotes any kind of illegitimate sexual intercourse.

Use in John 8:41

⁴⁰ But now you seek to kill Me, a Man who has told you the truth which I heard from God. Abraham did not do this. ⁴¹ You do the deeds of your father." Then they said to Him, "We were not born of *porneias*; we have one Father - God."

They could possibly be referring to the conception of Jesus from presumed infidelity of Mary whilst she was still betrothed to Joseph. We should, however, note three things from this:

1. They had no way of knowing whether the presumed father of Jesus was married or unmarried. If he was married then, in Jesus terms in presumption of monogamy, this would be adultery.
2. Heth and Wenham themselves use the term "adulterous" to describe sex during betrothal.
3. No one denies that illicit sex during betrothal *is* to be classed as *porneia*, the issue is whether this is its *only* meaning in Mt 19:9

Use in the Jerusalem Council Decree

Acts 15:²⁸ For it seemed good to the Holy Spirit, and to us, to lay upon you no greater burden than these necessary things: ²⁹ that you abstain from things offered to idols, from blood, from things strangled, and from sexual immorality (*porneias*). If you keep yourselves from these, you will do well.

There is controversy over what *porneia* means in this context. Heth & Wenham describe (pp.153f) various arguments that indicate that *porneia* here means specifically incestuous marriages. The strongest such argument seems to be from Fitzmeyer that in Acts 15:20,29 it forbids meat offered to idols, things strangled and *porneia*, and the first two of these are in the holiness code of Lev 18-18, so the third must be marriage with close kin. However, Lev 18 also includes bans on adultery, bestiality, and gay sex – so this seems an odd basis on which to restrict the term in Acts.

Could it just mean pre-marital intercourse, or, say, sex with a *pornē* or prostitute? Paul does, of course, deal with the latter in 1 Cor 6:15. But, by Jesus' standards, a man having sex with someone other than his wife is committing adultery also, so (unless it refers only to

unmarried men which seems wildly improbable) it must surely be more general?

Pauline Use

Gal 5:¹⁹ Now the works of the flesh are manifest, which are these; adultery, fornication (*porneia*), uncleanness, lasciviousness,

1 Thess 4:³For this is the will of God, your sanctification: that you should abstain from sexual immorality (*porneias*); ⁴that each of you should know how to possess his own vessel in sanctification and honour, ⁵not in passion of lust, like the Gentiles who do not know God; ⁶that no one should take advantage of and defraud his brother in this matter, because the Lord is the avenger of all such, as we also forewarned you and testified.

In Gal 5:19 Paul (like Jesus in Mt 15:19) lists *porneia* alongside adultery as though it is distinct. But he also lists it alongside “uncleanness” (as also in Eph 5:3, Col 3:5). It would surely be absurd to argue from this that Paul did not regard “*porneia*” as a part of the wider term “uncleanness”? The language is just not used mutually exclusively like this, so neither Mt 15:19 nor Gal 5:19 show that Jews would have excluded adultery from the more general term *porneia*

It would be odd for Paul to emphasize to the Thessalonians only the importance of abstaining from (say) pre-marital sex but not to be bothered about adultery (and it is quite possible that the reference to defrauding a brother may refer to adulterous sex). Both Paul and the Jerusalem Council seem to be using *porneia* to denote a broad range of sexual sin – including married men having extra-marital sex (which we would call “adultery”).

Can it Include Adultery?

Isaksson (1965) states:

in the N.T. *porneia* may, of course, denote different forms of forbidden sexual relations, but we can find no unequivocal examples of the use of this word to denote a wife’s adultery. (p.134)

He is arguing that the term really means betrothal unchastity, and Piper repeats this virtually verbatim with similar argument. Heth & Wenham cite it as emphasizing that the word cannot mean *only* adultery, but they also say:

The major critique of this view, like the technical meaning given to *porneia* in the incestuous marriages view, is that the betrothal unchastity meaning of *porneia* is far too restricted, and ‘such a specialized meaning of the term would not have been readily comprehended (p.176)

They note that Isaksson also wrongly claims that the Hebrew word *znut* is never used of adultery.

So are Isaksson and Piper right to claim that *porneia* can never mean *adultery*?

One of Piper’s arguments is :

Matthew uses the word *porneias* in 15:19 where it is used alongside of *moicheia*. Therefore, the primary contextual evidence for Matthew's usage is that he conceives of *porneia* as something different than adultery

This argument is invalid because, as noted above, Paul lists it separately from *moicheia*, but then lists separately “uncleanness” as well. Plainly *porneia* is not mutually exclusive with “uncleanness”. But if these two terms were not meant to be mutually exclusive, then neither were *porneia* and *moicheia*.

As for the claim that there is no “unequivocal” instance of *porneia* being used for adultery, consider:

Rev 2: ²⁰Notwithstanding I have a few things against you, because you suffer that woman Jezebel, which calls herself a prophetess, to teach and to seduce my servants to commit fornication (*porneúsai*), and to eat things sacrificed unto idols.

²¹And I gave her space to repent of her fornication (*porneias*); and she repented not. ²²Behold, I will cast her into a bed, and them that commit adultery (*moicheúrontas*) with her into great tribulation, except they repent of their deeds.

Whether this is “unequivocal” is hard to say, but it is difficult to believe that the writer intends us to sharply distinguish the Jezebel’s *porneias* as premarital from the *moicheúrontas* as

marital adultery. This looks as “unequivocal” a clear paralleling of the two terms as one might reasonably expect.

The bottom line is that in NT usage *porneia* does *not* mean the same as adultery, but it can include it.

The Meaning of *Porneia* in Mt 19:9

Attempted Restrictions

To Mean only Adultery

Heth and Wenham identify as the “Erasmian” view the idea that “immorality” denotes exclusively the unfaithfulness of a married woman, namely, adultery. They rightly say:

Whereas other meanings can be supported from uses of “immorality” in the Septuagint, pre-Christian Jewish literature, the New Testament, Qumran literature and Patristic material, there is no unequivocal reference in the Septuagint, pre-Christian Jewish literature, or in the New Testament that would intimate the equation of “immorality” (*porneia*) with “adultery” (p.135)

The arguments for the *restriction* of *porneia* in this context to mean adultery seem forced, and it seems highly improbable. Had Jesus meant only adultery he would have used the word *moicheia*.

To Mean only Forbidden Kin Marriage

In terms of Mt 19:5, it is extraordinarily unlikely that Jesus, responding to Jewish Pharisees, would use the term to limit divorce to those in a forbidden kin marriage. Such forbidden kin marriages would be an issue only with later Gentile Christian converts – so it is not surprising that the supporters of this view (as Heth & Wenham explain) generally assume that the Gospel writer inserted it and it was not in Jesus’ mind. *Porneia* certainly *could* describe incest, but it is wildly improbable that Jesus meant it in his reply to the Pharisees. In any case, in a Jewish context such marriages were invalid anyway and did not require divorce.

To Mean only Infidelity During Betrothal

The problem of a discovered infidelity during betrothal is dealt with in Deut 22:23-4. Though in that context the betrothed is

called a “wife”, it seems wildly improbable that Deut 24:1-4 was meant to be restricted to that situation, and no rabbinical school so understood it.

Porneia Relating to “Matter of Indecency”

Heth & Wenham show that :

...there is no direct relationship between the divorce vocabulary in the Septuagint and the terms used in the New Testament. (p.183)

This means that it would not be odd to find that the LXX *achēmon pragma* in Deut 24:1 would appear as *logos porneias* in Mt 5:32. They also note that the Hebrew *dābār* (thing) can be rendered by the LXX either by *logos* or *pragma* but that *logos* is used much more frequently. Heth & Wenham add:

This is the near certainty that the phrase in Matthew 5:32 and the abbreviated form in 19:9 correspond to Shammai’s transposition of the Hebrew words in Deuteronomy 24:1 (cf. m. Git 9:10)

On this basis they rightly reject any attempt to limit the term to betrothal infidelity or unlawful kin marriage, and add:

Shammai’s transposition most likely denoted ‘all the marriage and sexual inhibitions specified in Leviticus ch. 18. It embraces not only incest, but also adultery, buggery and homosexuality...’ But it must be remembered that in Jewish marriage customs the wife’s sexual unfaithfulness does not give the husband the *right* to divorce her, as if he could choose to or not. He *had* to divorce his wife. She was prohibited to him forever. (p.184)

Though the more recent work in Instone-Brewer [(2002) p.96] questions how far it was *compulsory* before 70 AD, it was certainly a strong expectancy. We saw that Joseph, as a “just man”, had no choice in his mind but to put away Mary – albeit he chose the gentler Hillelite option of a private process.

The Shammaite view that such divorce can take place only for serious sexual immorality (including adultery in days when the death penalty was no longer – if it ever had been – applied) is an interpretation of Deut 24. But to say that there are *no* circumstances in which a man *having married a wife* (not just

become betrothed to her) can divorce her, would not be an interpretation of Deut 24 but an abrogation. Yet both Mt 5:32 and Lk 16:18 follow explicit statements by Jesus that he is *not* come to abrogate the Law.

At first sight, then, Piper's suggestion sounds reasonable. On closer examination it makes no sense of the text.

So what does *porneia* mean? Contextually Jesus is responding to a question about the right interpretation specifically of the grounds for divorce implied by the divorce law in Deut 24:1-4. "Adultery" was *not* the term used in Deut 24. The term "uncleanness of a thing" was taken by Shammaites to mean sexual impurity (nicely summed up in the Pauline and Acts use of the term "*porneia*" for a range of sexual and idolatrous sins). The Hillelites took it to mean EITHER sexual sin OR "any-matter". Jesus (as translated in the Gospels) deliberately does *not* use the LXX version of Deut 24:1-4, because this retained the vagueness of the Hebrew. Had he used the term "adultery" then presumably modern legalists would assert that he held only adultery and not eg gay sex or bestiality were adequate grounds for divorce under Deut 24. So he uses the more general term *porneia*.

The Range of Meanings

The statement of Heth & Wenham on this can be fully supported:

Though a term like *moichaeia* ('adultery') clearly and unambiguously denotes the act of adultery, *porneia*, in and of itself, does not signify any one particular sexual sin. It is a wide expression, and the context in which it appears determines its meaning. Hence it may be used to denote *any and every* form of sexual misconduct contrary to the will of God. (p.176)

Conclusions

On the meaning of *porneia* in Mt 19:9 (and 5:32) there is no reason to dissent from Heth and Wenham. On this basis:

1. It is a direct reference to the Shammaite understanding of "uncleanness of a thing" in Deut 24:1.
2. It includes all forms of sexual activity out of line with the will of God for sex within marriage.

Appendix 4

Thinking More About Cases

The Issue

Using Cases

If any theology or exegesis leads to absurd conclusions for particular cases, then there must be something wrong with it. In ethics the exploration of ethical principles using cases was classically called “casuistry”, though the term tends now to have negative connotations of sophistic argument rather than a search for truth. We have already used cases, along with close textual analysis, but it may help in this appendix to explore a few more case implications. Jesus certainly calls us to a high standard of personal ethics. It is not easy to turn the other cheek or love one’s enemies. But what he calls us to makes sense. Laws and ceremonies can be a useful guide to living in close harmony with God and the power of the Spirit, but we should note some key things aspects of them.

Stringent Interpretations of Laws

The first main point concerns stringency. The Pharisees were a holiness movement, and made high calls to discipleship. Their interpretations of the Torah were very stringent, and enshrined in the “traditions of the elders”. But we read:

Mark 7: ⁵Then the Pharisees and scribes asked Him, "Why do your disciples not walk according to the tradition of the elders, but eat bread with unwashed hands?" ⁶He answered and said to them, "Well did Isaiah prophesy of you hypocrites, as it is written:

'This people honours Me with their lips,
But their heart is far from Me.

⁷And in vain they worship Me,

Teaching as doctrines the commandments of men.'

⁸"For laying aside the commandment of God, you hold the tradition of men--the washing of pitchers and cups, and many other such things you do."

Gordon Wenham, Andrew Cornes and the others are not hypocrites, but caring spiritual disciples of Jesus. But this passage warns us that over-stringent understandings of laws God gives us are not necessarily the right ones.

God is Pragmatic

The second point concerns God's pragmatism. We already noted that, although God hates divorce, he told Abraham to divorce Hagar. Sometimes He advises the "least worst" solution to a situation that has arisen from human sin or mistake.

Laws Are For Our Good

A third point is that laws are for our good, not ends in themselves.

Mark 2: ²³Now it happened that He went through the grainfields on the Sabbath; and as they went His disciples began to pluck the heads of grain. ²⁴And the Pharisees said to Him, "Look, why do they do what is not lawful on the Sabbath?" ²⁵But He said to them, "Have you never read what David did when he was in need and hungry, he and those with him: ²⁶how he went into the house of God in the days of Abiathar the high priest, and ate the showbread, which is not lawful to eat, except for the priests, and also gave some to those who were with him?" ²⁷And He said to them, "The Sabbath was made for man, and not man for the Sabbath. ²⁸Therefore the Son of Man is also Lord of the Sabbath."

Jesus was not denying that the Laws about showbread and the Sabbath were divinely given and good. He was saying that they are not ends in themselves, but only means to the end of living closer to God. The Sabbath, dietary laws, and circumcision were part of the essential identity of being a Jew – they were the identifying marks of being the people of God and were recognised throughout the Roman Empire as such. Yet they were never intended as more than means to the end of living close to God.

Remarried Cases

Theology vs Pastoral Hearts

The idea that marriage is an "indissoluble bond" which continues through any apparent divorce and remarriage until death, leads, as

we have seen, to insurmountable confusion in applying this to cases of remarrieds. We also saw that actually, the pastoral hearts of Heth & Wenham, and of Cornes, are better than their theology in this respect, and their actual advice to remarried divorcees follows the Spirit of Christ in contradiction to what their theology and exegesis would imply.

Remarrieds and Christian Ministry

But we have to beware in situations where particular theology-regulations are less obviously faulty. One of the books used in this work notes that a particular Bible College had a rule that remarried divorcees could not graduate. This was, the book explained, humbly accepted even by such couples who studied there, as a mark of commitment to standards.

So suppose that two couples completed studies at the college:

- (1) Aysha was pressurised (though not actually physically forced) into marriage by her parents, to a man she had never met, in Pakistan. He beat her, drank, molested their two children, regularly used prostitutes, and eventually divorced her and threw her (and the children) out on the streets to remarry someone else. Having become a Christian three years later, and been renounced by her family, Aysha married a Christian bachelor John, who acts as a devoted father to her two children.
- (2) Jack was a hard-drinking gang member who killed his first wife in a drunken rage, served six years for manslaughter, and was converted in prison on an Alpha course. His wife Joan was a former prostitute, formerly living also in a bisexual relationship with her pimp and a fellow prostitute who was a lesbian. Having repented and become converted she claimed the promise that “his blood can make the foulest sinner clean”, fell in love with and married the Christian Jack, and they now want to serve God in prison ministry as man and wife

Now according to the “consistent stand” taken by the Bible College, John and Aysha cannot graduate because she is a remarried divorcee, whereas it is perfectly OK for Jack and Joan to graduate as neither are remarried divorcees. It is better to either “live in sin” or to murder one’s wife than to be the innocent victim

of a wicked husband. Is this applying Christian standards or the worst kind of legalistic Pharisaic nonsense? Is “divorce” now the only unforgivable sin – whereas murder, prostitution, fornication and gay-sex are forgivable? Perhaps if the college sticks with the nice safe “Janet and John” type Christians, or Christians like the “elder brother” in the prodigal son parable, they can move along without facing reality. But if they are really seeing cutting edge conversions, then people with all kinds of less than ideal backgrounds get on fire with the love of God and want to serve him. Either we have a gospel of grace or not.

This does not mean that “just anyone” should be able to attend Bible College or graduate or be accepted into Christian ministry. Free grace is not cheap grace – and we have to try to ensure that hearts truly are right. But whatever those poor, battered and browbeaten remarried-divorcee victims of Pharisaic legalism at the college may have said, having this kind of Pharisaic legality is anathema to Jesus-based Christianity. Even though, as Paul said, a prostitute becomes united in “one flesh” with every customer, Jesus would have said: “Neither do I condemn you, go your way and sin no more” to the truly repentant – never mind to the innocent victim.

Would-be Remarriages

Considering Remarriage

The view that marriage is indissoluble leads to incoherence regarding the ostensibly and legally remarried. But, some may think, surely it is at least clear in regard to those who are contemplating remarriage? Surely a minister who followed the Wenham-Cornes-Williams line of thinking could consistently let Christians marry in his/her church *only* if neither had any living ex-spouse? For anyone else – even the “innocent victim” of divorce – such a minister would advise that the path of true discipleship would indicate a life of celibacy.

The Essentials of Marriage

One of the problems with seeing marriage as “indissoluble” (as hinted in the main text) is that there must be some actual point at

which the indissoluble bond *begins*. So, which one or more of the following are *essential* factors to being indissolubly married?

- (i) The *first* sexual “one-flesh” bonding of any kind that occurs for a person?
- (ii) Going through some kind of wedding “ceremony”? Need it be Christian or “religious”?
- (iii) Living in a man-woman partnership over time, being identified as “an item” and a regular sexual liaison?

Now on my understanding of Christian marriage *all* these are desirable, and the ideal (which my wife and I, and both my son and daughter have followed with their marriages) is to begin with (ii) and follow it with (i) and (iii). We never needed to ask which was the essential defining factor of marriage, because all three were present. If a couple just have one or two of these above, then they should be advised to get all three to regularise their situation. If a person was previously involved in just one or two of these with another partner, and now wants to marry someone else, then the question would not be “are you indissolubly married already to a previous person”, but “is whatever bond there was with that previous person now both irretrievably ended and repented?”

Once “indissolubility” enters, however, the situation changes. It then becomes essential to know *which* of the above is *essential* to creating an indissoluble bond, because if such a bond exists then the person cannot marry anyone else.

Let us assume (as Anglicans like Gordon Wenham and Andrew Cornes would hold) that all three are necessary for a marriage to be present.

Cases

So let us try some cases. Imagine you are the minister deciding who amongst the following can marry in your church. In each instance we will take it that those involved are active, committed, disciples of Jesus, wanting to repent any past sin and in future do only what is right. Would you allow them to marry? If you *don't* think marriage is “indissoluble” there would be no inherent reason to stop any of them (assuming there were no other considerations) from marrying. But if you decide on the basis of a belief in marital

“indissolubility” the consistent answer is given in italics for you. Think about it.

- [1] Jack murdered his first wife whilst drunk, was converted in prison, and now wants to marry Gladys who is a virgin.

Yes [] No []

Jack seems OK to wed in your church (as long as he is now repentant) as his first wife is dead.

- [2] Phyllis was never yet wedded, but was a bisexual prostitute in a dual-liaison with her pimp and a lesbian; she became a Christian, repented and renounced that lifestyle, and now wants to marry widowed John.

Yes [] No []

As she was never wedded, Phyllis can presumably marry now.

- [3] Philip lived as an unwed “partner” to Colleen for ten years, and had two children. She left him and the children, and has since married Sid. Philip recently become a Christian, and wants to marry Cynthia who is a virgin.

Yes [] No []

As Philip was not officially wed before, he can presumably marry.

- [4] Jasmine was all-but (though not quite) forcibly married to a man she had never met in Pakistan, who drank, beat her, molested their children, and eventually divorced her so that he could remarry. She has since become a Christian, been renounced by her family, and wants to marry Ben as a Christian husband and father to her children.

Yes [] No []

Jasmine is a divorcee, she cannot remarry because that would be “adultery”.

- [5] Mary lived as a partner with Bob for three years, but then they split up. Bob has since married Gladys, and Mary now wants to marry Jim who is a widower.

Yes [] No []

Sexual bonding and/or living together does not constitute marriage, so she is free to marry now.

- [6] David, a bisexual, went through a civil ceremony with Paul with whom he lived as a gay-partner for four years. After they

dissolved the civil-partnership, David became a Christian and now wants to marry Mary who is a virgin.

Yes [] No []

A gay-marriage is not valid, so David is free to marry Mary.

[7] Beryl was divorced when she was 22 by mutual agreement after a one-year separation. She has been living as a partner with Harry, and they have three young children. She has become a Christian and Harry is willing to wed her.

Yes [] No []

Beryl is a divorcee and cannot remarry because that would be adultery.

Conclusion

All this is a nightmare if you believe in “indissolubility”. It is not just that it is “difficult” or that it demands self-sacrifice – it is that assumptions of “indissolubility” make no sense for so many situations we may really meet.

Had Jesus really and explicitly taught it, of course, we would have to do the best we could. But the evidence, as we have seen, is that not only did he not teach it, but that it is inconsistent with both some of his own teaching and some of that of Paul his apostle.

What Jesus and Paul taught was that:

- (i) The main question should not be “what can I get away with?” but “what would be in the heart of God for this situation?”
- (ii) God always intended marriage to be heterosexual, permanent, and monogamous.
- (iii) We should always strive to preserve or restore an existing marriage where possible.
- (iv) We should never enter any marriage unless we intend it to be faithful and permanent.
- (v) If a marriage has irrevocably ended, the divorcee may be free to remarry if God so leads them.
- (vi) Remarried divorcees are genuinely and uniquely married to each other – whatever sins may have been involved in divorcing in the past.

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