

Divorce and Remarriage for Two Reasons

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Introduction

The majority view among evangelicals today is that there are two grounds which would permit divorce and remarriage, namely marital unfaithfulness and desertion by an unbeliever.¹

Both are violations of marriage as a covenant made between two individuals with God acting as their witness. Two New Testament statements, one by Jesus and one by Paul, support this view:

“I tell you that anyone who divorces his wife, except for marital unfaithfulness, and marries another woman commits adultery” (Matt. 19:9; cf. 5:32).

But if the unbeliever leaves, let him do so. A believing man or woman is not bound in such circumstances; God has called us to live in peace (1 Cor. 7:15).²

For many years I defended the minority view that Jesus and Paul may well have permitted marital separation or legal divorce, but that they did not thereby sanction remarriage.³ I now

¹The 1992 *Christianity Today* readers survey revealed that “The majority believe that fornication (73 percent) and desertion by a non-Christian spouse (64 percent) are two scriptural grounds for remarriage. At the same time, a significant minority believe Jesus taught that believers should not remarry after divorce (44 percent) and that God designed marriage to be permanent, and remarriage constitutes adultery (44 percent). Less than four out of ten believe there may be reason for remarriage other than adultery or desertion. Those who have been divorced are more likely to accept other reasons” (Haddon Robinson, “CT Readers Survey: Sex, Marriage, and Divorce,” *Christianity Today*, Dec. 14, 1992, p. 31).

²NIV and so throughout unless indicated otherwise. This chapter contains revised portions of my article “Jesus on Divorce: How My Mind Has Changed,” *Southern Baptist Journal of Theology* 6:1 (Spring 2002): 4-29. Used by permission. I would also like to say a word of thanks to Dr. David Instone-Brewer, Tyndale House, Cambridge, for the many e-mail exchanges we shared and the way his work has influenced my own thinking on this subject most recently.

³Wm. A. Heth, “Another Look at the Erasmian View of Divorce and Remarriage,” *Journal of the Evangelical Theological Society* 25 (1982): 263-72; “The Meaning of Divorce in Matthew 19:3-9,” *Churchman* 98 (1984): 136-52; “Divorce and Remarriage” in *Applying the Scriptures: Papers From ICBI Summit III* (ed. K. S. Kantzer; Grand Rapids: Zondervan, 1987), 219-39; “Divorce, but No Remarriage” in *Divorce and Remarriage: Four Christian Views* (ed. H. Wayne House; Downers Grove: InterVarsity, 1990), 73-129; “The Changing Basis for Permitting Remarriage after Divorce for Adultery: The Influence of R. H. Charles,” *Trinity Journal* 11 NS (1990): 143-59; “Divorce and Remarriage: The Search for an Evangelical

believe I was mistaken and would like to explain in this chapter the most important reasons why I believe the Scriptures permit, but by no means encourage, divorce and remarriage in the event of a spouses' unrepentant sexual immorality and desertion by an unbeliever.

Marriage Is a Covenant, but Not an Unbreakable One (Genesis 2:24)

Naturally our attitude toward divorce and remarriage will be determined by our convictions about the nature of the marriage relationship itself. This is why we need to begin with a clear understanding of the Old Testament passage that Jesus cited as the basis for what he taught.

When questioned by the Pharisees concerning his views on the permissibility of divorce “for any cause” (Matt. 19:3; cf. Mark 10:2), Jesus cited two texts from Genesis 1 and 2: “‘Haven’t you read,’ he replied, ‘that at the beginning the Creator “made them male and female [Gen. 1:27],” and said, “For this reason a man will leave his father and mother and be united to his wife, and the two will become one flesh [Gen. 2:24].”’” So what can be gleaned from Genesis 2:24 about the nature and permanence of the marriage relationship?

Covenant Language: “leave and cleave”

When we read “For this reason a man will *leave* . . . and *cleave* . . . ,” we are reading the language of biblical covenants. The term “leave” here and other places in the Old Testament refers to the shift of an individual’s devotion and loyalty from one person or group to another (cf. Deut. 28:20; 31:16; Ruth 2:11; Jer. 1:16; Hos. 4:10). The word “cleave” is especially prominent as a technical term in the covenant terminology of Deuteronomy (cf. Gen. 34:3; Deut. 10:20;

Hermeneutic,” *Trinity Journal* NS 16:1 (Spring 1995): 63-100. With Gordon J. Wenham, *Jesus and Divorce: Towards an Evangelical Understanding of New Testament Teaching* (London: Hodder & Stoughton, 1984; Nashville: Thomas Nelson, 1985; updated ed.; Carlisle: Paternoster, 1997).

11:22; 13:4; 30:20; Josh. 22:5; 23:8; 1 Kings 11:2). So when a man leaves his father and mother and cleaves to his wife, he is abandoning one loyalty and beginning another. That the husband's loyalty to his wife (and the wife's to her husband) is to be exclusive of all others is also emphasized in the Old Testament. The prophets employ the marriage metaphor to show that Israel's covenant relationship with Yahweh excluded all other gods (Jer. 31:32; Hos. 13:4; cf. Exod. 20:1-6).

Marriage Covenants Are Established by Vows and Include Obligations

Further reinforcement that marriage is a covenant is the final statement in Genesis 2:24 that the man and the woman “will become one flesh.” This is an abbreviated reference to the pledge of loyalty that Adam just made to Eve with God as his witness: “This is now bone of my bones, and flesh of my flesh” (Gen. 2:23a). In biblical times, an oath or a vow was the main ingredient in establishing a covenant between two people or groups. God is actually called upon to act as “the enforcer” of the covenant,⁴ and Adam's words in Genesis 2:23a is his pledge to God to put Eve first in his life. If we fill in the details of Adam's vow, he is saying: “I hereby invite you, God, to hold me accountable to treat this woman as part of my own body.”⁵ This highlights the gravity of the vows marriage partners make before the Almighty God. The teaching of Genesis 2:23-24 is what prompted Paul to say to husbands in Ephesians 5:28: “In this same way [that Christ sacrificially loved the church and was willing to die for her], husbands ought to love their

⁴Cf. Gordon P. Hugenberger, *Marriage as a Covenant: Biblical Law and Ethics as Developed from Malachi* (Biblical Studies Library; Grand Rapids: Baker Books, 1998; Leiden: Brill, 1994), 11-12, 193, 215. Hugenberger is pastor of Park Street Church in Boston and adjunct professor of OT at Gordon Conwell Theological Seminary.

⁵Ibid., 165.

wives as their own bodies. He who loves his wife loves himself.” God is invoked at wedding ceremonies to witness the vows that couples make to one another, and to break such vows is invite God’s displeasure (cf. Exod. 20:7).

Covenants Were Used to Extend Family-like Loyalties beyond Literal Flesh and Blood Families

The nature of the marriage covenant is also illuminated by an understanding of the four essential ingredients that go into the making of a “covenant” (*bῑrît*) in the Old Testament. Covenants established (1) a relationship (2) with someone who was *not* a relative (3) that included obligations (4) which were established by an oath.⁶ Covenants did not create kinship relationships between formerly unrelated people. Rather they were the vehicle for extending the loyalties that attended such relationships.⁷ It is telling that the Hebrew word for “covenant” is not used at all in the Old Testament “of naturally occurring relationships and the ordinary obligations which attend them, such as those which exist between parents and a child or between blood brothers (cf. Gen. 4:9).”⁸ Thus the one flesh marriage relationship does *not* make husbands and wives as closely related as they will be to their own flesh and blood children. If this were the case, then the marriage relationship might be virtually indissoluble.

Marriage Covenants Can Be Broken

So if Scripture indicates that marriage is a covenant (cf. Ezek. 16:8, 60; Mal. 2:10-16) to

⁶Ibid., 184.

⁷Cf. D. J. McCarthy, *Treaty and Covenant* (AnBib 21a; Rome: Biblical Institute, 1981 [1st ed. 1963]), 175, cited in Hugenberger, *Marriage as a Covenant*, 11; cf. 164, n. 161 & p. 180. Cf. also G. E. Mendenhall, s.v. “Covenant,” *Interpreter’s Dictionary of the Bible* (4 vols; Nashville: Abingdon, 1962), 1:716.

⁸Hugenberger, *Marriage as a Covenant*, 180.

which God is a witness (Mal. 2:14; Gen. 31:50), just how permanent are biblical covenants?

The marriage relationship should not be viewed as on a par with the seemingly permanent nature of the New Covenant, the covenant that God said he would never break with his people (cf. Jer. 31:31-34). The New Covenant is distinctive, and God does indeed want us to model our actions after his own (Matt. 5:48; Eph. 5:22-33); but as one writer has observed, “God is not a man that he should change his mind; but neither is a man God that his word should abide for ever.”⁹

There is indeed a relationship between biblical marriage law and covenant concepts, but the partners in the New Covenant (God and fallen humanity) are not the same as the partners in a marriage covenant (two sinful but redeemed individuals with wills of their own).

Furthermore, covenants are *not* inherently unbreakable. Where Hebrew usage is concerned, “covenants may be both violated and dissolved—with both of these concepts expressed by the same underlying Hebrew expression which is customarily rendered ‘broken’ in most English versions . . .”¹⁰ As many have observed, Jesus’ statement, “Therefore what God has joined together, let man not separate” (Matt. 19:6b//Mark 10:9), does *not* mean “no one *can* separate,” but rather it means “It *is* possible to separate, but you should not.”¹¹

⁹Oliver M. T. O’Donovan, *Marriage and Permanence* (Nottingham, 1978), 17, cited in David Field, “The divorce debate—where are we now?” *Themelios* 8:3 (April 1983): 28.

¹⁰Hugenberger, *Marriage as a Covenant*, 3, n. 25. Cf. also David Instone-Brewer, *Divorce and Remarriage in the Bible: The Social and Literary Context* (Grand Rapids, MI: Eerdmans, 2002), 1-19.

¹¹David Instone-Brewer, *Divorce and Remarriage in the Church: Biblical Solutions for Pastoral Realities* (London: Paternoster, 2003), 7. Cf. Craig L. Blomberg, “Marriage, Divorce, Remarriage, and Celibacy: An Exegesis of Matthew 19:3-12,” *Trinity Journal* 11 NS (1990): 169-70; Bruce Kaye, “‘One Flesh’ and Marriage,” *Colloquium* 22 (1990): 51.

Sexual Fidelity: A Crucial Covenant Obligation

What role, then, does sexual union play in the formation of the marriage covenant?

Clearly, sexual union does not constitute marriage in and of itself (cf. 1 Cor. 6:16). Some have argued that during Old Testament times the actual consummation of the marriage is what put the final stamp on a couple's union after they bore public witness by pledging their vows to one another.¹² The apostle Paul, however, speaks of sexual relations in marriage as a mutual obligation that husbands and wives willingly render to one another (1 Cor. 7:2-5). Where did Paul get this idea?

Ancient Near Eastern marriage covenants or contracts included stipulations that were either written down or stated verbally before witnesses at a ceremony. These obligations could vary from one marriage to another. There were also certain basic rights and responsibilities that pertained to every marriage. However, the most important covenant obligations were normally *not* written down.¹³ This is because everyone already understood what they were. These consisted of "food, clothing and marital rights" (Exod. 21:10).¹⁴ Indeed, sexual faithfulness is one of the stipulations that is rarely listed in these ancient Near Eastern marriage covenants, and thus one of the most important. This is confirmed by the fact that the death penalty for adultery

¹²So Hugenberger, *Marriage as a Covenant*, 248, 279.

¹³Instone-Brewer, *Divorce and Remarriage in the Bible*, 8.

¹⁴The distinctive contribution of Instone-Brewer's work is that he identifies two additional biblical grounds for divorce based on Exod. 21:10-11. Rabbinic sources classified these under two headings: material neglect and emotional neglect (*Divorce and Remarriage in the Bible*, 102). Both the rabbis and Paul, he argues, applied these equally to the wife and the husband (cf. 1 Cor. 7:3-5, 32-34). The three provisions of Exod. 21:10-11 also "became the basis for the vows in Jewish marriage contracts and in Christian marriage services via the reference in Ephesians 5:28-29" (275).

is recorded throughout the ancient Near East and in the Old Testament itself (Lev. 20:10; Deut. 22:23-24; cf. Jer. 29:23).

The gravity of the sin of marital unfaithfulness in the eyes of both God and all humanity is evident throughout the Old Testament. Adultery was not only an offense committed against an injured husband, but it was also an offense against God (cf. Gen. 20:6-10; 39:7). Adulterers are linked with murderers (Job 24:14-15) and treacherous men (Jer. 9:2) who misuse God's name (Jer. 29:23) and oppress widows (Mal. 3:5). We also read in the New Testament, "Let marriage be held in honor among all, and let the marriage bed be undefiled, for God will judge the sexually immoral and adulterous" (Heb. 13:4). If this is how offensive God viewed a violation of the sexual exclusivity pledge in the marriage covenant, then it is most probable that Jesus, God's son, would view that same sin similarly.

Let me sum up. The Genesis 2:24 "one flesh" relationship that results from the marriage covenant ratified by vows before witnesses is *not* an indissoluble union. Rather it is one that should preeminently *not* be violated, and a sexual sin like adultery--one that could receive the death penalty throughout the Old Testament world--is viewed as a major violation of the faithfulness vow which a husband and wife pledge to one another.

The Biblical Recognition that All Divorces are *Not* Wrong

One of the main reasons why I believe that Jesus permitted divorce and remarriage for at least marital unfaithfulness is that Scripture itself makes a distinction between divorce with justifiable grounds and divorce without grounds.

Deuteronomy 24:1-4: Justifiable and Unjustifiable Divorces

Deuteronomy 24:1-4 is the central Old Testament text on divorce. Let's take a closer look:

When a man takes a wife and marries her, if then she finds no favor in his eyes because he has found *a matter of indecency*¹⁵ in her, and he writes her a certificate of divorce and puts it in her hand and sends her out of his house, and she departs out of his house,² and if she goes and becomes another man's wife,³ and the latter man *hates her* and writes her a certificate of divorce and puts it in her hand and sends her out of his house, or if the latter man dies, who took her to be his wife,⁴ then her former husband, who sent her away, may not take her again to be his wife, after she has been defiled, for that is an abomination before the LORD. And you shall not bring sin upon the land that the LORD your God is giving you for an inheritance. (Deut. 24:1-4, ESV [Emphasis mine.]

The specific ground for divorce mentioned in verse 1, “a matter of indecency” (עֲרֵבָה דְבָרִים), was the point in dispute among the followers of the Jewish teachers Hillel and Shammai during Jesus' ministry. In fact, when Jesus was asked by some Pharisees, “Is it lawful for a man to divorce his wife *for any matter?*” (Matt. 19:3), they were asking him if he agreed with the popular Hillelite view encapsulated in the phrase “for any matter.” Followers of Hillel placed no limits whatsoever on the Jewish husband's unilateral right to divorce his wife. The Shammaites on the other hand focused on the word “indecency” in the phrase in Deuteronomy 24:1 and limited the husband's right of divorce to “adultery.”

Put simply, the law in Deuteronomy 24:1-4 states that a divorced woman who has contracted a second marriage may never subsequently be taken back by her first husband. In 1986, Raymond Westbrook highlighted a crucial distinction between the two divorces mentioned in this passage.¹⁶ In the original marriage, the husband finds “a matter of indecency” in his wife

¹⁵I am departing from the ESV here to pursue a more literal rendering of the Hebrew text in order to clarify a point.

¹⁶Cf. Raymond Westbrook, “The Prohibition on Restoration of Marriage in Deuteronomy 24:1-4,” in *Studies in the Bible 1986* (Scripta Hierosolymitana 31; Jerusalem, Magnes, 1986), 387-405. Both Hugenberger (*Marriage as a Covenant*, 79-81) and Instone-Brewer (*Marriage and Divorce in the Bible*, 7) affirm Westbrook's findings on the distinction between the two divorces and the related financial penalties, but find the unjust enrichment motivation only half correct. Neither Stephen Clark (*Putting Asunder: Divorce and remarriage in biblical and*

and divorces her (v. 1), but the wife's second husband divorces her because he "hates" (NIV "dislikes") her (v. 3). Westbrook did an extensive survey of marriage and divorce customs in the ancient Near East out of which the Old Testament laws arose, modified redemptively as they were by what God revealed to Moses. He also studied Jewish literature written after the close of the Old Testament that interpreted and applied the biblical teaching.¹⁷

Westbrook found that a phrase like "a matter of indecency" (Deut. 24:1) refers to a justifiable or valid ground for divorce; but when "hates" or "dislikes" is added to the divorce formula, it "is used to show that the action arose from a subjective motive and without objective grounds to justify it—and for this reason is blameworthy."¹⁸ This can be seen in Deuteronomy 24:3 where "hate" does not refer to the divorce itself, but to the subjective motive for the divorce. When a woman was subjectively or invalidly divorced, she is entitled to a financial settlement. She received back the dowry, which was a monetary or material gift given by the bride's father for her security in the marriage. Generally, she also would receive some compensation from her husband's resources (i.e., divorce payments). This means that divorce without objective grounds was costly for the husband. Divorce for "dislike," though legal, was frowned upon by both the Old Testament and the surrounding ancient Near Eastern culture as evidenced by the financial penalty imposed upon the husband.

pastoral perspective [Bryntirion, Bridgend, Wales: Bryntirion Press, 1999]) nor Alex R. G. Deasley (*Marriage and Divorce in the Bible and the Church* [Kansas City, MO: Beacon Hill Press, 2000]) mention Westbrook in connection with their treatment of Deut. 24:1-4.

¹⁷Cf. also Judith R. Wegner, *Chattel or Person? The Status of Women in the Mishnah* (New York: Oxford, 1988), 80-86; Léonie J. Archer, *Her Price Is Beyond Rubies: The Jewish Woman in Graeco-Roman Palestine* (Journal for the Study of the Old Testament Supplement Series 60; Sheffield: Sheffield Academic/JSOT Press, 1990), 173, 176-81.

¹⁸Westbrook, "The Prohibition on Restoration of Marriage in Deuteronomy 24:1-4," 402.

Malachi 2:16 Does Not Say God Hates *All* Divorce

This combination of “hate (NIV “dislike”) and divorce” is found not only in Deuteronomy 24:3 but also in Malachi 2:16, aptly captured by the ESV translation:

For the man who hates and divorces, says the LORD, the God of Israel, covers his garment with violence, says the LORD of hosts. So guard yourselves in your spirit, and do not be faithless.”¹⁹

Translations of Malachi 2:16 like the NASB, “For I hate divorce, says the Lord, the God of Israel” (cf. KJV, NIV, NLT, NRSV), likely misconvey the sense of the original. In the Hebrew text, the subject of “he hates” is probably not Yahweh, but the man, and so the reference is to an unjustifiable divorce (based on “hate”).²⁰ This suggests that there is a justifiable divorce, however tragic, which God does not condemn. Most translations incorrectly convey the notion that God is against divorce of any kind.

The Deuteronomy 24:4 Prohibition Is Not Directly Applicable Today

On several occasions I have received calls asking whether or not the Deuteronomy 24:1-4

¹⁹For the best defense of this translation, see Hugenberger, *Marriage as a Covenant*, 48-83. Instone-Brewer concurs (*Divorce and Remarriage in the Bible* 7, n. 30). David Clyde Jones (“A Note on the LXX of Malachi 2:16,” *Journal of Biblical Literature* 109 [1990]: 683-85) also points out, prior to Hugenberger (but not listed in Hugenberger’s bibliography), that the LXX manuscripts a [‘aleph] B A and Q witness to the interpretation favored here: “If you divorce out of hatred.” Jones does not evidence familiarity with Westbrook and seems not to notice that the divorce for “a matter of indecency” in Deut. 24:1 differs from the one God justly condemns in Mal. 2:16 (cf. David Clyde Jones, *Biblical Christian Ethics* [Grand Rapids: Baker, 1994], 189-92).

²⁰Actually, the subject of “he hates” is probably not Yahweh, but the man. Here is Hugenberger’s paraphrase of Mal. 2:16: “‘If one hates and divorces [that is, if one divorces merely on the ground of aversion], says Yahweh, God of Israel, he covers his garment with violence [i.e., such a man visibly defiles himself with violence], says Yahweh of hosts. Therefore, take heed to yourselves and do not be faithless [against your wife]’” (*Marriage as a*

case law prohibits the restoration of a previous marriage after an intervening one. One man left his wife and three young children and married a co-worker. His second wife was now divorcing him, and his first wife and children were willing to take him back. What should he do?

Before leaving this text, I would like to point out why I do not think this passage is still applicable in this way today.²¹ Note that verse 3 links the second husband's divorce for "dislike" (NIV) with what similarly happens if the second husband dies. This is because in both of these situations, the wife retains the dowry. She is left financially well-off. Now we can see why the first husband would want to take his wife back: he wants to pad his wallet! Remember that he divorced his wife by asserting that he found in her "a matter of indecency." This short phrase was legal jargon for some socially recognized misconduct. This would either be mishandling her financial or household duties, or because of sexual misconduct short of adultery. (Adultery was punished by death in the Old Testament [Lev. 20:10; Deut. 22:22], not divorce.) So, whether his accusation was true or not, by asserting he found in her "a matter of indecency," the first husband managed to keep her dowry and was exempted from paying divorce money. Now that she is a wealthy widow or divorcée he tries to take her back.

The reason Deuteronomy 24:4 says it would be an "abomination" for him to try to get back together with her again probably involves several transgressions of the law. For one, he may have put her away on trumped up charges to begin with,²² and this would make him a false

Covenant, 76).

²¹At one point I had argued that the Deut. 24:4 prohibition still applies (Heth, *Jesus and Divorce*, 200-201) and some still do (cf. Clark, *Putting Asunder*, 183-84).

²²The phrase "after she has been defiled" (Deut. 24:4) involves the legal principle of estoppel and would be better translated "after she has been made to declare herself to be unclean." Cf. John H. Walton, "The Place of the *hutqatt* within the D-Stem Group and Its

witness (cf. Exod. 20:16; Deut. 5:20). For another, to remarry one's former wife for financial reasons is financial immorality. This puts the first husband on a par with a man who hires his wife out for prostitution!²³

None of the restoration of previous marriage cases that I have been asked about bear any similarity to the specific details of this Deuteronomy 24:1-4 case law. Thus I do not believe that we should apply its prohibition to modern day cases that bear only superficial similarities.

Deuteronomy 24:1 Was Read as a Command in Jesus' Time

We must clarify one last item about the bill of divorce mentioned in Deuteronomy 24:1. The Hebrew construction of Deuteronomy 24:1 is sufficiently ambiguous to allow two readings of the text. One is to read it like the NIV and all other modern translations ("and he writes her a certificate of divorce"). These suggest that the writing of the certificate of divorce is just one of the relevant facts of this case law laid out in verses 1-3. The actual law, then, is not found until verse 4. The other is to read it like the KJV ("then let him write her a bill of divorcement"). This would mean that Moses *commanded* the giving of the bill of divorce. This is how the Jewish teachers that Jesus debated read this law: "It has been said, "Anyone who divorces his

Implications in Deuteronomy 24:4," *Hebrew Studies* 32 (1991): 12. Walton improves on Westbrook when he notes that "The law restricts the first husband because he forced her to publicize something that was embarrassing to her perhaps to achieve his own selfish ends" (14-15). Walton also points out, as I did in "Divorce, but No Remarriage" (86), that Westbrook's interpretation is supported by Stephen A. Kaufman's brilliant analysis of "The Structure of the Deuteronomic Law," *Maarav* ½ (1978-89): 105-58.

²³David Instone-Brewer, "Deuteronomy 24:1-4 and the Origin of the Jewish Divorce Certificate," *Journal of Jewish Studies* 49 (1998): 233-34. Both Hugenberger (*Marriage as a Covenant*, 77, n. 144 point j.) and Instone-Brewer believe the law of Deut 24:1-4 wants to prohibit what may be called legalized adultery or pimping. Hugenberger quotes Calvin in support of this understanding: "The reason of the law is, that, by prostituting his wife, he would be, as far as in him lay, acting like a procurer" (*Commentaries on the Four Last Books of Moses arranged in the form of a Harmony*, III, 94)."

wife must give her a certificate of divorce”” (cf. Matt. 5:31; Matt. 19:7//Mark 10:3).²⁴ First-century Jews believed that Moses commanded the giving of a certificate of divorce, and that command included grounds for divorce (“a matter of indecency”). The debate over justifiable grounds is precisely where the followers of Hillel and Shammai differed. They must have heard that Jesus was a bit more conservative than either of them, so they used this debated point as the question they hoped to trap him with.

“Divorce” in the First-Century Was Synonymous with the Right to Remarry

When modern day readers encounter “exceptions” in New Testament divorce texts like Matthew 19:9 (“except for marital unfaithfulness”) and 1 Corinthians 7:15 (“A believing man or woman is not bound in such circumstances”), there are really only two ways to interpret them. These exceptional situations either permit (1) divorce *but not* remarriage, or (2) divorce *and* remarriage. We have to ask how these “qualifiers” would most likely be understood in their first-century socio-cultural setting.

The most important reason for believing that Jesus and Paul would have sanctioned remarriage after divorce under the specified exceptions is the very meaning of “divorce” in the minds of first-century readers. Simple separation without the possibility of remarriage was unheard of in both Jewish and Roman marriage law. Though this became the traditional Catholic view of Jesus’ teaching, and is also held by a minority of evangelicals, there were, in fact, no religious sects in the first century who prohibited remarriage after divorce. The whole purpose

²⁴Evidence for this is also found in the LXX translation of Deut. 24:1, from Philo (*Special Laws* 3.30) and Josephus, the first-century Jewish historian (*Life* 426-27; *Antiquities* 4.253).

of obtaining a divorce was to be freed up to remarry. This is what the Jewish bill of divorce made abundantly clear: “Behold, you are free to marry any man.”

There were, however, cases in which divorce was judged as legitimate or illegitimate, valid or invalid, justifiable or unjustifiable depending on the offense of one’s marriage partner or the frivolous reasons for the divorce. Invalid divorces in Jewish marriage law resulted in financial penalties for the man. Valid divorces resulted in financial penalties for the woman. Everyone agreed that a Jewish wife could be justifiably divorced, *and should be* (cf. Matt. 1:19), if she had committed adultery. However, a Jewish wife could also be legitimately divorced for other reasons too, especially if she transgressed the Law of Moses and Jewish custom. Such offences included giving her husband untithed food, uttering a vow and not fulfilling it, going out in public with her hair unbound, and speaking with any man in public (*Ketubah* 7:6). We think that divorcing one’s wife because she goes out in public with her hair uncovered is strange or petty; but the scandalous cultural equivalent in our day would be a Christian wife who goes downtown wearing sexually provocative clothing to flirt with guys when her husband is out of town.

So the first-century Jewish wife who was guilty of some socially recognizable offense against the marriage contract was divorced and forfeited her dowry. (As noted above, the dowry was the financial package that a woman’s father sent with her into the marriage. It provided for her future in the event of her husband’s death or divorce without just cause.) However, almost never was a divorcee or the one who initiated divorce prohibited from remarrying.²⁵

Though Jesus was neither legalistic nor loose in his interpretation of the Old Testament

²⁵The only exception would be a Roman law and a Jewish practice that forbade an adulterer from marrying the one with whom he or she had committed adultery, but not someone else.

law, we know that he saw the marriage relationship as far more binding than his contemporaries. The limitations he placed on divorce and remarriage shocked even his disciples (Matt. 19:10). No doubt he discounted the vast majority of the grounds for divorce which his contemporaries took for granted. For certain he rejected *all* of the frivolous or illegitimate grounds for divorce practiced by Jewish males. However, the reason we cannot say that he rejected *all* justifiable grounds for divorce and remarriage is because Matthew informs us otherwise. As noted above, the Old Testament passage the Pharisees asked Jesus to comment on distinguishes between valid and invalid divorces. Not only this, but Matthew's account of the question Jesus was asked and the response he gave shows that he sided with the most conservative Jewish teacher's interpretation of that debated Old Testament text.

Jesus' Teaching as Recorded by Matthew

³¹“It has been said, ‘Whoever divorces his wife, let him give her a certificate of divorce.’

³²But I say to you that everyone who divorces his wife, *except for a matter of unchastity* (*parektos logou porneias*), causes her to commit adultery; and whoever marries a divorced woman commits adultery” (Matt. 5:31-32, my translation).

And I say to you, whoever divorces his wife, *except for unchastity* (*mē epi porneia*), and marries another commits adultery” (Matt. 19:9, NRSV).

The School of Shammai say: A man should not divorce his wife unless he found in her a matter of indecency (*d^ebar ‘erwāh*), as it is said: *For he finds in her an indecent matter* (‘*erwat d^ebār*’). And the School of Hillel say, Even if she spoiled his dish, since it says, *For*

he finds in her an indecent matter (‘*erwat d□b□r*) (Mishnah *Gittin* 9:10).²⁶

Today, when I hear about the publication of a new book by an up and coming New Testament scholar, I want to know where he or she comes out on hotly debated points of biblical interpretation. This is especially the case if their exegetical results have a significant impact on how we live our lives. The Pharisees were no different. That is why they asked Jesus in Matthew 19:3: “Is it lawful for a man to divorce his wife *for any cause*?” (NRSV). They not only wanted to know where Jesus stood on the new “no fault” divorce popularized by the Hillelites, but they also hoped to discredit him.

Jesus’ Words Echo First Century Legal Jargon about Divorce

Recall that Hillelites emphasized the word “matter” in the “a matter of indecency” phrase from Deuteronomy 24:1. They said that it covered all other grounds for divorce and could be used by anyone. The Shammaites, however, emphasized the word “indecency” and understood the word to mean “adultery.” Though a Hillelite court had other means of discouraging hasty divorce, it did not require any evidence of grounds for divorce, and this made divorce much easier. Still, husbands who initiated “no fault” divorces were financially penalized.²⁷ The Shammaites, in contrast, would require evidence of unfaithfulness, and if proven in a messy court battle, the wife could be divorced and would lose the financial package (*k^étûbâ*) that came with her into the marriage. Thus the Hillelite “any cause” divorce quickly became the preferred

²⁶Mishnah, *Gittin* 9:10. I am using Instone-Brewer’s translation (*Divorce and Remarriage in the Bible*, 111), one that is much clearer than Blackman’s edition (vol. 3: *Nashim*, 444).

²⁷Archer, *Her Price Is Beyond Rubies: The Jewish Woman in Graeco-Roman Palestine*, 177-78, 180.

form utilized by virtually all Jews even before A.D. 70.²⁸

Since the “any cause” legal terminology in the Pharisees’ question in Matthew 19:3 reflects the Hillelite interpretation of “a matter of indecency” in Deuteronomy 24:1, it is highly probable that the “except for unchastity” clause in Matthew 19:9 reflects the Shammaite “nothing but indecency” (i.e., adultery) interpretation of the same.²⁹ Groundbreaking work on the Jewish backgrounds to Jesus’ teaching on divorce now appears to confirm this conclusion.³⁰

Interpreters have long recognized that the way the exception clauses are worded in Matthew 5:32 (“except for a matter of unchastity”) is the virtual equivalent of the way the Shammaites’ reworded the corresponding Hebrew phrase in Deuteronomy 24:1 (“a matter of indecency”). However, the Shammaite position was summarized in the rabbinic literature in two similar phrases, the second of which is worded almost identically to the phrase found in Matthew 19:9! So in both passages Jesus is using wording similar to the Shammaites in the same context in which they used it. If language means anything, we can be sure that Jesus had the same

²⁸“Only in instances when the husband’s reason for divorce, if proven true, would exempt him from the obligation of *kethubah* payment (see above, p. 180), did he need to present his case to a court. In Joseph’s case [Matt. 1:19], had he acted on his intent and proceeded in public, not only would he not have had to pay the *kethubah*, but he could also have charged Mary with adultery” (Archer, *Her Price Is Beyond Rubies: The Jewish Woman in Graeco-Roman Palestine*, 218, n. 3). Cf. Instone-Brewer, *Divorce and Remarriage in the Church*, 45-46, 134-35.

²⁹“Jesus’ position is not far from that of his near-contemporary Shammai, and from Deuteronomy 24:1-4 as well” (D. J. Moo, “Law,” in *Dictionary of Jesus and the Gospels* [eds. J. B. Green and S. McKnight; Downers Grove: InterVarsity Press, 1992] 455). Cf. Heth and Wenham, *Jesus and Divorce*, 168.

³⁰Instone-Brewer’s research in the techniques and assumptions of Jewish exegetes before A.D. 70 well qualifies him to comment on this topic. Cf. David Instone-Brewer, *Techniques and Assumptions in Jewish Exegesis Before 70 CE* (TSAJ 30; Mohr & Siebeck: Tübingen, 1992).

ground for divorce in mind that the Shammaites did when they employed these words.³¹

Jesus Says Hillelite “any cause” Divorces Are Invalid

So what is Jesus saying? Note that this is Jesus’ answer to the question about “any cause” divorces the Pharisees put to him in verse 3. Jesus makes it clear that he rejects the Hillelite “any cause” divorces. They are invalid. He is saying that whoever remarries after a Hillelite divorce is committing adultery! Not only that, everyone would have recognized that the exception clause in Matthew 19:9 is identical to Shammai’s interpretation of “a matter of indecency” in Deuteronomy 24:1. Thus, where Deuteronomy 24:1 is concerned, Jesus limits justifiable grounds for divorce to adultery.

Valid or legitimate divorces included the right to remarry, and no one in the first-century denied remarriage to innocent victims of divorce.³² If Jesus had intended to convey this, as the no-remarriage view maintains, he would have been using the word for “divorce” (*apolyō*) with a different meaning than that used by any of his contemporaries. His hearers would never have understood his point. If Jesus were changing the meaning of “divorce” to “simple separation only, without the right to remarry”—something he could well have done—Matthew’s record of this interchange would have had to make this point much clearer. A valid divorce included the freedom to remarry, and everyone agreed with the Shammaites that adultery was justifiable

³¹Instone-Brewer, *Divorce and Remarriage in the Bible*, 186. The Shammaite phrase equivalent to the wording of the exception in Matt. 19:9 appear in *Sifré Deut. 269; y. Sota 1.2 (16b)*

³²C. S. Mann, *Mark: A New Translation with Text and Commentary* (Anchor Bible 27; Garden City: Doubleday, 1986), 388. Cf. R. H. Stein, "Divorce" in *Dictionary of Jesus and the Gospels* (eds. J. B. Green and S. McKnight; Downers Grove: InterVarsity Press, 1992), 193; Craig Blomberg, *Matthew* (New American Commentary; Nashville, TN: Broadman, 1992), 111; etc.

grounds for divorce.

Jesus' "Ground" Was the Same as Shammai's, But His Focus Was Redemptive

So if Jesus employs a phrase that would, like Shammai's, allow remarriage after a valid divorce brought on by a spouse's marital unfaithfulness, how does his position differ from Shammai's? Jesus' divorce sayings were made within a socio-cultural matrix where Jewish law nearly *mandated* divorce for sexual unfaithfulness *and prohibited* a wife from ever returning to her husband after she had been unfaithful.³³ Jesus challenges both of these notions and *encourages* offended spouses to forgive and take back unfaithful mates who are repentant. Remember that Jesus' contemporaries thought an adulteress deserved death (John 7:53–8:11). Jesus, however, showed mercy to the woman and told her to sin no more. Jesus also taught his disciples to forgive in ways they would never have thought possible (Matt. 18:21-35). Whereas a first-century Jewish husband would probably want to divorce an unfaithful wife (cf. Joseph's response to Mary in Matt. 1:19), Jesus' teaching in Matthew suggests that this is not commanded nor even encouraged, but only permitted. In the sixth antithesis in the Sermon on the Mount ("Love your enemies and pray for those who persecute you that you may be sons of your Father in heaven" [Matt. 5:44-45a]), Jesus asks "his followers to do something that the Mosaic Law had not asked the people of Israel to do: love one's enemy."³⁴ Likewise, Jesus is asking his disciples to forgive transgressions of the marriage covenant in order to preserve the marriage.

³³Cf. Marcus Bockmuehl, "Matthew 5.32; 19.9 in the Light of Pre-Rabbinic Halakah," *New Testament Studies* 35 (1989): 291-95. Also Warren Carter, *Households and Discipleship: A Study of Matthew 19-20* (Journal for the Study of the New Testament Supplement Series 103; Sheffield, 1994), 56-89; A. Tosato, "Joseph, Being a Just Man," *Catholic Biblical Quarterly* 41 (1979): 547-51.

³⁴Moo, "Law," 456.

I am convinced that Jesus' goal would parallel Yahweh's relentless pursuit of unfaithful Israel throughout the Old Testament and that just as God would try to save a marriage at all costs, so should God's people. Thus the exception clause means that marriages *may* still be kept together even if the sin of immorality occurs. A repentant spouse should be forgiven and received back (cf. also the model of the prodigal son's father in Luke 15:11-32).

Jesus' divorce saying, "I tell you that anyone who divorces his wife, except for marital unfaithfulness, and marries another woman commits adultery," was radical. His stunned disciples reacted by saying, "If this is the situation between a husband and his wife, it is better not to marry" (Matt. 19:10). There are two possible explanations for this stunned response. Jesus either prohibited *all remarriage after every divorce*, even divorce for sexual immorality, or he limited valid grounds for divorce and remarriage to a divorce that took place for unrepentant sexual immorality. I believe the latter is more likely because the disciples, like nearly everyone else at the time, would have held to the Hillelite position, not the Shammaite.³⁵ They had just heard Jesus say that Hillelite "any cause" divorces were illegitimate, and whoever remarries after such an invalid divorce commits adultery! This would have been shocking to first-century Jews, suggesting that Jesus' view is more strict than Shammai's—the radical love of God does unexpected things, like forgiving the seemingly unforgivable--and adequately explains the disciples' incredulous reaction in Matthew 19:10 to Jesus' saying in verse 9.³⁶

³⁵“In the first century the Shammaites attempted to restrict the man's power of divorce to charges of adultery, but such was the strength of the ancient view that the normally more progressive school of Hillel came out in opposition and declared that” a man could divorce his wife for any cause (Archer, *Her Price Is Beyond Rubies: The Jewish Woman in Graeco-Roman Palestine*, 219).

³⁶Interestingly, Raymond F. Collins (*Divorce in the New Testament* [Good News Studies

Why Do Mark and Luke Omit the Exception Clause?

One major question remains: Why are the exception clauses absent from Mark and Luke's gospels? The sayings in both Mark 10:11-12 and Luke 16:18 give the impression that under no circumstances would divorce or remarriage ever be possible, so how should we read them?

First, note that it was the Pharisees who asked Jesus where he stood on the matter of divorce (Matt. 19:3//Mark 10:2). The response Jesus made was not addressed to friendly disciples who wanted to know how they could please God. Craig Blomberg's warning underscores this point: "The specific historical background that informed this debate, the particular way in which the question is phrased, and the unscrupulous motives behind the Pharisees' approach all warn us against the notion that Jesus was comprehensively addressing all relevant questions about marriage and divorce."³⁷

Evangelical scholars who defend the view taken in this chapter understand Jesus' pronouncement in one of two ways. Some say that Jesus is using exaggeration or overstatement to make his point. Such statements always need qualification. This is very plausible because the Gospels emphasize that Jesus referred to himself as a prophet (Matt. 13:57), taught as a wise man (Matt. 12:38-42), and spoke out powerfully against the religious hypocrisy and injustices he

38; Collegeville, MN: Liturgical Press, 1992], 120-26), like Robert H. Gundry, follows the minority view on Matt. 19:10-12 (i.e., that Jesus' v. 11 "not all can accept *this saying*" refers to Jesus' divorce saying in v. 9, not the disciples' retort in v. 10), but believes that divine enablement to remain single is given to those who divorce or have been divorced for *reasons other than unchastity* (v. 9). Collins' exegesis is seconded by Richard B. Hayes, *The Moral Vision of the New Testament* (Edinburgh: T&T Clark, 1996), 376-77, n. 17. Hayes has a brief but excellent canonical synthesis of the biblical teaching on divorce and remarriage (361-76) after his survey of the Gospel divorce texts and Paul (347-61).

³⁷Blomberg, *Matthew*, 289-90. Thus it is quite unlikely that we should treat "Jesus' words as if they were the objective, referential language of jurisprudence seeking to convey a legal precept" (Stein, "Divorce," 197).

observed (Matt. 23). Therefore, if Jesus wanted to drive home a particular point in the midst of a hostile audience, “his omission of any qualification may be understandable.”³⁸

Others are more comfortable identifying Mark and Luke’s exceptionless saying as “a generalization which admits of certain exceptions.”³⁹ New Testament scholars note that elsewhere in the gospels (cf., e.g., Matt. 19:21; 9:15; and esp. 13:57) we do not try to turn Jesus’ sayings into exceptionless absolutes, so why should we do so in Matthew 19:9 or Mark 10:11-12?⁴⁰

There is yet a third way to answer the question of why Mark and Luke omitted any reference to the exception for adultery that is explicit in Matthew. This is because they were obvious and well-known to the original audience. No one in the first-century prohibited divorce altogether, not even the strict Jewish Essene sect at Qumran.⁴¹ Instone-Brewer argues persuasively that just as rabbinic debates were summarized for oral or written transmission, so was Jesus’ teaching on divorce.

For example, Mark 10:2-12 omits the phrases “for any matter” (Matt. 19:3) and “except for

³⁸Stein, “Divorce,” 194.

³⁹Blomberg, “Marriage, Divorce, Remarriage, and Celibacy,” 162. Cf. Wm. Barclay, *Introduction to the First Three Gospels* (Philadelphia: Westminster, 1975) 63: “The form of these sayings [“If any man ...,” “Whoever,” or “Whenever”] makes them general rules and principles, . . . “

⁴⁰Blomberg, “Marriage, Divorce, Remarriage, and Celibacy,” 162-63.

⁴¹We now know that not even the strict Jewish Essene sect prohibited divorce or remarriage after divorce (cf. David Instone-Brewer, *Divorce and Remarriage in the Bible: The Social and Literary Context* [Grand Rapids, MI: Eerdmans, 2002], 63-64, 70-71, 66). This point was still not determined when the mammoth commentary on Matthew was written by W. D. Davies and D. C. Allison, *A Critical and Exegetical Commentary on The Gospel According to Matthew* (International Critical Commentary; Edinburgh: T&T Clark, 1997), 3:5. Cf. also

(a matter of) indecency” (Matt. 19:9) because they were obvious and well-known to the original audience. Matthew added these “phrases that encapsulated the positions of the Hillelites and Shammaites respectively,” not because he wanted to soften Jesus’ absolute prohibition of divorce (as in the older critical view), but because he could no longer assume that his readers would automatically supply what was originally present⁴² (assuming that Matthew was written later than Mark). Instone-Brewer offers a helpful modern day analogy. Today, if someone asked, “Should women have equality?” it would be unnecessary to add the phrase “in employment and education.”

However, if the question had been asked a century ago, the implied additional phrase would have been “in voting rights.” Thus, a good historian who was reporting such a debate would add the phrase “in voting rights” even though it is likely that the original questioner omitted it. This is equivalent to Matthew’s addition of the phrase “for any matter” for the sake of his readers who were no longer entirely familiar with the terms of this debate within rabbinic Judaism.⁴³

We also mentally assume exceptions to sayings of Jesus like those found in Matthew 5:28: “But I tell you that anyone who looks at a woman lustfully has already committed adultery with her in his heart.” We add “except for his wife.” Where Matthew 5:22a is concerned, “But I tell you that anyone who is angry with his brother will be subject to judgment,” we assume Jesus

Hayes, *The Moral Vision of the New Testament*, 361.

⁴²Instone-Brewer, *Divorce and Remarriage in the Bible*, 134.

⁴³*Ibid.*, 135-36.

meant if someone is angry “without cause.”⁴⁴ Thus, when it comes to the core form of Jesus’ divorce saying, “Whoever divorces his wife and marries another commits adultery” (Mark 10:10-12//Matt. 19:9 and Luke 16:18//Matt. 5:31-32), the only assumption that first-century readers would bring to make sense of it is to assume that the divorce was not valid. Matthew’s “except for (a matter of) indecency” makes this assumption explicit. What is important to note for our purposes is that the intent of Jesus’ teaching on divorce and remarriage is essentially the same whichever of the above three approaches is adopted.

Paul’s Exceptional Situation in 1 Corinthians 7:15

The apostle Paul encountered a problem at Corinth that Jesus never had to face in his earthly ministry. The preaching of the gospel resulted in the conversion of just one of the partners in marriage (1 Cor 7:12-16). Paul, under the inspiration of the Spirit (1 Cor. 7:40b; 14:37), makes it clear that the believing partner is not to divorce his or her unbelieving mate (vv. 12-14); but what if the unbeliever is unwilling to put up with his or her spouse’s newfound faith and takes off? Paul writes: “But if the unbeliever leaves, let him do so. A believing man or woman is not bound (*ou dedoulōtai* [from *doulo*]) in such circumstances; God has called us to live in peace” (1 Cor 7:15).

The most natural reading of the exception Paul makes in this situation is that it frees or “looses” the believer from the obligations of his or her marriage covenant. It points to a valid or legitimate divorce. In fact, one expert in first-century culture and language noted that “If Paul

⁴⁴Ibid., 153,

meant that remarriage was not permitted, he said precisely the opposite of what he meant.”⁴⁵

Several good scholars argue that Paul does not here address the question of remarriage. However, there are some compelling reasons for adopting the majority view that Paul’s “a believing man or woman is not bound in such circumstances” indicates that the believer is free to consider remarriage when abandoned by the unbelieving spouse. Let’s consider the language Paul uses.

The essential formula in the Jewish bill of divorce was “You are free to marry any man” (*m. Git. 9:3*). Paul’s *negative* formulation in 1 Corinthians 7:15 (“A believing man or woman is not bound in such circumstances”) makes precisely the same point. Given Paul’s Jewish background, a good case can be made that he envisions the remarriage of the deserted party if they so choose. Yet there is even more evidence that Paul’s teaching in 1 Corinthians 7 makes use of the freedom language used in the Jewish bill of divorce. Jews in Graeco-Roman Palestine wanted to see their women married to fellow Jews, not gentiles. A line from a Jewish divorce deed at Wadi Murabba’at (dated to A.D. 71) differs in one key place from the formula laid down in the Mishnah: “you are free for your part to go and become the wife of any *Jewish* man that you wish.”⁴⁶ Paul employs this same line from the standard Jewish divorce certificate--“Behold, thou are free to marry any man” (*m. Git. 9:3*)--in 1 Corinthians 7:39 where he gives instructions to widows: “A wife is bound (*dedetai* [from *de*□]) as long as her husband lives; but if her husband is dead, *she is free to be married to whom she wishes, only in the Lord.*” The only

⁴⁵Craig S. Keener, . . . *And Marries Another: Divorce and Remarriage in the Teaching of the New Testament* (Peabody, MA: Hendrickson, 1991), 61.

⁴⁶Cited in Archer, *Her Price Is Beyond Rubies: The Jewish Woman in Graeco-Roman Palestine* 131; cf. 220. For the text and translation of the deed, see her Appendix I (298). Cf.

difference between Paul and his Jewish contemporaries is that he substitutes “in the Lord” for the first-century Jewish divorce certificate’s “any Jewish man.”

So what’s the point? Why would Paul quote Jewish divorce certificate language with reference to a widow’s freedom to remarry? The clue to Paul’s reasoning is probably found in a passage in later rabbinic writings. Rabbi Ashi (died A.D. 427) was attempting to prove that even a childless widow was free to remarry whomever she wanted. He tried to prove this by reasoning “that if a divorce gave a woman complete freedom to marry whomever she wished, then widowhood would give her the same freedom.”⁴⁷ From the language Paul employs in both 1 Corinthians 7:15 and 39, it appears that he, too, reasoned that if a divorcée had this freedom to remarry, then so would a widow! Paul assumes that victims of valid divorces have the right to remarry.

That Paul sanctions the remarriage of the deserted believer here in 1 Corinthians 7:15 helps confirm our argument that Matthew’s exception clause functions in a similar fashion.⁴⁸ What Paul is doing in 1 Corinthians 7:15 also reinforces our point that Mark and Luke’s records of Jesus’ divorce sayings were never intended to be taken as absolute statements that admit of no exceptions.

1 Corinthians 7:39, Romans 7:2-3, and 1 Corinthians 7:10-11

No remarriage proponents make much of Paul’s directive in 1 Corinthians 7:39, where he tells widows they may remarry after the death of their spouse, and his illustration in Romans 7:2-

also Instone-Brewer, *Divorce and Remarriage in the Church*, 100.

⁴⁷Instone-Brewer, *Divorce and Remarriage in the Bible* 209.

⁴⁸Hayes would refer to Paul’s words in 1 Cor. 7:15 as “theology in progress” (*The Moral Vision of the New Testament*, 18). He finds it unlikely that Paul would categorically prohibit remarriage for the believers described in vv. 12-16; “rather he would invite them to engage with him in a process of discernment about how they could best serve God in the ‘present necessity’ (v. 26), in the time that remains” (361).

3, where he notes that a woman will be called an adulteress if she marries again before the death of her husband . We also hear that Paul must not have known about Matthew’s exception clause when he dealt with the case of divorce among two believers in 1 Corinthians 7:10-11. He writes: “To the married I give this command (not I, but the Lord): A wife must not separate from her husband. ¹¹ But if she does, she must remain unmarried or else be reconciled to her husband. And a husband must not divorce his wife.” In response, and in all fairness, one should at least admit the possibility that Paul did *not* have in view divorce for adultery or desertion by an unbeliever when he made any of these statements. Cogent arguments exist to support this point.⁴⁹

We know that Paul was addressing a situation at Corinth where one group of believers advocated sexual license (1 Cor 6:12-20) and another group advocated sexual abstinence. The latter group lived by the motto “It is good for a man not to have sexual relations with a woman” (1 Cor 7:1b, NIV margin). Paul, for the most part, is correcting the abuses of this ascetic party in 1 Corinthians 7. They were trying to force their views of sexual abstinence on (1) those currently married (vv.2-7); (2) those formerly married, i.e., widows and widowers (vv. 8-9, 39-40); (3) those pledged to be married (vv. 25-28, 36-38); and (4) the never-before-married (vv. 29-35). This is why Paul has to say twice to those engaged to be married that it is not a sin to marry (1 Cor. 7:28, 36). If anything, divorce is taking place because of the absence of sexual relations!

Corinth was subject to Roman law, and under that system either the husband or the wife

⁴⁹On Rom. 7:2-3; 1 Cor. 7:39, see John Murray, *Divorce* (Phillipsburg, N J: Presbyterian & Reformed, [1953]), 78-95; Instone-Brewer, *Divorce and Remarriage in the Church*, 76-79; Clark, *Putting Asunder*, 201-2.

could initiate the divorce simply by walking out. No cause had to be alleged and no ratification by any outside authority was necessary. Most likely, some of the believers at Corinth had already made use of the Roman “divorce-by-separation.” So when Paul tells them to remain unmarried or else be reconciled (1 Cor. 7:11), he must be assuming this is an invalid divorce. They should not consider themselves divorced at all.⁵⁰

Practical Considerations

What, then, do the two exceptions for divorce and remarriage in the majority view have in common, and how should we seek to apply the findings of this chapter in our churches today?⁵¹ Both sexual immorality and desertion are violations of marriage as a covenant (cf. Gen. 2:24: “leave and cleave” and “become one flesh”). Sexual immorality is a betrayal of the sexual faithfulness and exclusivity that is expected of the marriage partners. Desertion is an abdication of the mutual physical, financial, emotional, and spiritual support that is pledged to one another as covenant partners (cf. Exod. 21:10-11; 1 Cor. 7:3-5; Eph. 5:25-32). In the case of the genuine exceptions, after innocent parties have made all reasonable attempts to save the marriage, neither the church nor mission agencies should stigmatize one’s subsequent decision to remarry.

On the view taken in this chapter, a major question facing those whose spouses have violated their marriage covenant and have not yet remarried is “What do you mean by ‘all

⁵⁰Cf. Instone-Brewer, *Divorce and Remarriage in the Church*, 66-67; Susan Treggiari, “Divorce Roman Style: How Easy and how Frequent was it?” in *Marriage, Divorce, and Children in Ancient Rome* (ed. Beryl Rawson; Oxford: Clarendon Press, 1991), 31-46.

⁵¹“In terms of their implications for marriage and divorce, the ancient world lumped together adultery and desertion (‘you can’t have me’ is the standard expression in the law codes). Both were seen to justify divorce and cause the guilty wife to forfeit her dowry, for example” (E-mail communication from G. Hugenberger, Jan 10, 2002).

reasonable attempts’?” “How long do I wait?” “When is enough, enough?” On the one hand, those with an overly sensitive conscience may wait longer than necessary to decide to remarry. We *should* take seriously the call to model the forgiveness we received from Christ at the cross (Eph. 4:32; cf. Matt. 18:22; cf. Luke 17:4). We *should* seek to imitate our merciful and patient heavenly Father as his beloved children (Matt. 5:48; Eph 5:1-2). Jesus *did* show mercy to the woman caught in adultery without condoning her sin (John 8:11a); but he also called her to a life of righteousness: “Go now and leave your life of sin” (John 8:11b). If repentance is not forthcoming from the one who broke their marriage vows, after repeated attempts at reconciliation and in time, God may unexpectedly and providentially bring another godly marriage partner into one’s life. This, I think, is an indication that “enough is enough.”

On the other hand, some may not pray and wait long enough for a spouse’s potential turn-around. One family friend was somewhat eager to be divorced by her nominally “Christian” husband and inappropriately initiated it herself due to the lack of responsibility that he manifested in their home. She remarried rather quickly, and her second marriage did not turn out to be what she expected at all. To her dismay, within a year her first husband got serious about his faith, his life was transformed, and she knew that she would be much happier if she could get back together with him. Yet there is no biblical basis for her doing so.

Over the years, my wife and I have housed three different mothers and their children for several months at a time either as a result of divorce or in an attempt to bring about reconciliation with their spouses. If we have learned anything from this, it is that our initial judgments about who was at fault in the relationship were almost the opposite of what was really going on. In one case, the wife had left her husband and three children and was living with another man she had

met through work. Over a five month period she moved back and forth between her family and her “lover” two or three times. The last time she did this, her husband, who went to our church and attended my Sunday School class, warned her that if she left again, he would never take her back.

We took the initiative to call his wife—we knew her through her children—and found her ready to follow the Lord (so we thought). We offered her a place to live in hopes of bringing about their reconciliation. During the four months she lived with us, her husband met a divorcee who also attended my Sunday School class. After about two months of seeing each other we found out that they had set a wedding date. We thought we were on the way to helping him reconcile with his wife. Finally, one day at church he said to me, “I know what you are trying to do Bill, and it won't work.” He was so adamant in what he had decided to do, that he moved up the date of his wedding without telling anyone.

As a member of the elder board at the time, I thought about what we should do. Church discipline crossed my mind, but I had to ask myself how many times I had gone to visit him after his wife had moved out. How often had I called to see how he was doing? How many times had we offered to keep his kids when he had to go out of town on business? (We had a few times.) Could I take part in disciplining someone that I barely had a relationship with, that I saw once a week in my Sunday School class, and with whom I had not followed the earlier steps of the church restoration process (cf. Matt. 18:15-18)? Had I sought to disciple him and go to the word with him about what he should do? No, I had to say that I had not. So now I had to think about how our church would continue to minister to this "to be married" pair of divorcees? The one thing that he told me he hoped would not happen if he remarried is that he would be cut off from

our church. Our church was the only one that he felt comfortable attending. He wanted a place where his children and his wife-to-be's children could hear God's Word taught. Would we cut off the opportunity to minister to him and his blended family?

I learned some lessons from all of this. First, I now see that he knew the character of his repeatedly unfaithful wife better than we did. I'm not sure she ever really intended to reconcile with him. I have learned that appearances are deceiving and that I cannot judge someone based on them. Second, I learned that it is not up to me to decide when someone else's marriage should end or be healed. Only the wronged spouse in a relationship should make that decision. Finally, I am saddened to think that my actions caused him to remarry quietly in another church when the teaching of Jesus would have permitted him to do so openly and without shame. At one point he went well beyond what most would be willing to do: he was willing to take her back even after he learned that she had gotten pregnant by the other man; but then she moved out—for the last time.

What would Jesus say about those who remarry after an invalid divorce? I agree with Instone-Brewer that

There is nothing to suggest that Jesus asked anyone to separate from the second husband or wife if one had remarried after an invalid divorce. Technically the marriage was adulterous, but if this was applied literally, then there would be huge confusion and disruption to people's lives and families. This is presumably why the divorce saying found its way into the Sermon on the Mount. Just as someone who hates his brother is not to be prosecuted for murder, so one who has remarried is not to be accused in court of

committing adultery.⁵²

Might there be additional legitimate grounds for the dissolution of a marriage?⁵³ Here one must be cautious. Some do feel that physical and emotional abuse justifies divorce, and I am sympathetic with this.⁵⁴ Even on my former “no remarriage” view, I taught that in a home where a parent was abusing the children or a spouse was being physically or psychologically abused, common ethical sense dictates that Jesus would not require the oppressed party stay. However, incompatibility and fits of anger would not fit under the banner of *porneia* or desertion. Also, provision for a spouse’s food, clothing, and housing, like affection, communication, spiritual leadership, and a host of other qualities, are, no doubt, important requirements in marriage; but failures in these matters may not justify divorce.

What about the sexual needs of divorcees? I am leery of appealing to verses like 1 Corinthians 7:9 (“It is better to marry than to be aflame with passion”), which Paul addresses to widowers and widows (vv. 8-9), as a biblical basis for remarriage because one’s sexual needs are not being fulfilled. Where invalid divorces are concerned, Paul seems to say that believers are to remain unmarried or be reconciled in these situations (1 Cor 7:10-11; cf. Matt 5:32b//Luke 16:18b). Also, the Old Testament stories of Joseph and Potiphar’s wife (Gen 39) and David and Bathsheba (2 Sam 11) imply that God has given us control over the sexual area of our lives. We are not slaves to bodily passions. Though even truly redeemed people are still selfish, sinful, and

⁵²Instone-Brewer, *Divorce and Remarriage in the Bible*, 183.

⁵³Blomberg (*Matthew*, 293), Jones (*Biblical Christian Ethics* 202-3), Hayes (*The Moral Vision of the New Testament* 372), Clark (*Putting Asunder* 154-56), and Keener (*Marries Another*, 105) all answer this question in the affirmative.

⁵⁴Cf. G. P. Liaboe, “The Place of Wife Battering in Considering Divorce,” *Journal of*

imperfect, new life in Christ and the power of the indwelling Holy Spirit make living above failure a reality for the one who calls Jesus Lord (cf. Rom. 6:1-23; Gal. 5:22-26). Further, my never-before-married single friends are quite suspicious of arguments that seek to justify remarriage primarily to satisfy unfulfilled sexual desires. Certainly, as a lesser of two evils, it would be better to remarry than to commit sexual immorality, but this raises other questions I cannot address here.

I would like to comment on one final implication of the biblical teaching on divorce and remarriage for church leaders, namely pastors/elders/overseers, deacons, and deaconesses. The most recent studies of “the husband of one wife” requirement (1 Tim 3:2, 12; Titus 1:6) argue that it is a typical ancient way of saying “faithful to one’s marriage.” Paul does not prohibit from church office those who, against their own wishes, have been abandoned or sexually betrayed, but those who are unfaithful to their marriage partner.⁵⁵ Thus divorcées should not automatically be excluded from leadership positions in the church, nor should those who have remarried after the very limited cases in which the New Testament permits remarriage after divorce (i.e., divorce with just cause).

Conclusion

I think there are some very good arguments that can be made for a “no remarriage” view of

Psychology and Theology 13 (1985): 129-38.

⁵⁵Keener, *Marries Another*, Chap. 7, “Can Ministers Be Remarried?--1 Timothy 3:2;” S. Page, “Marital Expectations of Church Leaders in the Pastoral Epistles,” *Journal for the Study of the New Testament* 50 (1993) 105-120; Keener, “Husband of One Wife,” *AME Zion Quarterly Review* 109 (Jan 1997) 5-24. Jay E. Smith focuses on another related issue: Does sexual immorality permanently disqualify one from leadership? He concludes that the Pastoral Epistles’ leadership qualifications are concerned with the current, not the past status of a leader’s character, that fallen leaders can be restored *if* both their life and their reputation inside and outside (cf. Rom 2:24) the church can be rehabilitated, but that this may be very difficult (“Can

the biblical teaching on divorce and remarriage. However, the seriousness with which God and all of humanity views adultery as a violation of covenant faithfulness and the leaving which reverses the cleaving when an unbeliever abandons his Christian spouse, makes it highly probable that such actions constitute covenant breaking. Though we do indeed “already” have the “first-fruits” power of the Spirit in our lives enabling us to live in accordance with God’s standard of life-long marriage, we have “not yet” been brought fully “into the glorious freedom of the Children of God” that awaits us after Christ’s return (cf. Rom 8:18-25). I believe this is why many of those who argue that Jesus never permitted divorce or remarriage go on to say, in view of continued hardness of heart, that we should apply Jesus’ teaching much like I have presented it in this chapter.

Both majority and minority views want to avoid extremes in their application of the New Testament teaching. Minority view proponents may unfortunately prohibit what God would permit, and majority view proponents may permit what God would prohibit and open the door to divorce even wider. The latter is the danger in a culture which emphasizes “self-actualization,” personal fulfillment, and “being true to oneself” rather than being true to the attendant commitments and obligations of one’s marriage covenant. This is why I want to end with this final consideration:

[T]he church must recognize and teach that marriage is grounded not in *feelings* of love but in the *practice* of love. Nor is the marriage bond contingent upon self-gratification or personal fulfillment. The church has swallowed a great quantity of pop psychology that has no foundation in the biblical depiction of marriage; When the marital union is rightly understood as a *covenant*, the question of divorce assumes a very different aspect. Those who have made promises before God should trust God for grace sufficient to keep those promises, and they should expect the community of faith to help them to keep faith,

by supporting them and holding them accountable.⁵⁶

⁵⁶Hayes, *The Moral Vision of the New Testament*, 372. Hayes' study has also impacted the chapter on "Marriage and Divorce" in Glen H. Stassen and David P. Gushee, *Kingdom Ethics: Following Jesus in Contemporary Context* (Downers Grove: InterVarsity, 2003) 271-89.