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# Divorce and Remarriage in Scripture

by Joel Hamuli Songela

## Introduction

Over the years there has been a heated debate among scholars concerning divorce and remarriage. Though affirming the authority and unity of Scripture, commentators wrestle with the interpretation and application of divorce clauses without a consensus. In most African countries divorce used to be a taboo, and it is still considered a scandal in some parts of the continent.<sup>1</sup> But generally speaking divorce is becoming more and more common in Africa today. According to the Demographic Health Survey of Senegal's families, for instance, close to 300,000 women were divorced or separated in 2005.<sup>2</sup> Because of this, divorce and remarriage have become a challenge to pastors and/or spiritual leaders in the African church and theologians are consulted to give answers. The questions pursued include: Is it sinful or lawful to divorce? What are the grounds for a 'legitimate' divorce? Does Scripture allow a divorced person to remarry? This study will examine Deuteronomy 24:1-4 and Matthew 19:1-10 in tackling these questions.<sup>3</sup> Considering the historical and literary contexts of the pericopae, the study will explore each one of them and determine their contribution to our understanding of the subject. We will argue that God's will is no divorce for whatever reasons other than marital unfaithfulness (or adultery), and that there should be no remarriage following any divorce. More importantly, the study goes a step farther to explicate the grounds for the high standard set by God in Scripture for the marriages of His people.

The first part of our study deals with the background and context of Deuteronomy 24:1-4 and Matthew 19:1-10. In the second part we give a canonical interpretation showing exegetically and theologically how we arrive at our position. The last part is a summary of what we consider to be the biblical teaching on divorce and remarriage and some concluding remarks.

## Background and Context

### Deuteronomy 24:1-4

As the last of the five books of the Pentateuch, Deuteronomy preserves the three covenant addresses Moses delivered just prior to his death and the entry of the Israelites into Canaan.<sup>4</sup> It is clear that the book of Deuteronomy

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<sup>1</sup> Phuong Tran, *Africa/Divorce*, <http://newsgroups.derkeiler.com/Archive/Soc/soc.culture.african/2007-03/msg00013.html>

<sup>2</sup> Phuong Tran, *Africa/Divorce*.

<sup>3</sup> Other NT passages on Jesus' teaching on divorce include Matt 5:31-32; Mk 10:2-12; Lk 16:18. These will from time to time be referred to in relation to Matt 19:1-10.

<sup>4</sup> Mark E. Biddle, *Deuteronomy*, (Maco, Georgia: Smyth & Helwys, 2003): 1.

describes its own contents as the law (תּוֹרָה) – the *torah* (1:5; 4:8; 17:18, 19; 27:3, 8, 26; 28:61; 29:21; 30:10; 31:26). It gives a restatement of the Mosaic Covenant for the benefit of the second generation of Israelites in the wilderness and it is part of a larger section that expands and applies the basic stipulations of the covenant (5:6-21).<sup>5</sup> We arrive at this portion of Scripture as the author comes to the subject of divorce law, and he treats divorce as a practice already existing and known by his audience.<sup>6</sup> By the time of Moses, divorce had become a custom even among Israelites since man had already violated God's standard of one man married to one woman stipulated in Gen. 2:24 and as evidenced elsewhere (4:19). Apparently, divorce was lawful in most Ancient Near Eastern cultures.<sup>7</sup>

The legal case presented in Deut. 24:1-4 is a very special one; it does not deal with divorce in general. The text concerns itself with remarriage after divorce as a way of prohibiting the marriage of a divorced woman to her first husband after already having been remarried to a second husband who either divorced her or he died. According to the passage the husband did three things to effect the divorce: he wrote a bill of divorcement attesting his wish to release her (cf. Jer. 3:8; Is. 50:1); he personally put the bill in her hand; and he formally sent her out of his house (v.1).<sup>8</sup> This procedure was probably intended to protect the wife since in ancient civilization women were second-class citizens (or property), so that the bill of divorcement would release the woman from further domestic obligations.<sup>9</sup>

Though Deut 24:1-4 refers to divorce as generally practiced in ancient Israel, it does not command or condone divorce,<sup>10</sup> rather it shows that Moses conceded to divorce in certain circumstances.<sup>11</sup> In this passage the prohibition only appears at v.4 as a binding legal decision while vv.1-3 are a protasis specifying exactly the conditions that must apply for the execution of the legislation in the apodosis (v.4).<sup>12</sup>

<sup>5</sup> J. Carl Laney, "Deuteronomy 24:1-4 and the Issue of Divorce". *Bibliotheca Sacra*, 149 no. 593 (Jan-Mar. 1992): 3.

<sup>6</sup> Peter C. Craigie, *The Book of Deuteronomy*, The New International Commentary on the Old Testament (Grand Rapids: Eerdmans, 1976): 305.

<sup>7</sup> John H. Walton, Victor H. Matthews and Mark W. Chavalas, *The IVP Bible Background Commentary: Old Testament* (Downers Grove: IVP, 2000): 22.

<sup>8</sup> See also A.D.H. Mayes, *Deuteronomy*, The New Century Bible Commentary (Grand Rapids: Eerdmans, 1981): 322.

<sup>9</sup> Edward Dobson, "Divorce in the Old Testament," *Fundamentalist Journal* 4, no. 9 (1985): 40.

<sup>10</sup> See e.g. Eugene H. Merrill, *Deuteronomy*, The New American Commentary, (Nashville: Broadman & Holman, 1994): 318.

<sup>11</sup> Dobson, *Fundamentalist Journal* (1985): 39.

<sup>12</sup> Some translations (e.g. KJV, ASV of 1901 and ERV) wrongly put the apodosis ("then let him write her a bill of divorcement") at the end of verse 1 which implies that the Law requires that a husband divorce his offending wife.

**Matthew 19:1-10**

Jesus had just ended his Galilean ministry. In 4:12 he enters the last phase of his life in Jerusalem as he moved toward the cross.<sup>13</sup> The concluding formula (“when Jesus had finished these sayings”) marks the end of a major discourse and the beginning of another one. Matt. 19:1-10 is part of a larger section (19:1-20:16) that deals with family and possessions in view of the Kingdom of God.<sup>14</sup> The Pharisees begin their testing by questioning Jesus (v.3), to which Jesus responds (vv. 4-6). Then they counter question him (v.7), and again Jesus answers (vv. 8-9). The dialogue ends with the disciples’ reaction in amazement (v.10), and Jesus’ response to their bafflement as a way of explaining himself further (vv. 11-12).

The pericope in Matt. 19:3-9 parallels Mk. 10:2-12 and sustains the tension encountered earlier between Jesus and the religious authorities (cf. 12:14; 15:12) while anticipating the opposition he will encounter in Jerusalem.<sup>15</sup> The Pharisees, who represented the religious establishment of the day, hated Jesus because his teachings were making them unpopular so that they planned to destroy him. They brought up the issue of divorce because it was an area that touched people’s lives deeply.<sup>16</sup> The Pharisees wanted to discredit Jesus with the people for they knew that he did not agree with their view on divorce.<sup>17</sup> They saw here an opportunity to expose what they believed was Jesus’ inconsistency with the Law of Moses.<sup>18</sup> The leaders in religious affairs themselves debated the justifiable grounds for divorce implied in Deut. 24:1-4.<sup>19</sup> According to the Mishna (*Gittin* 9:10), the school of Shammai argued that the passage commanded divorce if one’s spouse was guilty of marital unfaithfulness. The school of Hillel maintained that a man could divorce his wife for whatever displeased him, even for a trivial offense such as burning

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<sup>13</sup> John McArthur, *John McArthur’s Bible Studies On Divorce* (Chicago: Moody Press, 1983): 5.

<sup>14</sup> John Nolland, *The Gospel of Matthew* (Grand Rapids: Eerdmans, 2005): 55.

<sup>15</sup> Donald A. Hagner, *Matthew*, Word Biblical Commentary, Vol. 33B (Dallas, TX: Word Books, 1995): 546.

<sup>16</sup> Nolland, *The Gospel of Matthew*, 768.

<sup>17</sup> Before this encounter Jesus had already condemned divorce and remarriage (Matt. 5:31-32). Furthermore, the recent Herodias affair (14:3-14) may have influenced the Pharisees’. See also MacArthur, *Bible Studies On Divorce*, 10; Craig L. Blomberg, *Matthew*, The New American Commentary, 22 (Nashville: Broadman, 1991), 289.

<sup>18</sup> Richard B. Hays, *The Moral Vision of the New Testament: A Contemporary Introduction to New Testament Ethics* (New York: HarperCollins, 1996): 350; Abel Isakson, *Marriage in the New Temple*, Trans. N. Tomkinson and J. Gray, ASNU 24, (Lund: Gleerup; Copenhagen: Munsgaard, 1965): 122.

<sup>19</sup> Hagner, *Matthew*, WBC, 547, observes that the word “test” (πειράζοντες) is used in Matthew to refer to Pharisees coming to test Jesus on a question they had frequently debated among themselves.

food.<sup>20</sup> Since Moses assumed the practice of divorce, to ask whether Jesus thinks divorce is permissible at all is to ask whether he agrees with Moses.<sup>21</sup>

## The Interpretation

### Deuteronomy 24:1-4

The statute described in this passage concedes to divorce in case the wife loses favor with her husband. The reason for the husband's feelings is that he finds the "nakedness of a thing" or "naked matter" (עֶרְוַת דְּבָר) with the wife. The precise meaning of the phrase in Hebrew is uncertain and the Septuagint's translation, "some unbecoming thing" (ἄσχημον πρῶγμα) is equally difficult to understand.<sup>22</sup> Nevertheless, our understanding of this phrase is very important to the interpretation of Jesus' exception clause in Matthew 19:9 (i.e. "marital unfaithfulness") since it seems obvious that he had this scripture (i.e. Deut. 24:1-4) in mind.<sup>23</sup>

The first time the author of Deuteronomy uses the expression literary rendered "the nakedness of a thing" (עֶרְוַת דְּבָר) is in 23:14, where it refers generally to something impure.<sup>24</sup> Craigie thinks that it may have been a technical legal expression that in this context indicates some physical deficiency in the woman,<sup>25</sup> while Merrill feels that it suggests some shameful or repulsive act such as improper exposure of her private parts.<sup>26</sup> Other commentators think the expression implies adultery, though not exclusively.<sup>27</sup> Yet some commentators argue that it cannot mean adultery simply because adultery was punishable by death (cf. 22:22) not divorce (24:1).<sup>28</sup> But because the phrase is broad enough to include adultery, one cannot limit the עֶרְוַת דְּבָר

<sup>20</sup> Craig S. Keener, *The IVP Bible Background Commentary: New Testament* (Downer's Grove: IVP, 1993): 96. Rabbi Aqiba added that a woman could be divorced even if her husband found another more beautiful woman. See Daniel J. Harrington, S.J., *The Gospel of Matthew*, Sacra Pagina 1, (Collegeville, MN: The Liturgical Press, 1991): 275. According to Hughes, this liberal rabbinical school also interpreted 'indecent' to mean a wife's walking around with her hair down, speaking to men in the streets, or speaking disrespectfully of her husband's parents in his presence. R. Kent Hughes, *The Sermon on the Mount: The Message of the Kingdom* (Wheaton: Crossway Books, 2001): 114.

<sup>21</sup> Keener, *The IVP Bible Background Commentary: New Testament*, 161.

<sup>22</sup> Laney, "Deuteronomy 24:1-4 and the Issue of Divorce", *Bibliotheca Sacra*, 5.

<sup>23</sup> Blomberg, *Matthew*, NAC, 291.

<sup>24</sup> Merrill, *Deuteronomy*, NAC, 305, and Mayes, *Deuteronomy*, NCBC, 322.

<sup>25</sup> Craigie, *The Book of Deuteronomy*, NICOT, 305.

<sup>26</sup> Merrill, *Deuteronomy*, NAC, 317.

<sup>27</sup> J. M. Sprinkle, "Sexuality, Sexual Ethics" in *Dictionary of the Old Testament: Pentateuch* (Downers Grove: IVP, 2003): 744; R.H. Stein, "Divorce" in *Dictionary of Jesus and the Gospels* (Downers Grove: IVP, 1992): 195.

<sup>28</sup> See e.g. S.R. Driver, *A Critical and Exegetical Commentary on Deuteronomy* (Edinburgh: T & T. Clark, 1986): 271.

to anything less than adultery.<sup>29</sup> For instance Sprinkle argues that the word “nakedness” is used frequently in an idiom for sexual intercourse.<sup>30</sup> Reading Jer. 3:8 makes us believe beyond doubt that Jeremiah also must have understood “nakedness of a thing” in Deuteronomy 24:1 to be applicable to adultery because he applies the law by analogy to the relationship between God and Israel where God, rather than executing Israel for her adulteries, wrote her a “certificate of divorce” and sent her away into exile.<sup>31</sup> Like Jeremiah, Jesus in Matthew 19:9 seems to have taken עֲרֻתָּהּ דְּבָרָהּ as “marital unfaithfulness” which may as well be referred to as adultery.<sup>32</sup>

Although it is true that adultery was punishable by death in the Old Testament, there is considerable evidence that the death penalty prescribed in the Torah had in practice been replaced by compulsory divorce.<sup>33</sup>

It appears that whereas in theory adulterers were to be put to death by stoning (or burning), in practice other penalties were frequently imposed (cf. Prov. 6:33-35; Hos. 2:3, 10; Ezek. 16:37-39; 23:29). Thus Joseph sought not Mary’s stoning but divorce, when he thought her guilty of adultery (Matt. 1:19; cf. also *Sota* 4:3).<sup>34</sup>

Thus the passage under consideration stipulates a procedure not to control divorce but remarriage.<sup>35</sup> The regulation prohibits the remarriage of a woman to her first husband if she has been married to another man in the interim.<sup>36</sup> This is because she has been “defiled” by the second husband and to remarry her would be an abomination to the LORD and it would bring sin in the land since the second marriage is similar to adultery.<sup>37</sup> The word “defiled”

<sup>29</sup> See e.g. Mayes, *Deuteronomy*, NCBC, 322, who wants to limit the expression to denote something short of actual unchastity.

<sup>30</sup> Sprinkle, “Sexuality, Sexual Ethics” in *DOT: Pentateuch*, 744.

<sup>31</sup> Sprinkle, “Sexuality, Sexual Ethics” in *DOT: Pentateuch*, 744.

<sup>32</sup> So Merrill, *Deuteronomy*, NAC, 317; Driver, *A Critical and Exegetical Commentary on Deuteronomy*, 272; Craigie, *Deuteronomy*, 305;

<sup>33</sup> Hays, *The Moral Vision of the New Testament*, 354. So also, Sprinkle, “Sexuality, Sexual Ethics” in *DOT: Pentateuch*, 744, who observes that cases of adultery not proven in court could be a matter of divorce.

<sup>34</sup> Stein, “Divorce” in *Dictionary of Jesus and the Gospels*, 195.

<sup>35</sup> William A. Heth and Gordon J. Wenham, *Jesus and Divorce* (Nashville: Thomas Nelson, 1984): 107.

<sup>36</sup> This law is also indicated by the parallel in Jer. 3:1-5.

<sup>37</sup> Craigie, *The Book of Deuteronomy*, NICOT, 305; Laney, “Deuteronomy 24:1-4 and the Issue of Divorce”, *Bibliotheca Sacra*, 8. But Heth and Wenham argue that the second marriage is perfectly legal and it cannot be the one regarded as defiling the woman. See, Heth and Wenham, *Jesus and Divorce*, 108. See also J. A. Thompson, *Deuteronomy: An Introduction and Commentary*, Tyndale Old Testament Commentary, (Downers Grove: IVP, 1974), 244, who sees some value in the proposal that these laws were intended to preserve the second marriage.

(נִטְמָא) means “to be made unclean” or “to be touched by uncleanness”<sup>38</sup> and in Lev. 18:20 and Num. 5:13-14 it is used of the defilement of adultery.<sup>39</sup> Thus as Weibling contends, the issue in Deuteronomy 24:1-4 was not adultery upon divorce, but adultery during the consummation of the second marriage.<sup>40</sup> This interpretation is consistent with the New Testament teaching where remarriage is placed at par with adultery (see Mk. 10:11-12).<sup>41</sup>

The reason for the prohibition stated in Deut. 24:4 was the abomination which would bring sin in the land. Thus the entire regulation concerns a patriarchal judgment about protecting the purity of the land of promise.<sup>42</sup> The idea that unchastity defiled the land is found in several other passages in the Old Testament (e.g. Lev. 18:25, 28; 19:29; Nu. 5:3; Jer. 3:2, 9; Ho. 4:3).<sup>43</sup> Like Adam, Israel is given rules by which the garden land and/or God’s presence are to be enjoyed.<sup>44</sup> Dumbrell is worth quoting at this juncture.

By means of such references [Deut 7:14; 11:11-12. cf. 6.10-11, 8:7] the concept of the land as “Eden regained” comes through strongly. This is in keeping with the expectation voiced in Ex. 15:17-18 that the land is God’s sanctuary, in which Israel is in effect continually at worship. Everything that threatens to pollute must certainly be removed, for god and Israel inhabit together.<sup>45</sup>

The only way God’s presence would be maintained in the land by His covenant people was through shunning evil, and it was God’s presence that made Israel different from other nations. God required more from them because they had a special place before Him. So for example although Israel practiced divorce just like any other culture in the Ancient Near East, people outside Israel obtained divorce more easily.<sup>46</sup> In Assyria, it was a man’s right to divorce his wife even without providing her with a settlement, and men in Egypt and Mesopotamia could divorce their wives for almost any reason.<sup>47</sup> In contrast, no Old Testament law or oracle institutes divorce, and Deuteronomy 24:1-4 had the effect of making divorce a more serious issue for Israel

<sup>38</sup> William L. Holladay, ed. *A Concise Hebrew and Aramaic Lexicon of the Old Testament* (Grand Rapids: Eerdmans, 1988): 124.

<sup>39</sup> Generally, נִטְמָא is used of sexual, or religious or cultic uncleanness. See Holladay, *Hebrew and Aramaic Lexicon*, 124.

<sup>40</sup> James M. Weibling, “Reconciling Matthew and Mark on Divorce,” *Trinity Journal* 27 NS (2001): 233.

<sup>41</sup> Laney, “Deuteronomy 24:1-4 and the Issue of Divorce”, *Bibliotheca Sacra* (1992): 14.

<sup>42</sup> Walter Brueggeman, *Deuteronomy*, Old Testament Commentaries, (Nashville: Abingdon Press, 2001): 236.

<sup>43</sup> Thompson, *Deuteronomy*, TOTC, 244.

<sup>44</sup> William J. Dumbrell, *The End of the Beginning: Revelation 21-22 and the Old Testament*, (Homebush West, Australia: Lancer Books, 1985): 135.

<sup>45</sup> Dumbrell, *The End of the Beginning*, 134.

<sup>46</sup> Thompson, *Deuteronomy*, TOTC, 244.

<sup>47</sup> Walton, *The IVP Bible Background Commentary: Old Testament*, 196.

because they were his covenant people. This is true today for true Israel, the New Creation. As House observes, Jesus, offering what he considers the proper application of Mosaic writings on divorce and remarriage, “reaffirms the importance of marital permanence in the covenant community”.<sup>48</sup>

### Matthew 19:1-12

It is clear that the issue for which the Pharisees confront Jesus in Matthew 19 is not divorce, rather the justifiable grounds for divorce. As noted earlier, this was an important topic in the intra-Pharisaic debate between the schools of Shammai and Hillel. Their first question to Jesus is whether it is lawful for a man to divorce his wife for whatever reason (v.3). The words *κατὰ πᾶσαν αἰτίαν* can either be translated as “for every reason whatever” or “for any reason (at all)”, but context favors the former.<sup>49</sup> This phrase (*for every reason whatever*) is missing in the parallel passage in Mark’s gospel. It is probable that Matthew deliberately adds it to bring the question of divorce more closely into the realm of strict legal discussion than Mark.<sup>50</sup> He moves the Pharisees’ question from one about the lawfulness (*ἐξεστίν*) of divorce to one about the cause (*αἰτία*) for divorce.<sup>51</sup> Apparently, the debate hinged on the question of the exegesis of the expression “anything indecent” (*כְּרִיבּוּת הַבְּרִיּוֹת*, “the nakedness of a thing”) in Deuteronomy 24:1.<sup>52</sup> The Shammaites, placing the emphasis on “indecent,” took the phrase to refer to sexual unfaithfulness. The Hillelites, placing the emphasis on “anything”, allowed divorce even for a minor misdemeanor.<sup>53</sup>

Intriguingly in his response Jesus goes beyond the Law of Moses and the Shammai-Hillel debate to a creation ordinance (4-6).<sup>54</sup> The introductory formula “haven’t you read that ...” (*οὐκ ἀνέγνωτε ὅτι*) clearly implies that Jesus is about to quote an Old Testament writing. Just like Mark, Matthew connects Gen. 1:27 and 2:24 via “and he said” (*καὶ εἶπεν*) so that Gen. 2:24 is a pronouncement by God himself in which he demonstrates the meaning of his creative deeds.<sup>55</sup> “The creator” (*ὁ κτίσας*, lit. “the one having created”) did

<sup>48</sup> Paul R. House, *Old Testament Theology*, (Downers Grove: IVP, 1998): 191.

<sup>49</sup> Hagner, *Matthew*, WBC, 547.

<sup>50</sup> Duane Warden, “The Words of Jesus on Divorce,” *Restoration Quarterly* 39, no.3 (1997): 145. This position assumes Markan priority, which implies that Matthew had Mark’s gospel as one of his sources.

<sup>51</sup> Harrington, *The Gospel of Matthew*, Sacra Pagna, 273.

<sup>52</sup> LXX: (*ἄσχημον πράγμα*), lit. “some unbecoming thing.”

<sup>53</sup> Blomberg, *Matthew*, NAC, 289.

<sup>54</sup> A creation ordinance is an appeal to some facet of creation before the fall to support a NT speaker’s or writer’s perspective equally appropriate in this new age. For this definition see G.K. Beale and D.A. Carson, ed. *Commentary on the New Testament Use of the Old Testament*. (Grand Rapids: Baker, 2007), 59, who also observe that this is the first instance of a creation ordinance in Matthew.

<sup>55</sup> Piet Farla, “The Two Shall Become One Flesh”: Gen. 1:27 and 2:24 in the New Testament Marriage Texts” in *Intertextuality in Biblical Writing: Essays in Honour of Bas van Iersel*. Edited by Sipke Draisma, (Kampen: Kok, 1989): 71.

“from the beginning” (ἀπ’ ἀρχῆς) make them male and female (ἄρσεν καὶ θῆλυ ἐποίησεν αὐτούς),<sup>56</sup> thus designating them to complement each other to the point that they constitute one complete being, “one flesh” (σάρκα μίαν).<sup>57</sup> Verse 6a makes it clear that this creation ordinance remains in effect even after the fall of the human race, the giving of the Law and the coming of the Kingdom with Jesus.<sup>58</sup> Even when the Pharisees brought up Deuteronomy 24:1, claiming that “Moses commanded” (ἐνετείλατο) divorce (v.7), Jesus’ response was basically the same (v.8) in that he referred them to the original intent of God. He insisted that it was not so “from the beginning” (ἀπ’ ἀρχῆς),<sup>59</sup> rather “Moses permitted” (ἐπέτρεψεν)<sup>60</sup> divorce because of the people’s hardheartedness (σκληροκαρδίαν).<sup>61</sup> The σκληροκαρδι- (*hard-hearted*) root is found five times in the LXX (Dt. 10:16; Pr. 17:20; Jer. 4:4; Eze. 3:7; Sir. 16:10). According to Luz σκληροκαρδίαν is a wisdom term that refers to the inner dimension of sin, reflects unwillingness to repent, or stubbornness.<sup>62</sup> Divorce therefore is a result of man’s utter disobedience to his creator. It is not in accord with God’s original design and should not happen.

What we see here is Jesus’ redemption beginning the process of reversing the curse of God on all creation, so that marriage in the New Creation will reflect God’s original intent in creation.<sup>63</sup> In salvation history, redemption is always subordinate to creation in that it is the means of reintroducing the conditions of the New Creation. Essentially, all events since the fall are to be seen as a process leading to the reintroduction of the original creation,<sup>64</sup> that is, restoration.<sup>65</sup> Since, according to the Old Testament

<sup>56</sup> ὁ κτίσας occurs only here in Matthew. ἄρσεν καὶ θῆλυ ἐποίησεν αὐτούς (Gen. 1:27) occurs almost verbatim in LXX and is cited in CD 4:21 in an argument against polygamy. In the NT, apart from the Gospels (Matthew and Mark), this verse (Gen. 2:24) is cited again in Eph. 5:31.

<sup>57</sup> Paul seems to interpret “one flesh” as sexual intercourse in 1 Cor. 6:16.

<sup>58</sup> Blomberg, *Matthew*, NAC, 290.

<sup>59</sup> Ulrich Luz, *Matthew 8-20: A Commentary*. Hermeneia: A Critical and Historical Commentary on the Bible (Minneapolis, MN: Fortress Press, 2006): 489, observes that the expression “from the beginning” (ἀπ’ ἀρχῆς) often refers biblically to creation or to the beginning of salvation history, and it emphasizes the special authority of the statement that follows it.

<sup>60</sup> Here Jesus replaces “Moses commanded” (ἐνετείλατο) with “Moses permitted” (ἐπέτρεψεν). Nolland, *The Gospel of Matthew*, 774, argues that the latter reflects the actual syntax of Dt. 24:1-4.

<sup>61</sup> This is the only occurrence of the word in Matthew.

<sup>62</sup> Luz, *Matthew 8-20: A Commentary*, Hermeneia, 490.

<sup>63</sup> Beale and Carson, *Commentary on the NT Use of the OT*, 59.

<sup>64</sup> G.K. Beale, “The Eschatological Conception of New Testament Theology,” *The Reader Must Understand: Eschatology in the Bible*. Edited by K.E. Browner and M.W. Elliot (Leicester: IVP Apollos, 1997): 22.

<sup>65</sup> Messianic restoration is prophesied by Isaiah (Is. 43, 65-66), for instance, where God is portrayed as “creating”, “forming”, or “making” Israel.

prophets, restoration would involve the heart (Eze. 36:26; cf. 18:31; Jer. 32:39, 24:7), here Jesus, according to Nolland, calls to mind the hardheartedness of the generation of the Exile.<sup>66</sup> Perhaps Matthew wants his readers to note that Jesus has come to address the problem of the heart, a problem that the Law of Moses could not successfully deal with.

Verse 9 is probably the most problematic of all the verses in the pericope. The syntactical and lexical difficulties inherent in the expression “except for marital unfaithfulness” (μὴ ἐπὶ πορνείᾳ) have attracted considerable scholarly attention. The phrase does not appear in the parallel passage in Mk. 10:11-12 and in Lk. 16:18. It is the equivalent of the phrase “except on the ground of sexual immorality” (παρεκτὸς λόγου πορνείας), which is found in Matthew 5:32. Most scholars maintain that this exception clause is an insertion, an addition, by the evangelist to the words of Jesus in his adaptation of the church’s tradition.<sup>67</sup> However, it is more probable that the exception clause originated with Jesus.<sup>68</sup> To think that it was a mere insertion is, as Vawter puts it, plain arbitrariness.<sup>69</sup> The authenticity of the clause is evidenced by the fact that all of the ancient manuscripts have it.

Another problem is to determine whether the clause should be interpreted exceptively (“if a man divorces his wife, except if she has been unfaithful”),<sup>70</sup> inclusively (if a man divorces his wife, even if she has been unfaithful),<sup>71</sup> or exclusively (“if a man divorces his wife, unfaithfulness (πορνεία) is a separate issue”).<sup>72</sup> The evidence from context favors the exceptive interpretation.<sup>73</sup> One of the reasons is that it seems natural for Jesus to respond by mentioning his view on the ground for divorce because that was the cardinal point in the legal discussions in Jesus’ day as evidenced by the Pharisees’ question (v.3). To say that Matthew simply attributed his own practice to Jesus raises more questions since one finds it difficult to see how the proposition fits the context of 5:32 where Jesus insists that he came not to abolish the law but to fulfill it

<sup>66</sup> Nolland, *The Gospel of Matthew*, 774.

<sup>67</sup> Luz, *Matthew 8-20: A Commentary*. Hermeneia, 492; Hays, *The Moral Vision of the New Testament*, 353.

<sup>68</sup> So Blomberg, *Matthew*, NAC, 292.

<sup>69</sup> Bruce Vawter, “The Divorce Clauses in Mt 5:32 and 19:9,” *The Catholic Biblical Quarterly* 16 (1954): 159.

<sup>70</sup> Where μὴ ἐπὶ is translated as “except for”. See e.g. Blomberg, *Matthew*, NAC, 292; Hagner, *Matthew*, WBC, 549.

<sup>71</sup> Where μὴ ἐπὶ is translated as “even not outside (apart from) the case of” i.e. “even inclusive of the case of”.

<sup>72</sup> Where μὴ ἐπὶ is translated as “even for” or “not considering the case of πορνεία”. See e.g. Allen R. Guenther, “The Exception Phrases: Except, Including, or Excluding? (Matthew 5:32; 19:9),” *Tyndale Bulletin* 53, no. 1(2002): 92-96.

<sup>73</sup> Warden, “The Words of Jesus on Divorce”, 147. For a detailed treatment of each of the three positions, see Vawter, “The Divorce Clauses in Mt 5:32 and 19:9”, 157-165.

more effectively.<sup>74</sup> As indicated above, we take the two exception clauses, μὴ ἐπὶ πορνείᾳ and παρεκτός λόγου πορνείας to be identical and original.<sup>75</sup> In addition, the exception clause is a fair translation of עֲרֻוַת דְּבָרִים, (lit. “the nakedness of a thing”) of Deuteronomy 24:1 which, as stated above, most commentators believe Jesus is here alluding to.<sup>76</sup>

However some scholars see some weaknesses in taking the exception clause as original. Hagner, for instance, has this to say:

The Matthean addition of the exception clause (cf. the absolute statement of Mark 10:11 and Luke 16:18) has the effect of making Jesus side with the Shammaites, i.e., the divorce was allowable in cases of sexual misconduct. The addition not only softens the ethics of the kingdom, but it also stands in tension with the absolutism of v 6, weakens the argument of vv 7-8, and makes the disciples' comment in v 10 and Jesus' statements in v 11-12 less appropriate than they would be in case of an absolute prohibition of divorce.<sup>77</sup>

But the truth is, although Jesus allows an exception that apparently parallels the view of the Shammaites, he never requires divorce even in the case of marital unfaithfulness.<sup>78</sup> His pronouncement against remarriage further proves that his overall approach to divorce and remarriage is even more conservative than any of the Jewish parties of his day.<sup>79</sup> We can also infer from the Pharisees' remarks (vv. 10, 25) that they realized how much Jesus' point of view differed from theirs. It should be noted further that Jesus uses an emphatic, “But I say to you” (λέγω δὲ ὑμῖν) to expressly present his pronouncement as exceeding the teaching of Moses himself. It is therefore clear that here and in the dichotomy of 5:31 ff., “It has been said . . . but I say to you,” an old and a new revelation are implied, which clearly underlines the restoration motif in Jesus' words on divorce and remarriage.

But did Jesus really prohibit remarriage? Again scholars differ. Some say remarriage is completely out of bounds for both parties, while others say only the innocent party can remarry in the case of adultery.<sup>80</sup> There are still other

<sup>74</sup> Vawter, “The Divorce Clauses in Mt 5:32 and 19:9”, 163.

<sup>75</sup> So Blomberg, *Matthew*, NAC, 292; Hagner, *Matthew*, WBC, 549.

<sup>76</sup> This is true especially in Mark's παρεκτός λόγου πορνείας. See Nolland, *The Gospel of Matthew*, 775.

<sup>77</sup> Hagner, *Matthew*, WBC, 549.

<sup>78</sup> Beale and Carson, *Commentary on the NT Use of the OT*, 59.

<sup>79</sup> Beale and Carson, *Commentary on the NT Use of the OT*, 59. For instance the Pharisees took the right of remarriage after divorce as a matter of course. They also understood Moses to have “commanded” divorce in case of marital unfaithfulness whereas Jesus took it as mere permission (p. 61).

<sup>80</sup> See e.g. Hagner, *Matthew*, WBC, 549, and McArthur, *Bible Studies On Divorce*, 49; Blomberg, *Matthew*, NAC, 292, respectively.

commentators who feel that either party has the right to remarry.<sup>81</sup> For the most part, the problem is in determining what the exception clause (19:9) modifies in the sentence. Those who believe in no remarriage at all take the exception clause as modifying the verb “divorce” (ἀπολύση) only, and the ones who argue for remarriage for the innocent partner take the clause as qualifying both the verbs “divorce” (ἀπολύση) and “marries” (γαμήση). Yet there are variations on all these views and the present study is not intended to deal with them in detail.<sup>82</sup>

But we argue that Jesus clearly taught against divorce for reasons other than “marital unfaithfulness” [πορνεία]<sup>83</sup> and remarriage.<sup>84</sup> In both Mark 10:11-12 and Luke 16:18 Jesus states that divorce and remarriage constitute adultery and should not be practiced.<sup>85</sup> No exception is allowed in either of these statements. Jesus says the same thing concerning remarriage in Matthew 5:32, “whoever marries a divorced woman commits adultery” (no exception). Thus, while divorce can be (not “should be”) allowed in a case of sexual sin, remarriage following divorce should never happen.<sup>86</sup> This teaching as a whole reflects Jesus’ interpretation of Genesis 1:27 and 2:24, that is, God’s original design is that marriage should be a lifelong relationship

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<sup>81</sup> Larry Richards, “Divorce and Remarriage Under a Variety of Circumstances” in *Divorce and Remarriage: Four Christian Views*, ed. H. Wayne House (Downers Grove: IVP, 1990): 244. He states, “a person whose first marriage has ended has a right to remarry” only that they should not rush too soon into a new relationship. So also Stein, “Divorce” in *Dictionary of Jesus and the Gospels*, 193.

<sup>82</sup> For a detailed analysis of positions and their variations see Heth and Wenham, *Jesus and Divorce*, 153-197; Vawter, “The Divorce Clauses in Mt 5:32; 19:9” 156-165.

<sup>83</sup> Although there is a separate Greek word for “adultery” (i.e., μοιχάω), πορνεία is assumed here to refer to adultery or related sexual sins. See Blomberg, *Matthew*, NAC, 292. Again, commentators translate the word πορνεία in a number of different other ways, e.g. “premarital sexual intercourse” and “incestuous marriage” (Lev. 18). See e.g. Heth and Wenham, *Jesus and Divorce*, 113-20.

<sup>84</sup> See e.g. Hagner, *Matthew*, WBC, 549.

<sup>85</sup> Paul also seems to indicate that married people should not divorce, and if they do, they should remain single the rest of their life unless they are willing to be reconciled to their partner (1 Cor. 7:10-11).

<sup>86</sup> The NT recognizes two grounds for the dissolution of a marriage that may warrant remarriage: death of a partner (1 Cor. 7:39; Rom. 7:2-3) and desertion by an unbelieving partner (1 Cor. 7:15). We take the statement “she is not bound” (δέδεταί) in 1 Cor. 7:15 to mean “not compelled to comply with the law of no remarriage.” For a view that takes marriage as absolutely indissoluble by divorce (whether due to unchastity or other seeming grounds), and remarriage as incestuous, see William A. Heth, “Divorce, But No Remarriage” in *Divorce and Remarriage: Four Christian Views*, ed. H. Wayne House (Downers Grove: IVP, 1990): 93-114. However, some commentators feel that Scripture allows remarriage. Hughes gives three instances warranting divorce and remarriage: sexual immorality, desertion by an unbelieving spouse, and if married and divorced before coming to Christ. Hughes, *The Sermon on the Mount*, 120.

between one man and one woman who become one body. Consequently, Matthew and Mark, according to Hays, assign positive significance to the renunciation of divorce [and remarriage] as a sign of the new creation.<sup>87</sup> Also according to Myles Munroe,

Jesus is introducing the world to a new kingdom – a new government. So what He is dealing with in the Sermon on the Mount (Matt. 5,6, and 7) are the changes in attitude and behavior necessary to live and function in the new kingdom.<sup>88</sup>

## Conclusion

It is clear that the Old Testament takes for granted the writing of certificates of divorce (Deut. 24:1-4). By the time of Jesus the Jewish teachers of the Law prescribed divorce for various reasons as if the Law of Moses commanded it. Jesus strongly forbade people to divorce their wives or husbands<sup>89</sup> (except for marital unfaithfulness) and to remarry. He therefore stated a new perspective on divorce and remarriage and gave the reasons for both the old and the new perspectives. The reason for the old view that allowed for divorce was the sinfulness of mankind, and the reason for the new perspective is that it is God's original design. In this case Jesus pointed back to the pre-Fall era to express what the will of God was when he created man and woman. Commenting on Mark and Matthew's understanding about marriage and on Jesus' reference to original creation, Hays says,

Mark, by pointing back behind the Mosaic Law to God's original design, dares to suggest that through unwavering faithfulness to the one flesh union of marriage, Jesus' disciples embody *new creation*, manifesting what was meant to be "from the beginning of creation". Likewise, Matthew's placement of the teaching against divorce in the Sermon on the Mount makes this point with unmistakable clarity: the *polis* on a hill is a sign of hope for the world. In a community with such a sign-bearing vocation, divorce has no place. Matthew's exception clause, however, is a clear concession to the "not yet": until the kingdom arrives in its fullness.<sup>90</sup>

On the same note Blomberg contends that God "did not originally create people to divorce each other, and he therefore does not intend for those whom he re-creates - the community of Jesus' followers - to practice divorce".<sup>91</sup> He

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<sup>87</sup> Hays, *The Moral Vision of the New Testament*, 366.

<sup>88</sup> Myles Munroe, *Single, Married, Separated, and Life After Divorce* (Shippensburg, PA: Destiny Image, 2003): 74.

<sup>89</sup> The fifth-century B.C. Jewish marriage contracts from Elephantine, Egypt, indicate that a woman could divorce her husband. See Sprinkle, "Sexuality, Sexual Ethics" in *DOT: Pentateuch*, 743.

<sup>90</sup> Hays, *The Moral Vision of the New Testament*, 366

<sup>91</sup> Blomberg, *Matthew*, NAC, 291.

says that, as in the Sermon on the Mount, Jesus proclaims a higher standard of righteousness for his followers than the Law of Moses.<sup>92</sup>

It is probably harder to observe Jesus' teaching on divorce and remarriage today than at any other time in Christian history. Today believers, particularly in North America, are divorcing at a rate that is at par with that of unbelievers.<sup>93</sup> Since the 1990s the divorce rate has stabilized at 50%, and about 75% percent of those who divorce later remarry!<sup>94</sup> Heth recounts that pastors tell him that most of the requests for divorce and remarriage they encounter do not fall under the adultery and desertion exceptions allowed by the most popular evangelical view.<sup>95</sup> One of the factors contributing to this terrible situation is that the Church's teaching on divorce and remarriage is not in harmony with Scripture. Pastors are not addressing the issue as they should because some spiritual leaders themselves are not practicing God's Word on this matter. No wonder, "Those who are in ministry are 'equally likely to have their marriage end in divorce' as general church members."<sup>96</sup> It should therefore not surprise us to learn that the clergy has the second highest divorce rate among all professions!<sup>97</sup>

Like Erasmus, some exegetes are opting for a humanistic reading of Scripture.<sup>98</sup> The temporal happiness and well being of individuals is given priority over obedience to the Word of God. Given the fact that this generation is very sexually promiscuous, lowering the standard of marriage only worsens the moral situation in the Church and the world at large. For instance, *Christianity Today*, one of the most popular Christian magazines in North America and internationally, published an article ("What God Has Joined: What does the Bible Really Teach?") by David Instone-Brewer in October 2007.<sup>99</sup> In his article Instone-Brewer complains that to tell people that they should not divorce and remarry except in cases of adultery, desertion by an

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<sup>92</sup> Blomberg, *Matthew*, NAC, 291.

<sup>93</sup> H. Wayne House, "Introduction" in *Divorce and Remarriage: Four Christian Views*, ed. H. Wayne House, (Downers Grove: IVP, 1990): 9.

<sup>94</sup> David H. Olson and John DeFrain, *Marriage and the Family: Diversity and Strengths* (Mountain View, California: Mayfield Publishing Co., 1990): 13.

<sup>95</sup> Heth, *Divorce and Remarriage*, 118.

<sup>96</sup> H. B. London, Jr. and Neil B. Wiseman, *Pastors at Greater Risk* (Ventura, California: Regal, 2003): 84.

<sup>97</sup> London and Wiseman, *Pastors at Greater Risk*, 86. Hence the authors warn, "Pastors must restore authority of God's Word in their own house before we can ever hope to see righteousness in the Church House."

<sup>98</sup> Out of a concern for the salvation of people seemingly bound by ecclesiastical legalism, Erasmus argued for a more charitable reading of the Gospel concerning divorce and remarriage. This approach went contrary to the tradition of the early Church Fathers who held almost unanimously that remarriage after divorce is adulterous. See Heth and Wenham, *Jesus and Divorce*, 45-72.

<sup>99</sup> David Instone-Brewer, "What God Has Joined: What does the Bible Really Teach?" *Christianity Today*, October 2007.

unbelieving partner, or widowhood seems so impractical and cruel. Instead he contends that biblically one is allowed to divorce even for emotional or physical neglect. Using extra-biblical rabbinic sources and Ex. 21:10-11,<sup>100</sup> he argues that divorce is allowed when one is denied of his/her rights to food, clothing, and love by the spouse. If Jesus acknowledged this kind of divorce,<sup>101</sup> one wonders why the disciples would respond in amazement and then utter in frustration that it was better not to marry (v. 10). Context and canonical consideration lead to an understanding that sees Jesus as presenting a high standard for marriage. His perspective reflects a call for the people of the Kingdom, the New Creation, to do the perfect will of God whatever the cost, thus distinguishing them from the rest of the world.

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<sup>100</sup> Apparently this OT reference is a unique context that cannot apply to all situations of divorce. It is about a female slave who has been sold to a master, probably by her parents, in hopes that one day the master might marry her.

<sup>101</sup> Instone-Brewer claims that Jesus "did not reject" divorce for physical or emotional neglect.

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