

DIVORCE & REMARRIAGE: A BIBLICAL SYNTHESIS

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Introduction

“That’s it! I’m done!” Sarah screamed in exasperation. She paused for a moment to wipe the tears from her eyes and regain her composure before continuing on. “I’m taking the kids with me to my mother’s house in Vermont. You can visit them if you want, but I don’t want to be there when you do. My lawyer will be sending you the divorce papers by mail. Please – for the sake of the kids – just sign them. Don’t make this anymore painful than it needs to be.” Rick stood speechless. He knew their marriage was in a bad state, but thought they were both committed to working on the marriage no matter what. As Christians, they agreed long ago that divorce was not an option for them. And yet, here they were. Rick tried to talk Sarah out of the divorce, but her mind was made up. Through years of conflict, her heart became hardened against Rick and she lost the will to keep trying. If Rick were honest with himself, part of him was relieved for the marriage to finally be over. Years of unresolved conflict had taken its toll on him as well.

To make a long story short, Rick signed the divorce papers and got joint custody of the kids. Each person tried their best to rebuild their life over the next few years, but it was tough. They struggled financially and emotionally. The loneliness was unbearable, especially for Rick. He longed to find love and companionship again. Eventually, Rick met a woman at his new church and they quickly fell in love. It wasn’t long before Rick had thoughts about marrying Amanda. When Rick shared his intentions with one of his good friends, he did not get the reaction he was hoping for. Rather than sharing in Rick’s excitement, John expressed concern: “I know this isn’t what you want to hear, but I don’t think you can marry Amanda. It’s nothing personal. I’m sure Amanda is a wonderful woman. My concerns are theological in nature. Jesus was very clear that remarriage following an unjust divorce is adultery. I know you were not the one who filed for divorce, but even so, you will still be guilty of sin if you remarry.” Rick was dumbfounded. Not only had he never heard about Jesus’ teaching before, but he knew his pastor had married a number of divorcees in the past. Surely his pastor was not disobeying Jesus, right? How could Jesus not want Rick to remarry? Didn’t Jesus want Rick to be happy? After all, it wasn’t Rick’s fault that his divorced ended in divorce. Why would Jesus punish Rick for a sin that he didn’t commit?

John’s cautionary words caused Rick to look deeper into the matter. He bought a number of books on the topic. Unfortunately, each author had a different understanding of the Biblical text. Even conservative theologians were deeply divided over the matter. Some held that divorce and remarriage are never permissible, even after the death of one’s spouse (J. Carl Laney). Others held that divorce is never permissible, but remarriage is permissible after the death of one’s spouse (John Piper, F. F. Bruce, James Montgomery Boice, Joseph A. Fitzmyer, Abel Isaksson, Dwight Pentecost, and Charles Ryrie). Some held that divorce is permissible for sexual sin and desertion, but remarriage is never justified

(William Heth¹, Gordon Wenham, Robert Gundry, Jacques Dupont). Others held that both divorce and remarriage are justified for sexual sin and desertion (Samuele Bacchiocchi, Assemblies of God, John MacArthur, Thomas Edgar, William Heth², D. A. Carson, Craig Blomberg, Robert Stein). Some theologians went even further, arguing that there are additional justifications for divorce not explicitly mentioned in Scripture (Michael Ross, Craig Keener, Larry Richards, and David Instone-Brewer).

Rick wanted to follow Jesus' teaching, but his studies left him confused as to what that teaching is. Rick's situation is not unique. The same story could be told many times over. Many Christians have experienced divorce and remarriage, or are considering the same and are unsure of what the Bible has to say regarding their unique situation. There are so many different interpretations and so many elements to consider: Who filed for divorce? Was the divorce morally justified? Who was the innocent party? Did the divorce occur prior to becoming a Christian? Is reconciliation possible? What is the marital history of the person you wish to remarry? Does repentance for the divorce grant one moral permission to remarry? Does it matter if your ex-spouse has already remarried? And what if someone wrongly remarried? What does their repentance look like? Do they need to divorce their spouse? Do they need to simply abstain from sexual relations? Or will simple confession of that sin suffice? There are so many questions, and so much confusion regarding the right answers.

I recognized that I, too, was unsure of the Biblical teaching. Given the enormous implications this topic has on the lives of God's people, I knew I needed to do my due diligence to research the matter more deeply. To that end, I set out to restudy the matter afresh, dedicating more than a year to research and writing. This paper is the fruit of my study and reflects my best understanding on the subject.

Approach

I will approach this topic in four stages. First, I will examine the nature of marriage itself. Is marriage only a covenant that can be ended prior to death, or is it also a spiritual union that can only be ended by death?

Second, I will examine the Biblical teaching regarding divorce. Is divorce ever justified, and if so, under what circumstances?

Third, I will examine the Biblical teaching regarding remarriage. Are there any circumstances in which a divorced person can remarry?

Finally, I will explore some practical applications of the Biblical teaching on divorce and remarriage.

I will argue that God's intention for marriage is that "one man and one woman become one flesh for one lifetime,"² but due to human sinfulness, He allows for both divorce and remarriage for the innocent party in a limited number of circumstances. Outside of those circumstances, divorce and remarriage is sinful.

¹Throughout this paper I will distinguish "Heth1" from "Heth2." Both refer to the same man, but William Heth changed his view on remarriage. His original position was that divorce was allowed for *porneia* but not remarriage ("Heth1"). Later, he became persuaded that Scripture permits remarriage in cases of valid divorce ("Heth2").

²I am indebted to Greg Koukl of Stand to Reason for this pithy way of putting it.

The Nature of Marriage

God ordained marriage and intended marital unions to endure for the life of the partners (Genesis 2:24; Matthew 19:4-6; Romans 7:2-3; 1 Corinthians 7:39). Divorce was never part of His plan. Divorce is a human idea – the result of human sinfulness. If divorce originated with humans rather than God, does God recognize divorce? Can divorce truly end the marital union, or does the marital union endure beyond the legal divorce? Does the answer depend, in part, on the reason for the divorce? Perhaps divorce ends the marital union when the divorce is morally justified, but does not end the marriage when the divorce was unjustified. To answer such questions, we must determine the nature of marriage itself.

There are two views on the nature of marriage. The first view affirms that marriage is *only* a covenant contracted between a husband and wife, and ratified by God. The second view agrees that marriage is a covenant, but argues that it is also a permanent spiritual union of two human beings.

Those who view marriage as a mere covenant typically argue that while the covenant ought to endure for the life of the participants, it can be ended by divorce (even if the divorce was not morally justified). If the divorce was justified, the innocent spouse (and possibly the guilty spouse too) is morally free to contract a new marriage. If the divorce was not justified, though the marriage has ended, each person remains morally obligated to reconcile the marriage and thus should not contract a new marriage with a new partner.

Those who think marriage is a permanent spiritual union (PSU) argue that the marital union can only be ended by death, (and most would add) adultery, and desertion. Once the marital union has been dissolved, the innocent spouse (and possibly the guilty spouse too) is morally free to contract a new marriage. However, if the divorce was not morally justified, then the marital union remains intact despite the legal divorce. They are still married in God's eyes. If they contract a new marriage with a new partner, they commit adultery against their true spouse. Let's examine each view in turn.

Covenant

Marriage is described as a covenant (Proverbs 2:17; Jeremiah 31:32; Ezekiel 16:8,59-62; Malachi 2:10-16) and God is said to be a witness to this covenant (Genesis 31:50; Malachi 2:14). In the Ancient Near East (ANE), marriages involved actual contracts (whether written or verbal) that involved payments, stipulations, and penalties. If the terms of the contract were broken, the contract was considered null and void, and both divorce and remarriage were permitted.

While it is clear from Scripture that marriage is a covenant, is marriage also a spiritual union that can only be ended by death (and possibly adultery and desertion as well)?

Permanent Spiritual Union

On the PSU view, marriage is a mystical union of two people's spirits. This spiritual union is permanent and can only be dissolved by death, and perhaps by sexual sin and desertion as well. An unjust divorce cannot dissolve the marital union. Though a human court may consider the marriage dissolved, the court of heaven says otherwise. It may be legal, but it is a legal fiction. The marriage still exists and will continue to exist until the death of one spouse.

Cleave

Those who hold to the PSU view of marriage appeal to Genesis 2:24 in support of their position: “Therefore a man shall leave his father and his mother and hold fast to his wife, and they shall become one flesh.” It is argued that “hold fast to” (“cleave” in other translations) implies permanence because the same word is used elsewhere to express how Israel was to be related to YHWH (Deuteronomy 10:20; 11:22; 13:4; 30:20; Joshua 22:5; 23:8). However, this word is also used to describe the way dirt sticks together (Job 38:38) and to refer to military alliances (Joshua 23:12), so the notion of permanence is not intrinsic to the meaning of the word. It just means to be joined together, glued firmly, or cling to something. No doubt, God intended for the cleaving of marriage to be permanent, but that does not mean it cannot be broken under any circumstance. There is a difference between permanence of intention and permanence of fact.³ God’s point in saying the man should leave his parents and cleave to his wife is that the man should switch his covenant loyalties from his parents to his wife.⁴ While permanence of intent is surely implied, permanence of fact is not.

One Flesh

The spiritual nature of the marital union is also suggested by the fact that Genesis 2:24 describes the two as becoming “one flesh.” Since the two are clearly not one in body, they must be one in spirit. This spiritual union must be *permanent* because the reality on which the metaphor is based is permanent. Just as one’s physical life depends on the continued unity of his one body (one could not remove his lungs and heart and continue living), the one flesh marital union depends on the continued unity of the two partners. In the same way one’s physical body will die if his lungs or heart were removed from his body, a one flesh marital union will only “die” when one spouse is removed from the marriage by death.

The problem with this interpretation is two-fold. First, it does not take into consideration other plausible interpretations of “one flesh.” David Instone-Brewer argues that “they shall be one flesh” just means the two become one family.⁵ Similarly, William Luck suggests that this means the two now function as a single family unit.⁶ William Heth² argues that “become one flesh” is an abbreviated reference to what Adam had just said regarding Eve: “This at last is bone of my bones and flesh of my flesh; she shall be called Woman, because she was taken out of Man” (Gen 2:23).⁷ Since woman was originally part of man, in marriage, the two sexes are rejoined once again. The image of God in Adam was split in the form of two sexes. In marriage, those two sexes unite to reform the single image of God.

A fourth possibility (and the most plausible in my opinion) is that “one flesh” refers to the sexual union of the man and woman. When they come together sexually, they function as a single individual. Male and female are complementary sexual counterparts that had their origination in a single sexual whole. A woman is a complimentary “sexual other” to a man. That is why a man is to leave his father and mother and become attached to his wife, thereby becoming one flesh. “The image of one flesh becoming two

³William Luck, *Divorce and Remarriage*. Online series at <https://bible.org/series/divorce-and-re-marriage-recovering-biblical-view>; Internet; accessed 26 August 2015.

⁴William Heth, *Remarriage After Divorce In Today’s Church: 3 Views*, Paul Engle and Mark Strauss, eds. (Grand Rapids, MI: Zondervan, 2006), 60.

⁵David Instone-Brewer, *Divorce and Remarriage in the Bible: The Social and Literary Context* (Grand Rapids, MI: William B. Eerdmans Publishing Co., 2002), 22.

⁶Luck.

⁷Heth2, 61.

sexes grounds the principle of two sexes becoming one flesh. The only way to restore the original sexual unity is to reunite (not just unite) the primordial constituent parts, man and woman. A woman, not another man, supplies what is missing from male sexuality, and vice versa.”⁸ Becoming one flesh is “a reunion with one’s sexual ‘other.’”⁹

The sexual nature of “one flesh” is clear from Paul’s use of Genesis 2:24 to describe what happens when a man has sex with a prostitute: “Do you not know that your bodies are members of Christ? Shall I then take the members of Christ and make them members of a prostitute? Never! ¹⁶ Or do you not know that he who is joined to a prostitute becomes one body with her? For, as it is written, ‘The two will become one flesh.’ ¹⁷ But he who is joined to the Lord becomes one spirit with him” (1 Corinthians 6:15-17). It is the sexual relationship with the prostitute that Paul considers to be the “one flesh” Genesis speaks of. What’s particularly interesting is Paul’s contrast between a union with a prostitute and a union with the Lord. The union with the prostitute is “one body,” whereas the union with the Lord is “one spirit.” One union is spiritual, while the other is physical. Paul understood the one flesh union to be a sexual union of bodies, not a mystical union of human spirits.

Second, it takes the “one flesh” metaphor too far. In 1 Corinthians 6:16-17, Paul said a man who has sex with a prostitute “becomes one body with her,” citing Genesis 2:24 as a justification for his claim. First Corinthians 6:16-17 makes two things clear: (1) being “one flesh” is not sufficient for constituting a marriage, and (2) being “one flesh” does not imply permanence.

Regarding (1), sexual intercourse itself does not create a marriage. If the mere act of sexual intercourse made two people married, then fornication, rape, and adultery would be impossible. As soon as an unmarried couple engaged in sexual intercourse, they would automatically be married (contra Exodus 22:16; Deuteronomy 22:28-29; 2 Samuel 13:1-14; 1 Corinthians 7:1-2). A woman who is raped by a man would automatically become his wife (contra Deuteronomy 22:25-29; Exodus 22:16-17). Likewise, a cheating husband would immediately become married to his lover, thereby becoming a *de facto* polygamist. Biblically speaking, a marriage is only constituted by:

1. The intention of a marriage covenant by both participants (Genesis 21:21; 34:4-6; Judges 14:2-3; Joshua 15:16; Ephesians 6:1-3; 1 Corinthians 7:37-38);
2. A public act (Genesis 29:22; Ruth 4:1-10; Matthew 22:2-10; John 2:1; Revelation 19:7-9) of leaving one’s parents (Genesis 2:24);
3. A public act of joining oneself to one’s spouse (Genesis 2:24);
4. The private act of sexual union (Genesis 2:24; Deuteronomy 20:7).

Regarding (2), a one-flesh union does not create a life-long spiritual union that is unbreakable. No one would suggest that a man who commits fornication is forbidden from marrying another woman because he formed a permanent spiritual union with his lover. Or consider the adulterer. Are we to believe he is in two permanent “one flesh” unions (a form of polygamy)? Are we to believe that the new one-flesh union with his mistress nullifies the former union he had with his spouse? If so, then we must dispense with the notion that one-flesh unions are permanent. It would also mean that someone could think they are in a one-flesh marital union, when in fact, they are not (because their spouse is cheating on them).

⁸Robert Gagnon, “Why the Disagreement Over the Biblical Witness of Homosexual Practice?: A Response to Myers and Scazoni, *What God Has Joined Together?*”; available from <http://robgagnon.net/articles/ReformedReviewArticleWhyTheDisagreement.pdf>; Internet; accessed 15 December 2006.

⁹Robert Gagnon, *The Bible and Homosexual Practice* (Nashville, TN: Abingdon Press, 2001), 155.

And what happens when the cheating spouse resumes sexual relations with his legal spouse? Is their one flesh union re-formed and the one flesh union with his mistress nullified? The complexities and absurdities of such a position serve as evidence against this interpretation.

Let No Man Separate

A third argument in favor of the PSU view of marriage is Jesus' command that "what...God has joined together, let no man separate" (Matthew 19:6; Mark 10:9). This is understood to mean that man cannot separate what God has joined together because the union was made permanent by God's action.

The problem with this interpretation is that it confuses intentionality with impossibility. Jesus is not saying it is impossible to separate what God has joined together, but rather that humans *ought not* separate what God joined together. Jesus' statement actually implies that it is possible to nullify the marital union, but we are morally obliged not to do so.

Remarriage is Adultery

The fourth, and most persuasive argument in favor of the PSU view is what Jesus said concerning divorce and remarriage in Matthew 5:31-32:

"It was also said, 'Whoever divorces his wife, let him give her a certificate of divorce.'³² But I say to you that everyone who divorces his wife, except on the ground of sexual immorality, makes her commit adultery, and whoever marries a divorced woman commits adultery."¹⁰

According to Jesus, a man who divorces his wife causes her to commit *adultery* (presumably, when she remarries¹¹), and thus bears at least some moral responsibility for her adultery.¹² Even the man who marries the divorced woman is charged with adultery. How can this be?

There are only two ways to commit adultery: (1) a married person engages in sexual relations with someone other than his/her spouse; (2) a single person has sexual relations with someone who is married. Since Jesus is talking about married people, He must have the first in mind. The woman is guilty of adultery because she is having sexual relations with someone to whom she is not married. How could

¹⁰All Scripture quotations are taken from the English Standard Version unless noted otherwise.

¹¹Luck rightly observes that the text does not say she remarries, and thus we should not automatically presume her adultery is caused by her remarriage. Luck argues that the divorce itself is considered adultery, even if neither party ever remarries. I do not find this view persuasive. To be guilty of a sin such as adultery, one must actually do something. While the husband has plausibly committed sin by divorcing his wife, what sin has the wife committed? Remember, Jesus charges her with adultery. She did not initiate the divorce. She was the victim of the divorce. There was no act on her part, and thus no sin to be guilty of. So what did the woman do that could be identified as the sin of adultery? She remarried. I would argue that Jesus assumes the woman will remarry (since that is what most women were forced to do in such a culture given the economics of social life in the Ancient Near East), and identifies her act of remarriage as an act of adultery. This is evidenced by the fact that Jesus goes on to address the man who remarries her, saying he commits adultery with her as well. He was not party to her divorce, so if the act of adultery was in the act of divorce, it would not make any sense to charge the second husband with adultery (although one could plausibly argue that the second husband's adultery is a separate sin).

Evidence against Luck's interpretation is also found in Paul's teaching in 1 Corinthians 7:10-11. Paul gave believers who divorced each other the option to remain single rather than forcing reconciliation. If he had understood Jesus to mean the act of divorce itself was adulterous, then Paul would be giving these believers moral permission to remain in an adulterous state.

¹²Jesus made an exception for sexual immorality. If the husband divorced his wife because she committed sexual sin, then he bears no responsibility for the adultery she commits when she remarries.

this be since she married the second man? You cannot commit adultery with your spouse. The PSU advocate would argue that Jesus did not consider the second man to be her husband, but rather her adulterous lover. The second “marriage” is no marriage at all. The divorce did not and could not dissolve the spiritual union formed by the first marriage, and thus the woman is still married to her first husband. Her second so-called husband is not her husband at all, but her lover with whom she is committing adultery against her true husband. Jesus’ assessment that the second relationship is adulterous only makes sense if marriage is a permanent, spiritual union that endures beyond an unjust, albeit legal divorce.

While Jesus’ teaching in Matthew 5:32 is consistent with the PSU view of marriage, I do not think it necessitates it. It can be equally explained by the covenant view. The reason God does not recognize the divorce and subsequent marriage as morally valid is because He, as the guarantor of the marriage covenant (Malachi 2:14-15), upholds the terms of the marriage covenant against those who treacherously violate them. While the marriage covenant is intended to endure for life, it can be nullified prior to death if one or both parties violate the terms of the covenant. If no one has violated the terms of the covenant, however, there is no basis for nullifying it prior to death. If one attempts to nullify the covenant through divorce, they are guilty of treachery against the covenant. While a human court may sanction such treachery, they do so unjustly. God, who is the just judge in a higher court, and who was personally responsible for ratifying the marriage covenant to begin with (Malachi 2:15), does not recognize the unjust decisions of unjust people. God only recognizes a divorce when the terms of the marriage covenant are violated. In Matthew 5:31-32, Jesus did not recognize the divorce as legitimate because there were no moral grounds for ending the marital covenant – not because He views the marital union as a permanent, spiritual union that can only be ended by death. As such, the first husband and his wife still have a moral obligation to their marriage covenant.

How can this be? If divorce truly ends a marriage, what sense does it make to say one still has a moral obligation to the marriage? Perhaps an analogy might be helpful. When you successfully file a bankruptcy, your debts are legally erased but your moral obligation to pay those debts remains. You signed contracts that legally and morally obliged you to pay back the money you borrowed. Even though the lender did nothing to violate the terms of the agreement, you ended the contract in bankruptcy and, in so doing, you wrongly deprived them of the money you promised to pay. While your legal obligation to pay back the money may no longer exist, your moral obligation to do so remains. If you are able to pay them in the future, you have a moral obligation to do so even in the absence of a legal obligation to do so. To see why, imagine that one of your creditors was a personal friend. If you owed your friend \$10,000 prior to the bankruptcy, what would your friend think if in the future you acquired \$10,000 but chose to spend that money on a vacation instead of paying him the \$10,000 you owe? You may be within your legal rights not to pay him since the contract has been legally absolved, but it would still be morally wrong because your moral obligation to pay your debts transcends your legal obligation. In a similar way, we continue to be morally obligated to our marriage covenant even after it has been legally absolved.

Additional Reasons to Think the PSU View is Unbiblical

In Numbers 30:3-15, laws are given regarding the vows of women. While a father is able to veto the vow of his unmarried daughter and a husband is able to veto the vow of his wife, the vows of widowed and divorced women cannot be vetoed by any man. Why? Because they were no longer married and thus no longer had a husband who could veto their vows. If marriage formed a PSU, however, the divorced woman would still be married in God’s eyes, and thus we would expect God to give the woman’s “ex-

husband” the same veto power afforded to any other husband. This suggests that God does not view them as married, which supports the covenant view of marriage rather than the PSU view.

That marriage is a covenant is seen most clearly in Deuteronomy 24:1-4:

When a man takes a wife and marries her, if then she finds no favor in his eyes because he has found some indecency 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.

This case law addresses the situation of a woman who is divorced by her husband, remarries, and is subsequently divorced or widowed by her second husband. In such a circumstance, God forbade the first husband from remarrying his former wife. This law clearly refutes the PSU view of marriage. If marriage is a PSU that can only be ended by death, why didn't God say the woman had committed adultery when she remarried, and as such, should be stoned to death (Leviticus 20:10; Deuteronomy 22:22)? The fact that God did not identify the woman as an adulterer or command that she be stoned argues in favor of the view that God considered her second marriage to be valid.

More importantly, God prohibited the woman from returning to her first husband. This strongly suggests that God did not see the original couple as still being married. After all, why would God prohibit married people from living as married people and fulfilling their marital obligations? If the PSU view of marriage were true, we would expect God to command the two to reconcile – not to prohibit them from doing so. Why would God say the first husband cannot “take her again to be his wife” if she has always been his wife? You cannot remarry someone you are already married to. It seems evident that God considered the first marriage to have truly ended, and considered the second marriage as legitimate. As such, marriage does not form a PSU that can only be ended by death. Marriage is a contractual covenant, and as such, it can be ended prior to death if one or more of the contractual terms are violated.¹³

¹³Some spouses engage in post-divorce sexual activity. Is this moral? Not on the covenant view of marriage. Sexual intercourse is only permitted within a covenanted marriage. Since the marriage covenant was ended by divorce, sexual activity between former spouses is morally wrong. If they want to enjoy the benefits of a marriage covenant, they must re-establish that covenant with each other prior to engaging in sexual activities. On the PSU view of marriage, however, it is hard to see how sexual activity between divorced spouses could be considered immoral. After all, they are still married in God's eyes. The divorce is a legal fiction. How can it be wrong for married people to engage in sexual activity following a fictitious divorce?

Is Divorce Ever Permissible?

While God clearly desires that marriage endure until one of the covenant participants dies, are there any circumstances that justify nullifying that covenant (divorce) prior to death? If so, what are those morally justifiable circumstances? Let's turn to the Biblical evidence to answer these questions.

Genesis 21:9-12

16:3 So, after Abram had lived ten years in the land of Canaan, Sarai, Abram's wife, took Hagar the Egyptian, her servant, and gave her to Abram her husband as a wife. ... 21:9 But Sarah saw the son of Hagar [Ishmael] the Egyptian, whom she had borne to Abraham, laughing. 10 So she said to Abraham, "Cast out this slave woman with her son, for the son of this slave woman shall not be heir with my son Isaac." 11 And the thing was very displeasing to Abraham on account of his son. 12 But God said to Abraham, "Be not displeased because of the boy and because of your slave woman. Whatever Sarah says to you, do as she tells you, for through Isaac shall your offspring be named." (Genesis 16:3; 21:9-12)

In the ANE, a man could divorce his wife by physically deserting her or by sending her away from the family home. When Sarai told Abraham to cast Hagar out, she was explicitly calling on Abraham to divorce Hagar. While Abraham was reluctant to do so, God instructed Abraham to listen to Sarai and send Hagar away (to prevent Ishmael from competing against Isaac). Clearly, God approved of this divorce. While the justification for this divorce does not have broader application for today, it does establish that God sanctions divorce in certain circumstances.

Exodus 21:7-11

When a man sells his daughter as a slave, she shall not go out as the male slaves do. 8 If she does not please her master, who has designated her [for marriage] for himself, then he shall let her be redeemed. He shall have no right to sell her to a foreign people, since he has broken faith with her. 9 If he designates her [for marriage] for his son, he shall deal with her as with a daughter. 10 If he takes another wife to himself, he shall not diminish her food, her clothing, or her marital rights. 11 And if he does not do these three things for her, she shall go out for nothing, without payment of money. (Exodus 21:7-11)

When a girl was sold by her father in payment of a debt, she could become the wife of her owner or her owner's son. This slave bride, or concubine, still had certain rights, however. If her master or master's son chose not to marry her, she could not be sold to foreigners. Her family had the right to redeem her from servitude by paying the original debt. She also had the right to provision. If her husband took to himself another wife and favored his new wife over the slave wife/concubine, such that he diminished the latter's food, clothing, or marital rights¹⁴, he was required to let the slave wife/concubine go free. Given the ANE practice of divorce-by-expulsion, this is a command to divorce the slave wife/concubine. The Jews rightly reasoned that if a slave wife/concubine had the right to a divorce if her husband

¹⁴*Onathah*, translated in the ESV as "marital rights," is difficult to translate. The word only appears here in the Old Testament. It could mean "conjugal rights" or "oil/ointment." According to David Instone-Brewer, the ancient translations translate it as "marital rights" and first century A.D. Jews understood it to mean conjugal rights as well (p. 100). However, in other ANE lists pertaining to the same legal matter, the third word in the list of provisions is "oil." If the Mosaic Law was following these other ANE case laws, it could be that *onathah* is just an obscure Hebrew word for "oil."

neglected her basic needs, then surely the same grounds for divorce apply to a free wife.¹⁵ As such, Exodus 21:10-11 authorizes divorce and provides us with specific circumstances under which divorce is justified.

Deuteronomy 22:13-19; 28-29

If any man takes a wife and goes in to her and then hates her¹⁴ and accuses her of misconduct and brings a bad name upon her, saying, 'I took this woman, and when I came near her, I did not find in her evidence of virginity,'¹⁵ then the father of the young woman and her mother shall take and bring out the evidence of her virginity to the elders of the city in the gate.¹⁶ And the father of the young woman shall say to the elders, 'I gave my daughter to this man to marry, and he hates her;¹⁷ and behold, he has accused her of misconduct, saying, "I did not find in your daughter evidence of virginity." And yet this is the evidence of my daughter's virginity.' And they shall spread the cloak before the elders of the city.¹⁸ Then the elders of that city shall take the man and whip him,¹⁹ and they shall fine him a hundred shekels of silver and give them to the father of the young woman, because he has brought a bad name upon a virgin of Israel. And she shall be his wife. He may not divorce her all his days. ...²⁸ If a man meets a virgin who is not betrothed, and seizes her and lies with her, and they are found,²⁹ then the man who lay with her shall give to the father of the young woman fifty shekels of silver, and she shall be his wife, because he has violated her. He may not divorce her all his days. (Deuteronomy 22:13-19; 28-29)

This passage involves two case laws – both of which prohibit divorce. The first involves a man who unjustly accuses his wife of not being a virgin on their wedding night. The second involves a man who seduces a virgin.¹⁶ Both men are prohibited from ever divorcing their wives.

While these laws prohibit divorce, they do so only for very specific circumstances. There would be no reason to issue these laws if the Mosaic Law prohibited divorce more broadly. The fact that those in these circumstances were forbidden from divorcing their wives demonstrates that those in other circumstances were permitted to divorce their wives.

Deuteronomy 24:1-4

When a man takes a wife and marries her, if then she finds no favor in his eyes because he has found some indecency 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,

¹⁵Some theologians, such as David Instone-Brewer, have suggested that Paul had the provisions of Exodus 21:10-11 in mind in 1 Corinthians 7:32-34 when he talked about being concerned for worldly things for one's spouse. This is doubtful, however, since Paul applied this equally to both the husband and wife. The responsibility to provide the provisions of Exodus 21:10-11 only applied to the husband.

¹⁶Verses 28-29 are traditionally understood as a reference to rape. However, the context does not suggest this. For example, there is no indication that the woman cried for help as we see in other passages. What makes people think this is forced copulation is "seized" and "violated." As for the former, the word simply means to take. It does not require the element of coercion. Concerning the latter, the Hebrew word is best understood as referring to the lowering of one's social status. Moses is describing a situation in which a man seduces a virgin into sleeping with him. In such cases, the man must marry her and pay her father the maximum bride price because he has lowered her social status by robbing her of her virginity.

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. (Deuteronomy 24:1-4)

This is a typical example of a case law, following the “if...then” format. The “if” section (in red) lays out the circumstance, while the “then” section (in blue) lays out the command. It is important to note that the act of divorce and remarriage is part of the “if” section. As such, Moses was not commanding divorce and/or remarriage for any particular situation, but merely describing a situation that some men find themselves in.¹⁷ They *chose* divorce. The law Moses gave (in blue) to address such situations is simply meant to regulate the behavior of such men toward their former wives.

This observation has led some to conclude that this law no more sanctions divorce than the law of Deuteronomy 24:7 sanctions kidnapping.¹⁸ I think this conclusion goes a little too far. Yes, this is a case law and case laws simply describe (rather than sanction) behaviors to which the law needs to be applied; however, the law YHWH gave to the men in this circumstance implicitly sanctions the original divorce by not offering any condemnation of the divorce nor prescribing any punishment for it. The man is simply forbidden from remarrying his former wife after she has remarried and subsequently becomes single again.

Two different grounds for divorce are mentioned (some indecency, hatred), but the focus of the law is not on identifying appropriate grounds for divorce. The focus of the law is to prevent the first husband from remarrying his former wife. Such a reunion is considered an abomination to God.¹⁹ While the focus of this law is not on proper justifications for divorce – or even divorce for that matter – we can learn a few things about divorce and the justification for divorce from this passage.

First, given the principle that what is not prohibited is allowed, Deuteronomy 24:1-4 allows for both divorce and remarriage. In fact, it allows for a second divorce and remarriage. The only thing this law prohibits is a husband remarrying his former wife after she has become the wife of another. The men who divorced the woman are not condemned for their acts of divorce and no punishment is prescribed for having done so. This is not what we would expect if God prohibited all divorce in the OT. We would expect their actions to be condemned and punishments to be meted out.

Second, it demonstrates that divorce actually ends a marriage in God’s eyes. God did not charge the second husband with adultery for having married the divorced woman as we would expect Him to do if God considered her as still married to her first husband. More importantly, God *prohibits* the first husband from remarrying his first wife after her second marriage has ended. If marriage were a lifelong spiritual union that cannot be dissolved by divorce (the PSU view), the man would still be married to his first wife. You cannot prohibit married people from getting married for the simple reason that they are already married. That would make as much sense as prohibiting a person from being born. God’s prohibition against their remarriage assumes that they are no longer married.

If the original couple were still married to each other in God’s sight, then why would God consider their reconciliation to be an abomination? An abomination is the worst of the worst. The OT never identified

¹⁷Carl J. Laney, *Divorce and Remarriage: Four Christian Views*, H. Wayne House, ed. (Downers Grove, IL: InterVarsity Press, 1990), 21-2.

¹⁸Heth1, *Divorce and Remarriage: Four Christian Views*, H. Wayne House, ed. (Downers Grove, IL: InterVarsity Press, 1990), 258.

¹⁹Appendix I addresses the question as to why God considered it an abomination for the first husband to remarry his former wife.

adultery as an abomination, so on the PSU view, God considers it morally worse to reconcile to one's actual spouse than to remain in the adulterous relationship. That would be morally preposterous! I think we can safely conclude from this passage that God recognized the first divorce as legitimate, and thus no longer viewed the two as married.

Third, we are provided with specific grounds for divorce – one for each husband. The first husband divorced his wife due to “some indecency” (*ervat davar*). There is debate over the meaning of this Hebrew phrase. Literally translated, it means “nakedness of a thing.”²⁰ Some have suggested that it refers to adultery, but this is unlikely for a couple of reasons.²¹ First, this is not the word used for adultery elsewhere in the OT. Second, if this referred to adultery, then the appropriate punishment would be execution rather than divorce (Leviticus 20:10; Deuteronomy 22:22-24).

Others have suggested that it refers to some improper or indecent behavior because *ervah* is used elsewhere to refer to shamefully exposing one's genitals (Genesis 9:22-23; Exodus 20:26; Lamentations 1:8; Ezekiel 16:36-37) and covering excrement (Deuteronomy 23:13-14).²² The word *ervah* occurs frequently, and often includes the connotation of sexual impropriety. If that is the connotation here, the indecent behavior may be sexual in nature, but falls short of actual adultery.

While *ervat davar* is probably best understood as indecent or improper sexual behavior, it leaves much to be desired since we do not know what counts as improper or indecent. The ambiguity of the text is what led Jewish interpreters to widely different interpretations. Rabbi Hillel understood *ervat davar*, not as a phrase, but as two individual words providing two different justifications for divorce: indecency, a matter. Since virtually any reason one may wish to divorce their wife for constitutes “a matter,” Hillel allowed men to divorce their wives for virtually any reason.²³ In contrast, Rabbi Shammai reversed the word order of *ervat davar* to *davar ervat* and understood this as a phrase meaning “a matter of indecency.” He identified the indecency as adultery and anything that implied adultery, such as being

²⁰Joe Sprinkle, “Old Testament Perspectives on Divorce and Remarriage,” in the *Journal of Evangelical Theology*, December 1997 (pp. 529-550), 530.

²¹The only thing in favor of this view is Jeremiah's use of Deuteronomy 24:1-4 in Jeremiah 3:1-4. Jeremiah does not refer to *ervat davar* directly, but summarizes Deuteronomy 24:1-4 by saying, “If a man divorces his wife and she goes from him and becomes another man's wife, will he return to her? Would not that land be greatly polluted?” He applies this law to Israel who has committed spiritual adultery against YHWH, claiming that the land would be polluted if God took them back after their adultery. Some have argued that this must mean Jeremiah understood *ervat davar* to mean adultery, or at least include adultery. However, this might be pressing Jeremiah's usage of Deuteronomy too far. In Jeremiah's summary, he doesn't even quote the *ervat davar* justification for divorce, so it is a bit of a stretch to think Jeremiah is interpreting that phrase for us. More likely, Jeremiah is simply capitalizing on the fact that it would pollute the land to remarry a former spouse, regardless of the reason for the divorce.

²²Instone-Brewer, 10.

²³Instone-Brewer, 111.

seen in public with disheveled hair and bare arms.²⁴ Whatever the proper interpretation of *ervat davar*, it seems to be a legitimate justification for divorce – at least in its own OT context.²⁵

The second husband does not divorce his wife for *ervat davar*, but because he “hates” her. This is the language typically used in the ANE to describe an unjustified divorce. The man divorced her simply because he disliked her. As such, the second husband most likely did not have valid grounds for divorce.

Ezra 9:1-2,10-15; 10:2-12

After these things had been done, the officials approached me and said, “The people of Israel and the priests and the Levites have not separated themselves from the peoples of the lands with their abominations, from the Canaanites, the Hittites, the Perizzites, the Jebusites, the Ammonites, the Moabites, the Egyptians, and the Amorites. ² For they have taken some of their daughters to be wives for themselves and for their sons, so that the holy race has mixed itself with the peoples of the lands. And in this faithlessness the hand of the officials and chief men has been foremost.” ... ¹⁰ [Ezra speaks] “And now, O our God, what shall we say after this? For we have forsaken your commandments, ¹¹ which you commanded by your servants the prophets, saying, ‘The land that you are entering, to take possession of it, is a land impure with the impurity of the peoples of the lands, with their abominations that have filled it from end to end with their uncleanness. ¹² Therefore do not give your daughters to their sons, neither take their daughters for your sons, and never seek their peace or prosperity, that you may be strong and eat the good of the land and leave it for an inheritance to your children forever.’ ¹³ And after all that has come upon us for our evil deeds and for our great guilt, seeing that you, our God, have punished us less than our iniquities deserved and have given us such a remnant as this, ¹⁴ shall we break your commandments again and intermarry with the peoples who practice these abominations? Would you not be angry with us until you consumed us, so that there should be no remnant, nor any to escape? ¹⁵ O Lord, the God of Israel, you are just, for we are left a remnant that has escaped, as it is today. Behold, we are before you in our guilt, for none can stand before you because of this.” ^{10:1} While Ezra prayed and made confession, weeping and casting himself down before the house of God, a very great assembly of men, women, and

²⁴Luck has noted that it is possible that Shammai himself did not interpret *ervat davar* to refer to adultery, but only the school that developed from his thought: “The oft-alleged statement that Shammai permitted divorce only on the grounds of adultery seems to be better directed to Shammai’s school. See Hurley’s *Man and Woman*, p. 100 (see chap. 3, n. 21), where he shows that Shammai’s own position probably did not include adultery insofar as Shammai never quotes in his discussion of the Deut 24:1-4 passage any of the adultery passages in the Law. Moreover, the presumption by Talmudic scholars is that Shammai meant by ‘unchastity’ behavior characteristic of an adulteress, such as immodest dress, going without the veil, and ‘spinning in the streets’ (not as in turning around, but as in working on a spindle while waiting for a ‘john’).”

Shammaites allowed for divorce when adultery was implied, such as a woman in public with disheveled hair and uncovered arms. In the Jerusalem Talmud, y. *Sota* 1.2, 16b, it is written: “For lo, it has been taught on the authority of the School of Shammai, ‘I know [as grounds for divorce] only the case of the woman who goes forth [from marriage] by reason of having committed adultery. How do I know [the law pertaining to] her who goes forth [in public] with her hair disheveled, her clothing in shambles [so that her skin shows] and her arms uncovered?’ Scripture says, ‘...because he has found some indecency in her’ (Deut 24.1). [The term ‘some’ is understood to encompass the offences listed.]” Found in Instone-Brewer, 99, quoting Jacob Neusner’s translation and glosses.

²⁵I add the clarification, “at least in its own OT context,” because there is nothing in the context of Deuteronomy 24 that would indicate that *ervat davar* was not a just reason for divorce. Jews thought *ervat davar* was a morally just reason for divorce. They only debated what the phrase meant. But when we go beyond the OT context and consider Jesus’ comments on this passage, it becomes clear that *ervat davar* is not a moral justification for divorce. Jesus said that God allowed the Israelites to divorce their wives because their hearts were hard (Matthew 19:3-8). In other words, if their hearts were right with God, they would not and should not have divorced their wives for *ervat davar*. *Ervat davar* is not a valid reason for divorce, whereas *porneia* is (Matthew 5:32; 19:9).

children, gathered to him out of Israel, for the people wept bitterly. ² And Shecaniah the son of Jehiel, of the sons of Elam, addressed Ezra: “We have broken faith with our God and have married foreign women from the peoples of the land, but even now there is hope for Israel in spite of this. ³ Therefore let us make a covenant with our God to put away all these wives and their children, according to the counsel of my lord and of those who tremble at the commandment of our God, and let it be done according to the Law. ⁴ Arise, for it is your task, and we are with you; be strong and do it.” ⁵ Then Ezra arose and made the leading priests and Levites and all Israel take an oath that they would do as had been said. So they took the oath. ⁶ Then Ezra withdrew from before the house of God and went to the chamber of Jehohanan the son of Eliashib, where he spent the night, neither eating bread nor drinking water, for he was mourning over the faithlessness of the exiles. ⁷ And a proclamation was made throughout Judah and Jerusalem to all the returned exiles that they should assemble at Jerusalem, ⁸ and that if anyone did not come within three days, by order of the officials and the elders all his property should be forfeited, and he himself banned from the congregation of the exiles. ⁹ Then all the men of Judah and Benjamin assembled at Jerusalem within the three days. It was the ninth month, on the twentieth day of the month. And all the people sat in the open square before the house of God, trembling because of this matter and because of the heavy rain. ¹⁰ And Ezra the priest stood up and said to them, “You have broken faith and married foreign women, and so increased the guilt of Israel. ¹¹ Now then make confession to the Lord, the God of your fathers and do his will. Separate yourselves from the peoples of the land and from the foreign wives.” ¹² Then all the assembly answered with a loud voice, “It is so; we must do as you have said. (Ezra 9:1-2,10-15; 10:2-12)

The Law of Moses prohibited the Israelites from marrying their pagan neighbors (Deuteronomy 7:1-4), and yet the returning exiles had done so anyway. Shecaniah suggested, and Ezra agreed, that the people should “put away” their wives and children (10:3) and “separate” (10:11) themselves from them. This is ANE language for divorce.²⁶ The men of Israel were commanded to divorce their foreign wives by sending them (and their children) away from the family home.

²⁶Some, such as Charles Ryrie (“Biblical Teaching on Divorce and Remarriage”; available from https://biblicalstudies.org.uk/pdf/gti/03-2_177.pdf; Internet; accessed 01 June 2015) and Heth1 (*Divorce and Remarriage: Four Christian Views*, 88-90) take the view that this was not an example of genuine divorce because these were not real marriages to begin with. They argue that (1) these marriages were prohibited by the Law of Moses and (2) the Hebrew words used for “marriage” and “divorce” are not the words typically used.

Regarding (1), they are confusing an immoral marriage for an illegitimate marriage. While it may have been morally wrong for the Israelites to marry these foreign women, the marriages were legitimate nonetheless. They would have been contracted like any other valid marriage (leaving of parents, cleaving to one’s partner, a one-flesh union), and met all of the requirements for marriage. As such, they were legitimate marriages and thus required an actual divorce.

Regarding (2), there are a variety of words used for divorce in the ANE. There is no requirement that Ezra use the most common words. Besides, it is the actions that define the words. What these men did was indistinguishable from divorce, and as such, it should be understood as divorce.

If, for the sake of argument, we accept that these were not real marriages because they were contracted immorally, then what about marriages that are contracted immorally today? For example, it is immoral for a believer to marry an unbeliever. Would Heth1 support the church in forcing the couple to separate under the banner that it is an immoral marriage and forcing them to separate is not technically a divorce?

Laney (pp. 27-28) admits that these were genuine marriages, but disputes that what Ezra was commanding was a genuine divorce. He notes that Shecaniah recommended the foreign wives to be “put away” rather than “sent away” or “dismissed,” and thus was referring to legal separation rather than an actual divorce with the implied right to remarry. This reading is unjustified for three reasons. First, the ANE used many words to refer to divorce. Second, there is no difference between putting away and sending away. Third, the concept of legal separation did not exist in the ANE. You were either married or divorced.

This is a particularly interesting case in that divorce was not merely permitted, but required. One might argue that Ezra commanded the divorces rather than God, but this misses the entire spirit of the passage. Ezra's command was the result of his reading of the Law of Moses and an example of the people's repentance toward God. If God had disapproved of Ezra's interpretation or command, He could have made His will known. He did not. The book of Ezra portrays these divorces as a great act of repentance, not as a moral travesty. Verse three portrays their actions as a "covenant with God" and done "according to the law." They were experiencing God's wrath precisely because they had married foreign women (10:14), and presumably God's wrath against them would be averted precisely because they divorced these women.

This is not the only example in Scripture where divorce is commanded. John the Baptist told Herod that his marriage was unlawful (Matthew 14:3-4), implying that it was wrong for them to continue in their "marriage."

Does this have any application to the church? Could church leadership demand that certain immoral marriages be ended? Consider the marriage of a believer to an unbeliever. A Christian who marries an unbeliever – despite the Biblical prohibition against doing so (1 Corinthians 7:39; 9:5; 2 Corinthians 6:14) – would appear to be in the exact same situation faced by the Israelites. If the Israelites' repentance required them to divorce their unbelieving wives, does the Christian's repentance require him/her to divorce his/her unbelieving spouse today?²⁷ Some might point to Paul's instructions to Christians not to divorce their unbelieving spouses (1 Corinthians 7:12-13) as evidence that the church should not force a divorce, but Paul was speaking to a different situation. Paul was addressing new believers who were married prior to their conversion, and now find themselves in a mixed religious marriage. He was not addressing Christians who chose to marry unbelievers. While I must admit that I am personally averse to demanding divorce in the case of immoral marriages, I could not claim there is no Biblical precedent for doing so. There is, however, Biblical precedent for allowing those marriages to stand (Nehemiah 13:23-30; Malachi 2:13-16). If divorce was not always required in such circumstances, then arguably divorce is not required today.

Hosea 2:2,7-9,14-16,19-20

"Plead with your mother, plead— for she is not my wife, and I am not her husband—that she put away her whoring from her face, and her adultery from between her breasts; ...⁷ She shall pursue her lovers but not overtake them, and she shall seek them but shall not find them. Then she shall say, 'I will go and return to my first husband, for it was better for me than now.'⁸ And she did not know that it was I who gave her the grain, the wine, and the oil, and who lavished on her silver and gold, which they used for Baal.⁹ Therefore I will take back my grain in its time, and my wine in its season, and I will take away my wool and my flax," which were to cover her nakedness. ...¹⁴ "Therefore, behold, I will allure her, and bring her into the wilderness, and speak tenderly to her.¹⁵ And there I will give her vineyards and make the Valley of Achor a door of hope. And there she shall answer as in the days of her youth, as at the time when she came out of the land of Egypt.¹⁶ "And in that day, declares the Lord, you will call me 'My Husband,' and no longer will you call me 'My Baal.'¹⁷ ...¹⁹ And I will betroth you to me forever. I will betroth you to me in righteousness and in justice, in steadfast love and in mercy.²⁰ I will betroth you to me in faithfulness. And you shall know the Lord. (Hosea 2:2,7-9,14-16,19-20)

²⁷Luck.

The standard divorce formula in the ANE was “you are not my wife, and I am not your husband.” When God says of Israel that she is not His wife and He is not her husband (v. 2), He is making a formal declaration of divorce.²⁸ Further evidence that this was an actual divorce is (1) Israel’s claim that she will return to “her first husband” (v. 7 – implying a divorce, if not a remarriage), and (2) the fact that YHWH stopped providing Israel with marital provisions (v. 9) and promised to betroth Israel to Himself in the future (vs. 19-20 – implying that they are not currently married, since you cannot betroth one who is already your wife).²⁹

If God divorced Israel for her spiritual adultery,³⁰ then surely divorce is morally permissible for actual adultery.

Jeremiah 3:8

“If a man divorces his wife and she goes from him and becomes another man's wife, will he return to her? Would not that land be greatly polluted? You have played the whore with many lovers; and would you return to me? declares the Lord. ...⁶ The Lord said to me in the days of King Josiah: ‘Have you seen what she did, that faithless one, Israel, how she went up on every high hill and under every green tree, and there played the whore?’⁷ And I thought, ‘After she has done all this she will return to me,’ but she did not return, and her treacherous sister Judah saw it.⁸ She saw that for all the adulteries of that faithless one, Israel, I had sent her away with a decree of divorce. Yet her treacherous sister Judah did not fear, but she too went and played the whore. (Jeremiah 3:1a,6-8)

YHWH begins his plea to Judah with a reference to Deuteronomy 24:1-4. He is both paraphrasing and interpreting the passage. While Israel had not married any of her foreign gods, her spiritual adultery nevertheless made her return to YHWH problematic. In verse eight, YHWH said He “sent her [Israel] away with a decree of divorce.” This should lay to rest any uncertainty in Hosea 9 as to whether or not God truly divorced Israel. This language is virtually identical to the prescription for divorce in Deuteronomy 24:1: “[H]e writes her a certificate of divorce and...sends her out of his house.” Through Jeremiah, YHWH appears to be warning Judah that that she, too, is in danger of being divorced if she does not repent.

Once again, if God Himself engaged in a divorce, then some divorces are morally justified.

²⁸Instone-Brewer, 37-39.

²⁹Additional evidence of divorce is found in 9:15 where God declares that He “hates” Israel, and as a result will “drive them out of my house.” “Hate” is often cited as the reason for divorce, and when a man divorced his wife, he would force her to leave the family home. See Instone Brewer, 38.

³⁰It has been noted previously that the punishment for adultery prescribed by the Mosaic Law is death. Why, then, did God divorce Israel for her spiritual adultery rather than executing her? One might explain this by noting that it was idolatry rather than adultery for which God divorced Israel. Spiritual adultery is a metaphor for their idolatry. However, this will not suffice since death was also prescribed for idolatry (Exodus 22:20; Deuteronomy 17:2-7). The real explanation is probably to be found in Jewish practice. While the Mosaic Law did call for the execution of adulterers, over time Jews lessened the punishment to mere divorce. God is probably appealing to the manner of punishment practiced by the Jewish people at the time.

Isaiah 50:1

Thus says the Lord: "Where is your mother's certificate of divorce, with which I sent her away? Or which of my creditors is it to whom I have sold you? Behold, for your iniquities you were sold, and for your transgressions your mother was sent away.

Judah accused YHWH of divorcing her and selling her into slavery to pay off His debts. YHWH responded by asking Judah to present proof of this charge. While YHWH did send them away and sell them into slavery because of their adulteries/transgressions, He never provided them with a divorce certificate as is required by the law (Deuteronomy 24:1), and thus they are still married. Judah is a wayward wife that is being disciplined by being sent out from YHWH's house (the practical effects of divorce), but YHWH has not technically divorced her. He plans to reconcile Judah to Him in the future (Isaiah 54:4-7).³¹

Malachi 2:13-16

You also do this: You cover the altar of the Lord with tears as you weep and groan, because he no longer pays any attention to the offering nor accepts it favorably from you. ¹⁴ Yet you ask, "Why?" The Lord is testifying against you on behalf of the wife you married when you were young, to whom you have become unfaithful even though she is your companion and wife by law. ¹⁵ No one who has even a small portion of the Spirit in him does this. What did our ancestor do when seeking a child from God? Be attentive, then, to your own spirit, for one should not be disloyal to the wife he took in his youth. ¹⁶ "I hate divorce," says the Lord God of Israel, "and the one who is guilty of violence," says the Lord of Heaven's Armies. "Pay attention to your conscience, and do not be unfaithful." (Malachi 2:13-16, NET)

Malachi names three examples of covenant breaking in Judah: marrying foreign wives (2:11-12), breaking marriage vows (2:14-16), and not paying tithes (3:8-10). Our concern here is with the second charge.

While many theologians assume that the Israelite men were divorcing their wives to marry foreign women (conflating the first and second examples of covenant breaking), the text does not say this. All we know is that they were divorcing their wives. Since the text says they divorced "the wife you married when you were young," it implies that these were older men who were divorcing their older wives so that they might marry younger women. God considered this to be disloyal (unfaithful, treacherous).

In the NET translation quoted above, God says "I hate divorce." This cannot be a *carte blanche* reference to all divorce since God Himself divorced Israel and permitted the Israelites to divorce under most circumstances. YHWH has a specific kind of divorce in view here – the kind hinted at within the text itself: men divorcing their older wives to obtain younger ones. To divorce one's faithful wife for an "upgrade" was pure treachery, and YHWH hated it.

It is quite possible, however, that "I hate divorce" is not the best translation. The Hebrew literally reads "he hates," and probably refers to the husband rather than YHWH. The husband hates his wife, which is why he divorces her. The traditional translation, "I hate divorce," actually requires an emendation to the Hebrew text: The third person "he hates" has to be amended to the first person "I hate."

³¹Instone-Brewer, 49-51.

Why should we think the hate belongs to the husband rather than to YHWH? In the ANE, “he hates” was a way of referring to a man who divorced his wife without justification.³² He divorces her merely because he has lost affection for her. That is why the ESV translates verse 16 as “For the man who does not love his wife but divorces her....” This translation does not require an emendation to the text (which is preferable) and it makes better sense of verse 16. YHWH is declaring that the man who divorces his wife simply because he no longer has affections for her is faithless and guilty of violence against his wife. It is also consistent with Deuteronomy 21:15-17, 22:13-19, 24:3, and Genesis 29:31 which speak of men hating their wives (Deuteronomy 24:3 specifically cites hate as the reason for divorce). Whether the proper translation is “I hate” (referring to YHWH’s view of divorce) or “he hates” (referring to the man’s disposition toward his wife), the context makes it clear that God rejects this justification for divorce. This implies, however, that there are justifications for divorce that God does approve of.

Having examined the Old Testament (OT) teaching on divorce, we now turn our attention to the New Testament (NT).

Matthew 5:31-32

“It was also said, ‘Whoever divorces his wife, let him give her a certificate of divorce.’³² But I say to you that everyone who divorces his wife, except on the ground of sexual immorality, makes her commit adultery, and whoever marries a divorced woman commits adultery.” (Matthew 5:31-32)

Jesus clearly disapproves of divorce, but even He made an exception for divorce in cases involving *porneia* (translated “sexual immorality” in the ESV). The exception for *porneia* appears in both Matthew 5:32 and Matthew 19:9, with a similar Greek construction in both passages.³³

What is the nature of Jesus’ exception? While the meaning of *porneia* in this context is debated (see Appendix II for a discussion of the options), most exegetes and theologians understand it to mean “adultery” or to “sexual sin” more broadly since the word is used to refer to a wide variety of sexual misconduct including, but not limited to, adultery. This is why the ESV translates it as “sexual immorality.” Jesus, then, makes an explicit allowance for divorce when sexual sin is involved.

Matthew 19:3-12

Now when Jesus had finished these sayings, he went away from Galilee and entered the region of Judea beyond the Jordan. ² And large crowds followed him, and he healed them there. ³ And Pharisees came up to him and tested him by asking, “Is it lawful to divorce one’s wife for any cause?” ⁴ He answered, “Have you not read that he who created them from the beginning made them male and female, ⁵ and said, ‘Therefore a man shall leave his father and his mother and hold fast to his wife, and the two shall become one flesh’? ⁶ So they are no longer two but one flesh. What therefore God has joined together, let not man separate.” ⁷ They said to him, “Why then did Moses command one to give a certificate of divorce and to send her away?” ⁸ He said to them, “Because of your hardness of heart Moses allowed you to divorce your wives, but from the

³²This does not necessarily mean the mere mention of “hate” requires that the divorce is unjustified. It could also refer to a husband’s disposition toward his wife for her treacherous behavior. For example, God is said to hate Israel because of her evil, causing Him to divorce her (Hosea 9:15).

³³παρεκτός λόγου πορνείας in 5:32 and μη ἐπὶ πορνείᾳ in 19:9, but the differences are not semantically meaningful.

beginning it was not so. ⁹ And I say to you: whoever divorces his wife, except for sexual immorality, and marries another, commits adultery.” ¹⁰ The disciples said to him, “If such is the case of a man with his wife, it is better not to marry.” ¹¹ But he said to them, “Not everyone can receive this saying, but only those to whom it is given. ¹² For there are eunuchs who have been so from birth, and there are eunuchs who have been made eunuchs by men, and there are eunuchs who have made themselves eunuchs for the sake of the kingdom of heaven. Let the one who is able to receive this receive it.” (Matthew 19:1-12)

This is the second occasion in Matthew’s Gospel where Jesus addressed the topic of divorce. Matthew has a habit of duplicating Jesus’ teachings at different points in his gospel, so this is not without precedent.³⁴ Jesus’ second teaching on divorce is expanded quite significantly from what we find in Matthew 5:31-32. There are some notable additions and differences:

- Jesus’ teaching in Matthew 5 was part of His Sermon on the Mount, whereas His teaching in Matthew 19 was in response to a question from the Pharisees.
- Matthew 19 frames the whole discussion as an answer to the question of what justifies a divorce.
- Both Matthew 5 and 19 discuss Deuteronomy 24:1, but only Matthew 19 discusses Genesis 1:27 and 2:24 as well.
- Only Matthew 19 contains Jesus’ saying that “What God has joined together, let no man separate.”
- Only Matthew 19 contains the Jews’ question about why God gave the divorce law in Deuteronomy 24, and Jesus’ answer.
- Matthew 5 focuses on the woman’s remarriage, while Matthew 19 focuses on the man’s remarriage, but both are considered sinful.
- Only Matthew 19 contains the disciples’ response to Jesus’ teaching.
- Only Matthew 19 contains Jesus’ teaching on eunuchs.

Despite the additional information and differences in details, the two teachings should be interpreted together. Any conclusions regarding one should be a control on our conclusions of the other.

Matthew tells us that the Pharisees approached Jesus to test Him regarding His interpretation of Deuteronomy 24:1 and the proper grounds for divorce. Did Jesus believe it was lawful for a man to divorce his wife for “any cause,” or only for adultery? As noted earlier, the Hillelite school of thought argued that Deuteronomy should be interpreted to mean that divorce was justified for any cause at all, while the Shammaite school of thought interpreted Deuteronomy as referring to adultery.³⁵ In asking this question of Jesus, then, these Pharisees were not seeking to know what Jesus thought of divorce generally speaking, but specifically His opinion on the two different interpretations of Deuteronomy 24:1. Did Jesus side with Hillel or Shammai?

It is not clear which school of thought these particular Pharisees subscribed to. We are simply told that they asked the question to “test” Jesus, which usually indicates an evil motive lurking behind the

³⁴Compare 3:2 and 4:17; 3:10 and 7:19; 3:12 and 25:29; 5:29-30; 18:8-9.

³⁵Despite their different interpretations, each school recognized the divorces of the other as legitimate divorces. This was not a theological concession, but done for practical reasons. Any children born to a person whose prior marriage ended in an illegitimate divorce would be considered illegitimate for ten generations. If Shammaites refused to recognize the “any cause” divorces of the Hillelites as legitimate, there would be very few people in society they could marry (since most divorces were obtained in a Hillelite court, and within 10 generations, there would hardly be a soul in Israel whose lineage did not include someone who obtained an illegitimate divorce). See Instone-Brewer, 130-1.

question (Matthew 16:1; 22:18,35; Mark 12:15; Luke 10:25; 11:16; John 8:6). While the Pharisees may have simply wanted Jesus to pick a side, I think Luck is correct when he argues that they were not interested in Jesus' theological interpretation, but rather hoped to trap Jesus by making Him say something that appeared to be in conflict with the Mosaic Law. They were probably interested in fault-finding rather than fact-finding.

Jesus was not interested in answering the Pharisees' question about the meaning of Deuteronomy 24:1, but in promoting God's intention that marriage be lifelong. He quoted Genesis 1:27 and 2:24 to make the point that God's original intention for marriage did not include divorce (v. 6). Marriage was meant to be a lifelong union of male and female. Since God Himself joins the two together in one flesh, humans should not seek to end that union. Jesus' point was that the Pharisees were asking the wrong question. Rather than seeking ways to get out of their marriages, they should be seeking ways to keep their marriages intact.³⁶

The Pharisees were not about to raise their hands in surrender. They pressed Jesus to explain why Moses commanded that a certificate of divorce be written if God intended for marriage to be lifelong. If the Pharisees intended to trap Jesus, surely this was the moment they were waiting for! Jesus acknowledged that Deuteronomy 24:1 allowed divorce, but argued that it was *permitted* rather than *commanded*.³⁷ The implication is that divorce is never necessary, even if one has grounds for divorce. This was in stark contrast to Jewish practice at the time. If a woman committed adultery, Jewish law required that her husband divorce her or submit her to the rite of a suspected adulteress (Numbers 5:11-31). Jesus does not explicitly mention forgiveness at this point, but He may be implying that one could choose forgiveness over divorce. This would have been scandalous to His first century audience.³⁸

If divorce violated God's creative intention for marriage, why would He permit it? Jesus' answer was that God permitted divorce because of the hardness of the Israelites' hearts. One could understand this in one of two ways. It could mean God made a concession for human sinfulness, allowing the Israelites to engage in immoral behavior without condemning or punishing it (similar to God's allowance for polygamy despite the fact that this, too, was not in line with His intention for marriage). Or, as Luck argues, Jesus could have meant to say that the Deuteronomic law was only necessary because of hard-hearted husbands who would unjustly divorce their wives. The law was meant to protect wives from their hard-hearted husbands whom God knew would divorce their wives even if He commanded them not to.³⁹ It was not a concession for husbands to be sinful, but a legal protection for spurned wives against their heart-hearted husbands who would divorce them without just cause.

After making it clear that God intended marriage to endure for life, that Deuteronomy 24:1-4 was an allowance rather than a command, and that the allowance was only necessary to protect women from heart-hearted husbands who refused to fulfill God's intention for marriage, Jesus proceeded to set forth His teaching on divorce: If a man divorces his wife for reasons other than *porneia* and marries another

³⁶Richards, 222-3.

³⁷In Mark's version of this dialogue, this is reversed. Instead of the Pharisees saying Moses commanded divorce and Jesus responding that he only permitted it, Jesus says Moses commanded divorce and the Pharisees say Moses permitted it (Mark 10:3-4). It is more likely that Mark edited the account. As Instone-Brewer notes, "Mark's account has to have the words this way because Jesus was responding to the question, 'Is it lawful for a man to divorce his wife?' It would be inappropriate for Jesus to respond with 'What did Moses allow?' because anything the Law said was regarded as a command." (p. 143).

³⁸Instone-Brewer, 146.

³⁹See Appendix I for a discussion regarding the purpose of Deuteronomy 24:1-4.

woman, he is guilty of adultery. In saying this, Jesus clearly rejected the Hillelite “any cause” interpretation of Deuteronomy 24:1.

When *porneia* is involved, the innocent spouse is justified in divorcing the guilty spouse.⁴⁰ Jesus’ exception is important for two reasons. First, it makes it clear that Jesus’ previous comments should not be interpreted to mean that divorce is always morally wrong. Divorce is always opposed to God’s intentions, but it is justified in the case of *porneia* since God’s intention for marriage also includes sexual fidelity.

Second, it may imply that Jesus agreed with the Shammaite interpretation of Deuteronomy 24:1. The Shammaites understood *ervat davar* to refer to adultery or anything that intimates adultery. By affirming that divorce is permissible in cases of *porneia*, Jesus seems to side with the Shammaite interpretation.⁴¹ Evidence for this is even found in the order of Jesus’ words. “The order of the words λόγου πορνείας in Matthew 5:32 is the reverse of the natural [Hebrew] order.... It is likely that this word order was deliberately intended to reflect the Shammaite interpretation because they reversed the order of the words in the Biblical text in this same way, in order to emphasize their interpretation of Deuteronomy 24:1.”⁴² They inverted *ervat davar* to *davar ervat* to clarify that it refers to “an indecent matter” rather than “a matter, an indecency” as the Hillelites’ claimed. Jesus’ λόγου πορνείας is the virtual equivalent of the Shammaite’s *davar ervat*, and as such, it could be Jesus’ way of expressing His agreement with the Shammaite interpretation.⁴³ While Jesus is opposed to divorce in principle, He is not opposed to divorce when it is caused by *porneia*.

Despite this evidence, I find it unlikely that Jesus was endorsing the Shammaite interpretation of Deuteronomy 24:1. While the Shammaites agreed that *porneia* was included in *ervat davar*, they did not think *porneia* exhausted the meaning of *ervat davar*. They thought matters other than *porneia* justified

⁴⁰By calling one spouse “guilty” and the other “innocent” I do not mean to imply that only one spouse is to blame for a divorce. Most marital breakdowns are caused by failures on the part of both spouses. While one may be guiltier than the other in contributing to the divorce, both are usually guilty for the failure of the marriage to one degree or another. When I speak of the guilty spouse, I am simply referring to the spouse who commits *porneia* or who unjustly ends the marriage in divorce. The innocent spouse is the one who does not commit *porneia*, or who is the victim of an unjust divorce. I realize, however, that real life can be more complicated than these categories convey. For example, while the husband may be the one who files for divorce without justification (making him the guilty spouse), he may have done so at the incessant behest of his wife. Perhaps she went out of her way to make his life miserable so that he would initiate a divorce. As such, she is not quite the innocent victim in the situation. When you see “guilty spouse” and “innocent spouse,” then, understand that these designations refer specifically to the act of divorce or *porneia* rather than assessments of who was responsible for the breakdown of the marriage.

⁴¹Heth and Wenham agree that Jesus’ exception clause is a reference to the Shammaite interpretation, even though they do not think that Jesus adopted the Shammaite interpretation *in toto*. See William Heth and Gordon Wenham, *Jesus and Divorce: The Problem with the Evangelical Consensus* (Nashville, TN: Thomas Nelson Publishers, 1984), 128.

⁴²Instone-Brewer, 159.

⁴³Jesus was not quoting from the LXX either. The LXX translates *ervat davar* as *aschmon pragma*, which is a fairly literal translation meaning “a shameful matter.” Instone-Brewer argues that Jesus used *logou porneias* because He thought it was a more accurate translation of *ervat davar* and because it followed the same word order endorsed by the Shammaite interpretation. By wording it this way, Jesus wished to make it clear that He sided with the Shammaite interpretation of Deuteronomy 24:1. As I will argue momentarily, I think this Instone-Brewer is mistaken on this point. Jesus was not offering *porneia* as the proper interpretation of *ervat davar* for the simple reason that Jesus did not think the divorces allowed by Deuteronomy 24 were morally justified. If divorces for *ervat davar* were not morally justified but divorces for *porneia* are morally justified, then *porneia* cannot be Jesus’ interpretation of *ervat davar*.

divorce as well.⁴⁴ As such, we have no reason to believe that Jesus' position was identical to the Shammaites'. At best, we could only conclude that Jesus views were more closely aligned with the Shammaites than with the Hillelites.

The real issue is not whether Jesus' position was identical to the Shammaites', but whether Jesus' exception for *porneia* was based on His interpretation of Deuteronomy 24:1. If not, then Jesus was not weighing in on the proper interpretation of *ervat davar* at all. I am convinced that Jesus was not offering *porneia* as a translation of *ervat davar* or an interpretation of Deuteronomy 24:1. Jesus said God permitted divorce for *ervat davar* because of the hardness of human hearts. That means *ervat davar* was not, in itself, a just reason for divorce. In contrast, Jesus clearly understood *porneia* as a just reason for divorce. It follows, then, that *porneia* is not Jesus' interpretation of *ervat davar*.

Jesus' disciples were present but silent during Jesus' debate with the Pharisees. Afterward, however, they expressed their shock and consternation to Jesus by exclaiming, "If such is the case of a man with his wife, it is better not to marry." They seemed to understand that Jesus' grounds for divorce were so narrow that most husbands would not be able to divorce their wives. They found the prospect of being unable to get out of an undesirable marriage a risk not worth taking, deeming it better to forego marriage altogether.

Does the disciples' strong reaction mean that Jesus' teaching was even more restrictive than the school of Shammai? Possibly, but not necessarily. It could just mean the disciples held to the Hillelite interpretation (as did most Jews in the first century A.D.⁴⁵) and had simply assumed that Jesus did as well.⁴⁶ If so, they would have been shocked to learn that Jesus held to a more restrictive interpretation. The most important part of the exchange is Jesus' response to the disciples. He did not say they had misunderstood Him. He did not clarify His words. He affirmed their understanding by noting that His teaching will not be accepted by all men, but should be accepted by those who are desirous to fulfill God's intention for marriage.

Mark 10:2-12

And he left there and went to the region of Judea and beyond the Jordan, and crowds gathered to him again. And again, as was his custom, he taught them. ² And Pharisees came up and in order to test him asked, "Is it lawful for a man to divorce his wife?" ³ He answered them, "What did Moses command you?" ⁴ They said, "Moses allowed a man to write a certificate of divorce and to send her away." ⁵ And Jesus said to them, "Because of your hardness of heart he wrote you this commandment. ⁶ But from the beginning of creation, 'God made them male and female.' ⁷ 'Therefore a man shall leave his father and mother and hold fast to his wife, ⁸ and the two shall become one flesh.' So they are no longer two but one flesh. ⁹ What therefore God has joined together, let not man separate." ¹⁰ And in the house the disciples asked him again about this matter. ¹¹ And he said to them, "Whoever divorces his wife and marries another commits

⁴⁴Shammaites agreed with the Hillelites that Exodus 21:10-11 provided grounds for a woman to divorce her husband. According to Instone-Brewer, "The Shammaites debated with Hillel about how long a man could neglect his wife's conjugal rights..., but there was no debate about whether or not she had such rights." (111).

⁴⁵Instone-Brewer, 168.

⁴⁶Thomas Edgar, *Divorce and Remarriage: Four Christian Views*, H. Wayne House, ed. (Downers Grove, IL: InterVarsity Press, 1990), 170-1, as well as Andreas Kostenberger, *God, Marriage, and Family: Rebuilding the Biblical Foundation*, 2nd ed. (Wheaton, IL: Crossway, 2010), 226-7, and Heth2, 46.

adultery against her,¹² and if she divorces her husband and marries another, she commits adultery.” (Mark 10:1-12)

Mark records the same event as found in Matthew 19. There are a number of similarities, but also some notable differences:

- Similarities
 - The Pharisees question Jesus about justifications for divorce.
 - The Pharisees reference Deuteronomy 24:1.
 - Jesus quotes Genesis and concludes that no man should separate what God has joined together.
 - The disciples question Jesus about His teaching.
 - Jesus affirmed that a man who divorces his wife and marries another woman is guilty of adultery.
- Differences
 - In Matthew, the Pharisees specifically ask whether divorce is justified for any cause, but in Mark they just ask whether divorce is lawful.
 - In Matthew, Jesus responds to this question by quoting Genesis and making it clear that God intended for marriage to be life-long. In Mark, Jesus asks the Pharisees what Moses said about the matter.
 - In Matthew, Jesus quotes from Genesis prior to discussing Deuteronomy 24:1, whereas these Scriptures are inverted in Mark.
 - In Matthew, the Pharisees said Moses *commanded* the man to give a certificate of divorce, whereas in Mark the Pharisees said Moses *permitted* him to do so.
 - Matthew is not clear regarding the setting of the disciples’ response to Jesus. It could be read as if the disciples reacted to Jesus’ teaching in the presence of the Pharisees. In contrast, Mark makes it clear that the disciples questioned Jesus later in a house.
 - Matthew tells us *what* the disciples questioned, whereas Mark just tells us *that* the disciples questioned Jesus.
 - In Matthew, Jesus’ teaching on divorce appears to be delivered publicly to the Pharisees, whereas in Mark it is delivered privately to the disciples.
 - Mark does not include Jesus’ exception clause.
 - Matthew’s account notes that the man who divorces his wife and marries another woman commits adultery, whereas Mark’s account specifies that the man commits adultery against his wife.
 - In Mark, Jesus extends His teaching to include a woman who divorces her husband.
 - Jesus’ saying regarding eunuchs is absent in Mark.

Three of these differences are notable. The first is Jesus’ claim in Mark’s account that the man who divorces his wife and remarries commits adultery *against his first wife*. This is a break from Jewish thought. According to the Law of Moses, a man could not commit adultery *against* his wife. His sin was against his lover’s father (if single) or husband (if married). I will say more about this when I address the question of remarriage.

The second notable difference is the absence of the exception clause. I will speak to this momentarily when I address Luke’s account of Jesus’ teaching.

The final difference of note is the reciprocal nature of Jesus' teaching in Mark's account. Mark alone addresses both the husband who divorces his wife and the wife who divorces her husband. Both sexes are prohibited from initiating divorce.

Luke 16:18

Everyone who divorces his wife and marries another commits adultery, and he who marries a woman divorced from her husband commits adultery. (Luke 16:18)

This form of Jesus' teaching on divorce combines and repeats elements we have already seen in Matthew 5, Matthew 19, and Mark 10. Like Matthew 19 and Mark 10, Jesus affirms that a husband who divorces his wife and marries another woman is guilty of adultery. Like Matthew 5, Jesus affirms that the man who marries a divorced woman also commits adultery. There is nothing new to glean from this record of Jesus' teaching that we have not already gleaned from the other three.

Why No Exception Clause?

What does stand out about Luke's account is the missing exception clause. Like Mark, Luke does not include Jesus' allowance for divorce in cases involving *porneia*. Some have interpreted this to mean Jesus' prohibition on divorce was absolute and we have misunderstood the so-called exception clause in Matthew's accounts.⁴⁷ They note that the earliest Christians were unlikely to have all four gospels. They may have only been in possession of Mark's Gospel or Luke's Gospel. Reading either of those gospels alone, they would naturally have understood Jesus to prohibit all divorce and all remarriage.

A few things should be noted. First, it could be that the exception was known to these early Christians via oral tradition. The teachings of Jesus circulated orally as well, and the exception clause may have been part of the oral tradition. That oral tradition would have supplemented the written tradition of Mark and Luke.

Second, we should not expect every aspect of Jesus' teaching to be recorded by every author or every time the topic is addressed. For example, Jesus said that if we ask anything in His name He will do it (John 14:14). There are no exceptions or qualifiers given by Jesus in this context. Wouldn't those who only had the Gospel of John think this means Jesus will answer any and every prayer they pray? Perhaps, but they would be mistaken. Other passages in other Biblical books add qualifiers to what Jesus said in John 14:14, limiting the kind of prayers that Jesus will answer. For example, those prayers must be according to the will of God (1 John 5:14) and cannot be used for our own lusts (James 4:3). When we read John 14:14, then, we must read it with those other exceptions in mind rather than dismissing the exceptions in light of John 14:14. The same is true of Jesus' teaching on divorce in the Synoptics. While it is possible that someone who only had Mark's Gospel might interpret Jesus to be giving an absolute prohibition on all divorce, this does not change the fact that this conclusion is false, as witnessed by the exception given by Jesus in Matthew's Gospel.

⁴⁷The argument is not that the exception in Matthew is not original to Jesus, but that the meaning of *porneia* must refer to something other than adultery, and probably referred to a situation that had peculiar application to Matthew's uniquely Jewish audience. For example, some suggest that the exception pertains to sexual infidelity during betrothal, invalid marriages, or incestuous marriages. See Appendix II for a detailed discussion on these interpretations.

A basic rule of interpretation is that we interpret the broad in light of the narrow. Jesus' broad statement in John 14:14 must be understood in light of the qualifiers that appear in 1 John 5:14 and James 4:3. In the same way, we should read the unqualified passages in Mark and Luke in light of the passages in Matthew that provide an exception. As Thomas Edgar wrote, "I disagree with the concept that a passage which does not give an exception may be considered as denying an exception clearly stated in another passage. This is contrary to any normal approach to Scripture on other subjects. It is also contrary to normal usage to conclude that every time a subject is mentioned a complete list of exceptions must always be stated or none exists."⁴⁸ We know that Matthew was wont to add exceptions that other Evangelists left out. For example, in Mark 8:11-12 Jesus told the Pharisees who asked Him for a sign that "No sign shall be given to this generation," but in Matthew's account, Jesus says "No sign shall be given to this generation except the sign of the prophet Jonah" (Matthew 12:39). Those who only had Mark's Gospel may not have known of this exception, but it remained a genuine exception nonetheless.

Thirdly, as Keener and Instone-Brewer argue, the exception for *porneia* would have been so well understood in that culture that there was no need for Mark or Luke to state it.⁴⁹ To cite a modern example, if I said "no one can carry a gun in New York City," no one would interpret me to mean police officers cannot carry a gun in NYC. I do not need to explicitly state that exception for it to be understood as an exception precisely because that exception is so well understood by my audience.⁵⁰ It is assumed by all. In fact, to explicitly state the exception would come off as weird to most people. In similar fashion, the exception for sexual sin was so well understood and taken for granted that Mark and Luke did not feel the need to explicitly state it. Readers would have mentally added in the exception in the same way we mentally add the exception "except for your wife" when reading Jesus' command not to lust after a woman (Matthew 5:27-30), or the way we mentally add the exception "without cause" to Jesus' command not to be angry against one's brother (Matthew 5:21-22). Matthew has a habit of adding exceptions to Jesus' teachings that are not explicit in other gospels, which may explain why Matthew alone included the exception.⁵¹

Even in Mark and Luke's account, there is an implicit exception present. When Jesus said the person who divorces their spouse and remarries commits adultery, we naturally infer that He is excepting those divorced individuals who remarry following the death of their ex-spouse. Jesus did not have to state that explicitly for us to know that. Likewise, Jesus' exception for *porneia* was so well understood that Mark's and Luke's readers would mentally insert the exception clause on their own. Mark and Luke were more interested in communicating what was unique to Jesus' teaching rather than what was accepted by all, namely that unjustified divorces are not recognized by God. As Instone Brewer notes, "[T]he only detail that remains [in Luke's account of Jesus' teaching on divorce] is Jesus' assertion that remarriage after an invalid divorce is adulterous. The reason for this is now clear. This was the only point at which Jesus differed with everyone else in Judaism."⁵²

⁴⁸Edgar, 63.

⁴⁹Matthew wanted to make it explicit, so he included it, but it was not necessary for him to do so. Had he not included it, his readers would have mentally supplied it.

⁵⁰Instone-Brewer, 154.

⁵¹For example, compare Matthew 12:39 to Mark 8:11-12.

⁵²Instone-Brewer, 167.

1 Corinthians 7:10-16,25-28,36-40

To the married I give this charge (not I, but the Lord): the wife should not separate from her husband¹¹ (but if she does, she should remain unmarried or else be reconciled to her husband), and the husband should not divorce his wife.¹² To the rest I say (I, not the Lord) that if any brother has a wife who is an unbeliever, and she consents to live with him, he should not divorce her.¹³ If any woman has a husband who is an unbeliever, and he consents to live with her, she should not divorce him.¹⁴ For the unbelieving husband is made holy because of his wife, and the unbelieving wife is made holy because of her husband. Otherwise your children would be unclean, but as it is, they are holy.¹⁵ But if the unbelieving partner separates, let it be so. In such cases the brother or sister is not enslaved. God has called you to peace.¹⁶ For how do you know, wife, whether you will save your husband? Or how do you know, husband, whether you will save your wife? ...²⁵ Now concerning the betrothed, I have no command from the Lord, but I give my judgment as one who by the Lord's mercy is trustworthy.²⁶ I think that in view of the present distress it is good for a person to remain as he is.²⁷ Are you bound to a wife? Do not seek to be free. Are you free from a wife? Do not seek a wife.²⁸ But if you do marry, you have not sinned, and if a betrothed woman marries, she has not sinned. Yet those who marry will have worldly troubles, and I would spare you that. ...³⁶ If anyone thinks that he is not behaving properly toward his betrothed, if his passions are strong, and it has to be, let him do as he wishes: let them marry—it is no sin.³⁷ But whoever is firmly established in his heart, being under no necessity but having his desire under control, and has determined this in his heart, to keep her as his betrothed, he will do well.³⁸ So then he who marries his betrothed does well, and he who refrains from marriage will do even better.³⁹ A wife is bound to her husband as long as he lives. But if her husband dies, she is free to be married to whom she wishes, only in the Lord.⁴⁰ Yet in my judgment she is happier if she remains as she is. And I think that I too have the Spirit of God. (1 Corinthians 7:10-16,25-28,36-40)

To properly interpret 1 Corinthians 7, we must understand that Paul addressed four distinct groups of people in different sections of this chapter:

1. Married people (7:1-5,10-16)
2. Unmarried people (7:8-9)
3. Widowed people (7:8-9,39-40)
4. Betrothed people (7:25-38)

Since this section only concerns the Biblical teaching on divorce, I will limit my discussion to Paul's instructions to the married (1) and betrothed (4).

Married People

Paul's instructions to married people can be divided into two categories: Christians married to Christians (7:10-11) and Christians married to non-Christians (7:12-16).

Christians Married to Christians

Paul instructed Christians who were married to Christians to remain married. A wife is not to separate from her husband, and a husband is not to divorce his wife. Paul identifies this as a command of the Lord, which means it is something Jesus addressed in His public teaching. As such, Paul's words serve as

a commentary on Jesus' teaching regarding divorce. Paul, like Jesus, did not permit divorce.⁵³ And yet, Paul seems to recognize that despite Jesus' command there will be believers who divorce their believing spouses anyway. In such cases, Paul instructs them to remain unmarried or be reconciled to each other.

Three things should be noted regarding this passage. First, the juxtaposition of "separate" (*chorizo*) and "divorce" (*aphiemi*) reveals that both terms refer to the same thing: a legal divorce. There was no concept of legal separation in the ANE.⁵⁴ Separation was a means of divorce. One could divorce their spouse by leaving the family home (separate) or by forcing their spouse to leave the home (expulsion). A woman could not force her husband to leave the family home, so typically a divorce initiated by the wife entailed the wife separating herself from the family home. That is why Paul spoke of the wife "separating" from her husband, but speaks of the husband as "putting away" or "sending away" his wife. That *chorizo* means "divorce" is made clear by the fact that Paul went on to say that if the woman did *chorizo* from her husband, she should remain "unmarried" (*agamos*). This word refers to someone who is single rather than married. Clearly, the act of separating is an act that ends the marriage. This leads me to the second point.

By speaking of the couple as unmarried (*agamos*), Paul seems to affirm that the marriage has truly ended. The two are considered single rather than married. Paul said nothing that would suggest they are still married in God's eyes despite the legalities of their divorce. And yet, Jesus' teaching does seem to presuppose that the marital union endures beyond divorce. Is Paul contradicting Jesus? We have three options for dealing with this apparent inconsistency: (1) affirm that Paul contradicts Jesus; (2) affirm that Paul was only speaking from a legal perspective; (3) understand Paul's teaching as the proper interpretation of Jesus' teaching.

The first option is theologically unacceptable given a high view of Scripture. Paul was writing under the inspiration of the Holy Spirit, and thus what He says must be true and consonant with Jesus' teaching. The first option is also unlikely given the fact that Paul based his commands on Jesus' teaching. Paul, at least, thought he was accurately applying Jesus' teaching to this situation.

What about the second option? Could Paul have been speaking from a legal or practical perspective rather than a metaphysical or spiritual perspective when he said the woman was single? Possibly. Perhaps, in saying the wife who separates from her husband "should remain unmarried," Paul wasn't intending to affirm anything about her true marital state, but rather intending to communicate that she should avoid contracting a marriage with someone else.

While this solution is possible, there are two problems with it. First, if Paul thought the couple were still married in God's eyes, why did he give the woman the option to "remain unmarried"? How can one

⁵³Some, noting that Paul did not provide any exception for divorce in cases involving *porneia*, have argued that Paul was not aware of a tradition in which Jesus offered that exception, or more likely, that he understood Jesus' exception to have no application to married people (*porneia* is typically understood by such interpreters as referring to sexual infidelity during the betrothal period or to incestuous marriages). This is unlikely. We would not expect Paul to caveat his prohibition against Christians divorcing fellow Christians since his purpose was merely to communicate Jesus' teaching regarding the lifelong nature of marriage. There is no reason to think he was attempting to provide a full exposition of justifiable versus unjustifiable divorces.

⁵⁴Today, many advocate for separation rather than divorce. There may be a legal and psychological difference between separation and divorce, but not a Biblical difference. Even practically speaking, the two are virtually identical. Each person leads their own life separately from the other just as they would if they were divorced. Separation is, for all intents and purposes, the same as divorce. One should not think, then, that they are avoiding moral wrongdoing by separating rather than divorcing. Separated couples, like divorced couples, are not fulfilling their marital obligations to one another.

remain unmarried if they are still married? That's a contradiction. If Paul thought she was still married to her husband in God's eyes, we would expect him to command her to be reconciled to her husband instead of merely giving her the option to do so.

Second, interpretations that rely on having to determine whether the author is speaking from a metaphysical perspective or from a legal/practical perspective are fraught with subjectivity. The context rarely (if ever) settles the question of the author's perspective, leaving us with little more than our own assumptions about what the author meant. These assumptions can be used to make any passage fit our preconceived view regarding divorce. When the author uses terminology that supports our preconceived understanding of marriage and divorce, we invest it with metaphysical significance and say it serves as evidence for our view and against our opponent's. When the author uses terminology that goes against our preconceived understanding of marriage and divorce, we say he is speaking from a practical perspective. Heads I win, tails you lose.

The verse in question illustrates this nicely. Paul speaks of the woman who divorced her husband as being "unmarried," and yet he also refers to the man as "her husband." If we interpret Paul to be speaking from a metaphysical perspective, then his description of her as "unmarried" is evidence for the view that divorce truly ends a marriage. However, if we interpret Paul's reference to "her husband" in the same way, it serves as evidence for the opposite conclusion, namely that their marriage endured the legal divorce.⁵⁵ Those who believe marriage is ended by divorce tend to interpret "unmarried" metaphysically while interpreting "her husband" legally/practically. Conversely, those who believe marriage endures beyond a legal divorce tend to interpret "unmarried" legally/practically while interpreting "her husband" metaphysically.⁵⁶ This glaring inconsistency might make one suspicious that the tail is wagging the dog. When the use of a term supports your metaphysical view, you invest it with metaphysical significance. When a term contradicts your metaphysical view, you divest it of metaphysical significance.

By interpreting Paul in this way, one has to believe that Paul was speaking from one perspective, but then switched his perspective just two words later. Why should we think that is probable? Even if we had reason to believe Paul switched perspectives so quickly, how could we determine which perspective he started out with? Did he speak of being "unmarried" from a metaphysical perspective and then speak

⁵⁵Jesus also spoke in contradictory terms. In Matthew 5:32 He said the man who "marries" a divorced woman commits "adultery." How can Jesus call the relationship both adulterous and a marriage at the same time? If they were married, then they cannot commit adultery. If they are committing adultery, then they are not married. Both terms cannot be invested with metaphysical meaning. At least one must have a practical or figurative meaning.

⁵⁶One could offer a counter-argument here. First, they could note that the Greek word translated "husband" (*aner*) does not uniquely refer to a male spouse. It is the general word for "male." Only the context can determine whether it refers to a married male or not, and in this case, the context does not make it clear that Paul means to portray the man as a husband.

Second, they could note that "her" does not appear in the Greek text (it literally reads "or reconcile to the man/husband"), and as such, there is no sense in which the man is said to belong to the woman (as he would in marriage).

Third, even if one could show that the context supports interpreting *aner* as "husband," Paul could have been using this term in a practical rather than metaphysical sense, referring to the man who had once been her husband. One could counter, however, that if this was what Paul was doing, we would have expected him to refer to the man as the "former husband" rather than simply "husband." Without that added word, we should assume that the man is still the woman's husband despite the legalities of their divorce.

I do not find this persuasive. While adding the word "former" before "husband" would surely add clarity, it is not necessary and its absence does not communicate anything metaphysical or theological regarding the status of their marriage. Even today, when speaking with a divorced, unmarried woman, we commonly refer to her "husband" rather than her "former husband" when speaking about the man she was married to. We do not intend to communicate anything metaphysical or theological when doing so, and the woman rarely objects to such language.

of “her husband” from a practical perspective, or did he speak of being “unmarried” from a legal/practical perspective and then speak of “her husband” from a metaphysical perspective? We could never know, so it will do no good for either side to claim that either term supports their view. These terms can be interpreted in a way that is consistent with either view, but they cannot prove either view. Whether marriage endures beyond a legal divorce or whether marriage is ended by divorce will have to be determined by something other than terminology. Since it is not clear whether Paul is speaking from a metaphysical perspective when he says the woman is unmarried, there is no necessary contradiction between Jesus and Paul.

The third option for reconciling Paul’s instructions with Jesus’ command is to understand Paul’s instructions as an inspired commentary on, and application of, Jesus’ teaching. Paul clearly referenced Jesus’ teaching, and saw his instructions as consistent with Jesus’ teaching. So if Paul was speaking of the couple as “unmarried” in a metaphysical sense, we should not see this as in conflict with Jesus’ teaching, but as a lens through which to view Jesus’ teaching. Perhaps it is wrong to understand Jesus’ teaching in a metaphysical sense. Perhaps He did not mean to teach that a marriage endures beyond divorce, but merely that one’s moral obligations to their spouse endure beyond the divorce (when the divorce was not morally justified). Because the divorce was morally unjustified, the guilty spouse has the moral obligation to repent and reconcile with his/her spouse. Because a second marriage prevents one from fulfilling their moral obligation to their original spouse, the second marriage is immoral. Whether one opts for this explanation, or whether one opts for the second, the apparent contradiction between Paul and Jesus is avoidable.

The third and final thing to be noted regarding Paul’s instructions to Christian couples is that Paul did not demand that the wife reconcile. Arguably, that is what Paul wanted the wife to do, but he did not demand it. He did not force a reconciliation via church discipline. He allowed the divorce to stand and for the couple to remain unmarried. This point will be of importance when we turn our attention to practical considerations in the final section of this paper.

Christians Married to Non-Christians

After addressing divorce among Christian spouses, Paul turned his attention to divorce among religiously mixed marriages involving a believer and an unbeliever. We know Paul was responding to questions regarding this matter sent to him by the Corinthians, but we can only speculate from his answers as to what their questions were and why they were asking them. From Paul’s statements regarding the believer’s ability to sanctify their unbelieving spouse and children, it appears that the Corinthians were concerned that their marriages to unbelievers would spiritually defile their homes. Perhaps some Christians had already been divorced by their unbelieving spouse and they were concerned that they bore some moral responsibility for the divorce. Perhaps some of the Corinthians thought they were required to divorce their unbelieving spouse given the OT command not to marry pagans (Deuteronomy 7:3-4), Ezra’s command to divorce pagan wives (Ezra 10:3,11), and a general concern about the influence of the unbeliever on the children.⁵⁷ Whatever their questions may have been, Paul provided them with some instructions for this particular marital situation.

Unlike his instructions to Christians married to Christians, Paul prefaced his remarks by saying they were his commands rather than Jesus’. He wasn’t saying his commands lacked authority or truth, but simply

⁵⁷Jim Newheiser, *Marriage Divorce and Remarriage: Critical Questions and Answers* (Phillipsburg, NJ: P&R Publishing, 2017), 219-20.

that Jesus did not address this particular issue in His teaching regarding divorce. As such, Paul had to rely on the wisdom given to him by God to address it.

Paul laid to rest any idea that Christians are morally obliged to divorce their unbelieving spouse. So long as the unbelieving spouse is content to remain in the marriage, the Christian should remain in the marriage and not seek a divorce. While Paul would surely oppose initiating a new marriage with an unbeliever, one who became a believer after marriage should not end their marriage. It must be honored.⁵⁸ Any concerns about the unbeliever spiritually polluting the marriage are unfounded. The presence of the believing spouse sanctifies the unbelieving spouse and the children⁵⁹ – the unbelieving spouse does not pollute the believing spouse and children.

While believers should not divorce their unbelieving spouses, Paul recognized that some unbelievers will choose to divorce their Christian spouses because they do not approve of their newfound faith.⁶⁰ He describes the unbeliever's action as "separating" (*aphiemi*). This is not the same Greek word Paul used in verse 10 to describe the Christian wife's action, but the meaning is the same. There were more than 50 different Greek words used for divorce in Greek marriage and divorce contracts. One contract uses six different words alone. Each word may emphasize different aspects of a divorce, but they all refer to divorce. While some interpreters attempt to distinguish separation from divorce, this is an example of imposing modern concepts into an ancient text. There was no concept of legal separation in the ANE. In the ANE, divorce occurred by separation. Romans could divorce their spouse simply by leaving the house (voluntary separation) or by demanding that their spouse leave the house (involuntary separation).⁶¹

If the unbelieving spouse divorces the Christian spouse, Paul says "let it be so." The Greek χωρίζεται χωρίζεσθω literally means "if he leaves, allow him to leave." The second word is passive, indicating something the believing Christian should allow to be done to him/her. In other words, if he wants to leave you, let him leave you. Paul is clearly absolving the Christian from any moral responsibility for the divorce as well as any moral responsibility to attempt reconciliation of the marriage or continue evangelizing the unbelieving spouse.⁶² He speaks of this in terms of being "not enslaved/bound." As Heth1 wrote, "Paul's statement that the believer is 'not bound' in such cases has the same function that the exception clause does in Matthew 19:9: it relieves the innocent party of the guilt of violating Christ's command not to divorce. In the case of Matthew 19:9 the woman who commits adultery is responsible for the breakup of the marriage, while in 1 Corinthians 7:15 Paul exempts the Christian from the

⁵⁸Craig Keener, *...And Marries Another: Divorce and Remarriage in the Teaching of the New Testament* (Peabody, MA: Hendrickson Publishers, 1991), 55.

⁵⁹Keener says the idea of the children being sanctified does not mean they are saved. Paul is addressing an issue we don't think the same way about today – the status of the children of a mixed marriage. Romans debated the status of children born from a Roman citizen and a non-Roman citizen (although a Roman marriage was only for Roman citizens, Roman marriages were granted to Latins and foreigners out of concern for the status of the children). Paul's point is that the children are still within the sphere of the gospel influence if the marriage remains intact. The children cannot be used as an excuse to divorce an unbelieving spouse. See *...And Marriages Another*, 58-60.

⁶⁰While Paul could command believers not to divorce their unbelieving spouses, he could not command the unbelieving spouses not to divorce their believing spouses because the unbeliever is not under the authority of Christ, and thus will not adhere to Jesus' teaching on the matter.

⁶¹Instone-Brewer, 189-91,199; Jay Adams, *Marriage, Divorce, and Remarriage in the Bible: A Fresh Look at What Scripture Teaches* (Grand Rapids, MI: Zondervan, 1980), 48; Samuele Bacchiocchi, *The Marriage Covenant: A Biblical Study on Marriage, Divorce, and Remarriage* (Biblical Perspectives, 2006), available from <http://www.biblicalperspectives.com/books/marriage/4.html>; Internet; accessed 01 June 2015; Heth2, 75; Luck; Keener, *...And Marries Another*, 50-3.

⁶²Whereas Paul encouraged reconciliation with same-faith couples, he does not encourage reconciliation to the believer in a mixed-faith marriage that ended in divorce. Instead, he encourages them to let the marriage end in peace.

responsibility for the divorce which an unbelieving mate brings about.”⁶³ I will say more about this when I revisit this passage in the section on remarriage.

After informing the believer that they are not enslaved in such a circumstance, Paul proclaims that “God has called you to peace.” While I will address the meaning of this phrase in more detail when I revisit this passage in the remarriage section, here I want to address the use of this phrase as a general justification for divorce. Some have argued that divorce is justified if all attempts to bring about marital peace have failed. They rightly observe that while all marriages encounter difficulties, some marriages are characterized by consistent emotional chaos. This is not God’s will. If God has called spouses to peace, but they are unable to achieve that peace together, then they are justified in divorcing. As Paul said in Romans 12:18, “If possible, so far as it depends on you, live peaceably with all.” If one is unable to live with one’s spouse in a peaceful way, then divorce is justified because “God has called you to peace.” While this line of reasoning sounds plausible, and while it employs Biblical phrases, it is based on a misinterpretation of the text. First, Paul is only addressing cases where unbelievers initiate divorces against believers. He is not providing believers with a justification to divorce their unbelieving spouse, or even their believing spouse for that matter. Second, Paul is not providing a ground for divorce, but instructing Christians who have been divorced by their unbelieving spouses how they should respond to that divorce (as well as their former spouse). Paul is not citing the lack of peace in a marital relationship as a justification for divorce.

Unmarried Virgins

After a lengthy exposition encouraging people to remain in their current state (vs. 17-24), Paul begins a lengthy section addressing unmarried virgins (the ESV reads “betrothed” but the Greek refers to “virgins”). Once again, he prefaced his remarks by noting that these commands are his rather than the Lord’s, meaning Jesus did not address this issue. Paul says unmarried virgins should remain in their present condition due to the present distress.⁶⁴ If they were presently “bound to a wife” they should not seek to be freed. Likewise, if they were presently “free from a wife,” they should not seek a wife.

While some have tried to apply these instructions to married and formerly married people, the context is clear that Paul is only speaking to unmarried virgins.⁶⁵ When Paul spoke of being “bound to a wife,” he referred to one who is legally bound to a woman by betrothal. Such a person should not end that betrothal. But if one is not currently betrothed to a woman (having never been betrothed, or having already ended his betrothal), he should not seek a woman to be betrothed to (due to the present distress).

Summary

While God intends for the marital union to endure for the life of the participants, and while God opposes unjust divorces (Malachi 2:13-16), divorce was permitted for just cause in both the OT and NT. Not only did God explicitly allow divorce for an indecent matter (Deuteronomy 24:1) and deprivation of

⁶³Heth1, *Divorce and Remarriage: Four Christian Views*, 112.

⁶⁴We are not told what that present distress was, but it most likely refers to persecution, famine, or both.

⁶⁵Some have argued that Paul has the divorced in mind as well since he identifies these people as “unmarried” in verses 32 and 33, which is the same word he used to describe divorced people in verse 11 (and verse 8, although it is not clear in verse 8 whether the “unmarried” are virgins or divorcees, or both). Just because the same word is used does not mean Paul has the same circumstances in mind. One can be unmarried because they have never married, because they have divorced, or because they have been widowed. The Greek word alone cannot define this for us.

basic necessities (Exodus 21:10-11), but He implicitly allowed for divorce more broadly by only prohibiting it in certain, limited circumstances (Deuteronomy 22:13-19,28-29). Even more telling is the fact that God instructed Abraham to divorce Hagar (Genesis 21:12) and personally divorced Israel for her covenant unfaithfulness (Hosea 2:2; Jeremiah 3:8). Ezra commanded divorce as a form of repentance for contracting immoral marriages with pagan wives (Ezra 10:2-12).

The NT teaching is less permissive. Jesus called on God's people to follow God's ideal for marriage found in Genesis rather than God's concession for divorce found in the Mosaic Law. Jesus' only stated justification for divorce is sexual sin (Matthew 5:32; 19:9). Paul also taught that Christians should not divorce each other, but recognized that some will do so nonetheless. If they do, they must remain single or reconcile to their spouse (1 Corinthians 7:10-11). If a non-Christian divorces their Christian spouse for their faith, Paul made it clear that the Christian is not held morally responsible for the divorce (1 Corinthians 7:12-16).

Is Remarriage Permissible?

All agree that death ends a marriage (Romans 7:2; 1 Corinthians 7:39) and virtually all agree that remarriage is permissible for a widow (Romans 7:3; 1 Corinthians 7:8-9,39; 1 Timothy 5:14), but there is much disagreement as to whether remarriage is permitted in other circumstances. We have already determined that there are circumstances other than death that justify divorce, but do those same circumstances also justify remarriage prior to the death of one's former spouse? I will argue that Scripture permits the innocent party to remarry in cases of a justified divorce, but prohibits both parties from remarrying in cases of an unjustified divorce.⁶⁶

Deuteronomy 24:1-4

When a man takes a wife and marries her, if then she finds no favor in his eyes because he has found some indecency 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. (Deuteronomy 24:1-4)

The focus of this case law is on remarriage. Interestingly, the text does not prohibit remarriage more generally, but only a woman's remarriage to her original husband after there has been an intervening marriage. This is not what we would expect if God only recognized the first marriage as valid, and still viewed the original couple as married in His sight. Why would God prevent married people (from God's perspective) from living as married people (from man's perspective)? The simplest explanation for this oddity is that God does not consider them to be married anymore. Their marital union was truly ended by the divorce.

While God recognized the first divorce as valid, did He recognize the second marriage as valid as well? It appears to be so.⁶⁷ God does not condemn the second marriage as immoral or illegitimate, and there is no other law in the Mosaic Covenant that prohibited remarriage following a divorce.⁶⁸ There is no punishment prescribed for the woman for having married another man, nor is the second marriage described as an abomination – only the remarriage of the original spouses is considered an abomination. If the second marriage was not condemned, not only could this tell us something about the morality of second marriages, but it may also tell us something about the morality of the guilty party remarrying after a divorce. If *ervat davar* was a justifiable reason for divorce, then the woman was the guilty party in the divorce from her first husband. Although it was her actions that caused the divorce, God did not condemn her for remarrying. Does this mean God permits the guilty spouse to remarry after a divorce, and considers that marriage both legitimate and moral?

⁶⁶Later, I'll explore the possibility that the innocent spouse who was victimized by an unjust divorce can remarry after the guilty spouse has remarried or committed sexual sin.

⁶⁷The giving of the divorce certificate is also significant to the question of remarriage. The divorce certificate served as legal proof that a woman was no longer bound to her husband and was now available to marry another man.

⁶⁸Only priests were prohibited from marrying a divorced woman (Ezekiel 44:22), but this exception proves the rule that others were allowed to marry a divorced woman.

There are three reasons to pause before hooking our caboose to this train of thought: (1) It relies on the assumption that *ervat davar* was a just reason to divorce a woman; (2) An internal clue may indicate that God saw something amiss about the second marriage; (3) Jesus' comments on Deuteronomy 24:1.

Regarding the first, while it is possible that *ervat davar* was a just reason to divorce one's wife, it is also possible that it is not. Perhaps the Hillelites were correct, and it refers to any 'ol reason at all. The man divorces the woman, not because He had legitimate grounds, but simply because he considers something she did to be indecent. If *ervat davar* is not a just reason to divorce one's wife, then the woman in this scenario is not the guilty spouse, but the innocent spouse. As such, we cannot appeal to this passage with any degree of certainty in support of the notion that God permits the guilty spouse in a divorce to remarry.

Regarding the second reason, J. Carl Laney thinks the text indicates that there is something morally amiss regarding the second marriage. The woman is said to be "defiled" in some way, presumably by the second marriage. He argues that since the same word is used in Leviticus 18:20 and Numbers 5:13-14 to describe an adulterous woman, Moses is subtly identifying the second marriage as adulterous. While Laney is right to point out the negative association entailed by "defile," there is no basis for Laney's identification of that defilement with adultery. Just because the same word is used elsewhere in the context of adultery does not mean that the word itself refers to adultery or that the defilement it describes is necessarily the result of adultery.

Nevertheless, "defiled" clearly refers to something negative. Could it be an indication that the remarriage itself was immoral? That is doubtful since it does not describe the marriage as defiled (which would include both the man and the woman), but only the woman as defiled. As Heth1 and Wenham point out, "after she has been defiled" may just refer to "after she has consummated her marriage."⁶⁹ In other words, her defilement may be nothing more than the fact that she has had sex with another man. While that may not mean much in our culture, such impurity would be viewed quite negatively in the ANE where sexual purity in women was highly prized.

John H. Walton offers another possible meaning of "defiled." He argues that it refers to the legal principle of estoppel, and should be translated "after she has been made to declare herself to be unclean."⁷⁰ According to Walton, "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."⁷¹ Whatever caused the defilement, it does not mean the wife is guilty of wrongdoing. Her defilement may be the fault of her first husband in the same way that the defilement of a rape victim is the fault of the rapist (Gen 34:13).⁷² Whatever the meaning of "defiled," there is no question that it carries a negative connotation, but it is an assessment of the woman herself rather than the second marriage. As such, it is not enough to conclude that the remarriage itself was immoral and/or considered illegitimate in God's eyes.⁷³

⁶⁹Heth1 and Wenham, 108.

⁷⁰The same form of the Hebrew word appears in Leviticus 27:27, Numbers 18:15, 2 Chronicles 29:16, and Zechariah 13:2, and is translated as "unclean" or "uncleanness." See John H. Walton, "The Place of the *Hutqattel* with the D-Stem Group and Its Implications in Deuteronomy 24:4," *Hebrew Studies*, Vol 32 (1991), pp. 7-17. Available from <https://www.jstor.org/stable/27909227?seq=1>. Heth2 discusses Walton in *Remarriage After Divorce In Today's Church*, 97.

⁷¹Walton, 14-15.

⁷²Luck.

⁷³If the defilement was due to the second marriage, then perhaps while God recognized the second marriage as a genuine marriage, it was still morally tainted (unclean) in some way, even if the fault lie with the first husband for divorcing his wife and "forcing" her to remarry (assuming that he did not have justification for the divorce).

The third and final reason to doubt that Deuteronomy 24:1-4 serves as evidence that God permits the guilty spouse to remarry after a divorce is Jesus' teaching. Jesus supplanted the permission for divorce and remarriage found in Deuteronomy 24:1-4 when He reasserted God's ideal for marriage found in Genesis 2. Although He did not technically abrogate Deuteronomy 24:1-4 for his Jewish contemporaries, at the very least He made it clear that it represents God's concession to human sinfulness rather than God's will for marriage. As such, *ervat davar* does not appear to be a moral justification for divorce, and thus the divorced woman is the innocent party, not the guilty party as the Jews had supposed.

Maybe God permitted remarriage following divorce for the same reason He permitted divorce in the first place: the hardness of their hearts. As such, Deuteronomy 24:1-4 does not represent God's true will for divorce or remarriage. It would be foolish, then, when Jesus' teaching conflicts with Deuteronomy to appeal to Deuteronomy over and against Jesus. Deuteronomy 24:1-4 tells us what was considered morally permissible under the Mosaic Law, but Jesus' teaching supersedes that of the Mosaic Law. Jesus' teaching that remarriage following an unjust divorce is adulterous represents God's true point of view on the matter. While God may have allowed divorce and remarriage in OT times, that was a concession to human sinfulness. Jesus is calling us back to God's ideal, and that ideal does not include divorce and remarriage except for *porneia*.

Leviticus 20:10 and Deuteronomy 22:22

If a man commits adultery with the wife of his neighbor, both the adulterer and the adulteress shall surely be put to death. (Leviticus 20:10)

If a man is found lying with the wife of another man, both of them shall die, the man who lay with the woman, and the woman. So you shall purge the evil from Israel. (Deuteronomy 22:22)

Both of these cases prescribe the death penalty as a punishment for adultery. Once the cheating spouse was executed, the marriage would be over and the innocent spouse would be free to remarry. While the NT no longer requires the death penalty for adultery, it does allow divorce for adultery. Even if one concludes that Jesus did not give explicit permission for the innocent spouse to remarry (not my position), the fact that adulterers were stoned to death in the OT would argue for the permissibility of NT believers being able to remarry after divorcing their spouse for *porneia*. After all, why should the innocent spouse who divorced her husband for adultery be prohibited from marrying another man simply because the NT does not command that the adulterer be stoned?⁷⁴ Should she be denied the right to remarry that was given to OT believers simply because God has ceased demanding the death of adulterers under the New Covenant? That does not seem fair. That is why since the Reformation, many theologians have argued that adultery constitutes a spiritual death of the spouse, such that both divorce and remarriage are permissible for the innocent party.

Ezekiel 44:22

They [priests] shall not marry a widow or a divorced woman, but only virgins of the offspring of the house of Israel, or a widow who is the widow of a priest.

By specifically and only prohibiting priests from marrying a divorced woman, the text implies that non-priests could marry a divorced woman.

⁷⁴Keener, *...And Marries Another*, 33.

Why couldn't priests marry a divorced woman? Was it because she had been morally tainted? No. Priests were also prohibited from marrying widows, and there is no moral stigma associated with widowhood. The priest was simply to marry a woman who had never been married before (unless the woman had been previously married to a priest who died).

Matthew 5:31-32

"It was also said, 'Whoever divorces his wife, let him give her a certificate of divorce.'³² But I say to you that everyone who divorces his wife, except on the ground of sexual immorality, makes her commit adultery, and whoever marries a divorced woman commits adultery." (Matthew 5:31-32)

The Relationship of Jesus' Teaching to the OT Teaching Regarding Divorce and Remarriage: Abrogation, Elucidation, or Addition?

When it comes to Jesus' teaching on divorce and remarriage, one of the most important things to establish is how He understood His teaching in relationship to the OT's teaching. Did He understand His teaching to be a new doctrine that was unforeseen in the OT, or was He merely expounding on the deeper meaning of the OT? Was he abrogating certain parts of the Mosaic Law or merely correcting a misunderstandings of the Mosaic Law? In other words, was He abrogating the Mosaic Law (abrogation), offering a corrective exegesis (elucidation), or issuing a new teaching that is not present in the OT (addition)? The answer to these questions will determine, in part, whether one thinks the OT teaching applies to Christians today or if it is merely instructive to Christians, showing us God's approach to this issue under a prior covenant.

Jesus made it clear that He was not scrapping the law. Within the very same sermon, Jesus said His intention was not to abolish the law or prophets, but to fulfill them:

"Do not think that I have come to abolish the Law or the Prophets; I have not come to abolish them but to fulfill them. ¹⁸ For truly, I say to you, until heaven and earth pass away, not an iota, not a dot, will pass from the Law until all is accomplished. ¹⁹ Therefore whoever relaxes one of the least of these commandments and teaches others to do the same will be called least in the kingdom of heaven, but whoever does them and teaches them will be called great in the kingdom of heaven. ²⁰ For I tell you, unless your righteousness exceeds that of the scribes and Pharisees, you will never enter the kingdom of heaven." (Matthew 5:17-20)

Jesus was not scrapping everything the OT said about marriage and divorce to replace it with something entirely new.⁷⁵ Rather, His intent was to properly interpret the Mosaic Law and bring out the fullness of its intended meaning (elucidation rather than abrogation). He did so by pointing out that Deuteronomy

⁷⁵This is particularly evident from Jesus' teaching on murder. He said, "You have heard that it was said to those of old, 'You shall not murder; and whoever murders will be liable to judgment.'²² But I say to you that everyone who is angry with his brother will be liable to judgment..." (Matthew 5:21-22). If the point of Jesus' "you've heard it said, but I say" statements is that Jesus was disagreeing with and replacing the law, then we would have to conclude that Jesus disagreed with and was replacing the law's prohibition against murder with a prohibition against unjust anger toward one's brother. Clearly, that is not the case. Jesus was not disagreeing with or abolishing the law's prohibition of murder, but arguing that we must do more than obey the law's external commands if we wish to exhibit God's righteousness. We must also obey the spirit of the law, which extends to matters of the heart.

24 is not all the Torah has to say regarding marriage and divorce. The creation account in Genesis speaks to the issue as well. Genesis tells us what God's intention for marriage is, and it does not include divorce. Jesus was not pitting His own teaching against the law, but pitting the law against the law. His teaching was not entirely new.⁷⁶ He derived His teaching from the law. What Jesus did is explain how these seemingly contradictory teachings in the Torah can be reconciled: The permission to divorce granted by Deuteronomy 24 does not reflect God's desire for marriage, but His concession to human sinfulness.

Jesus did not even repeal the law in Deuteronomy 24. The Jews of Jesus' day could take advantage of the law's permission to divorce if they chose to, but they would be neglecting the law's intention for marriage as found in Genesis if they did so. Jesus' point is that those who desire true righteousness will fulfill God's ideal as found in Genesis rather than take advantage of God's concession to their sinfulness as found in Deuteronomy. If they truly hunger and thirst after righteousness (Matthew 5:6,20; 6:33), they should remain in their marriage until death ends the union.

While the Jews of Jesus' day could still take advantage of the law's permission to divorce in Deuteronomy 24, such is not the case today. The NT is quite clear that the Mosaic Law has ended, being superseded by the New Covenant (Acts 15; Romans 6:14; 10:4; Galatians 3:10-13,19-25; Ephesians 2:14-15; Hebrews 7:11-12,18-19; 9:9-11; 10:1-12, 14; 12:22-24). Deuteronomy 24 has no direct application to the church because the Mosaic Covenant is not our covenant.⁷⁷ Our covenant is the New Covenant, and thus we are beholden to Jesus' teaching. As such, while the OT teaching on divorce and remarriage is instructive for its place in God's revelatory history, it is not authoritative for the church.

How can this be squared with Jesus' statement that He did not come to abolish the law and prophets, but to fulfill them? I think "fulfill" is the interpretive key here. It speaks of prophetic fulfillment. Matthew regularly noted how Jesus fulfilled some OT prophecy (2:17,23; 4:14; 13:14; 26:54,56; 27:9). Jesus Himself claimed that the OT spoke of Him (Luke 24:25-27,44-47; John 5:39,46). He fulfilled those aspects of the law. By saying He came to fulfill the law rather than abolish it, Jesus was not saying the Mosaic Covenant would never end. The OT itself predicted that it would end (Jeremiah 31:31-34). He was merely saying that He was not throwing it out; i.e. scrapping it. Jesus valued the law. It spoke of Him. It predicted Jesus' person and works. As such, it was vitally important to Jesus. He was not throwing it out and starting over. He was fulfilling its moral obligations and its prophetic promises concerning the Messiah, but once fulfilled, the law as a covenant would cease to have application to God's people. A new covenant would be instituted in its place (Jeremiah 31:31-34; Luke 22:20; 1 Corinthians 11:25; Hebrews 12:24).

I have argued that Jesus' teaching should be viewed as an elucidation of the law rather than an abrogation, but what about addition? Is there any element of Jesus' teaching that can be considered new? Yes. Jesus' teaching that remarriage following an unjust divorce constitutes the sin of adultery was unique to Jesus. We should understand Jesus' teachings, then, as both elucidation and addition.

⁷⁶Although Jesus' teaching was rooted in the Torah, there was an element to His teaching that was new (not found in the Torah), namely the notion that remarriage following an unjust divorce constitutes the sin of adultery. I'll speak more about this momentarily.

⁷⁷I say "no direct application" because there is at least one element of Deuteronomy 24 that, arguably, has continued application even for the church. God considers it an abomination for a woman to remarry her first husband after the dissolution of her second marriage (24:4). What God considers abominable does not change. If this was morally detestable to Him under the Mosaic Law, it continues to be detestable to Him under the New Covenant – even if this law is not repeated in the New Covenant.

What causes the adultery?

Jesus said that the man who unjustly divorces his wife “makes her commit adultery.” How does the husband make his wife commit adultery? Most have presumed that he makes her commit adultery by forcing her to remarry. In the ANE, a woman’s economic survival often depended on being married, so if her husband divorced her, she would have to marry another man to survive.

Some theologians have questioned this assumption, however. For example, Luck argues that a woman could return to her father’s house to be cared for by her family. She would not be forced to remarry to survive. As a result, he thinks the woman’s adultery must be caused by something other than remarriage. Luck argues that the divorce itself causes the adultery. His interpretation is based on two grammatical observations.

First, Luck observes that the participle translated “divorce” (*oiapoluon*) is present active indicative, as is the verb “to make” (*poieo*) in “makes her commit adultery.” He argues that this means the actions are happening simultaneously. The adultery happens simultaneous to the divorce, and is caused by the divorce – not by some future remarriage. In Luck’s words:

[T]he divorcing of the woman occurs at the time when he causes or makes his wife to experience adultery. ... The divorcing occurs at the time of the causing, not previously to it. ... Put another way, it is probably not proper to imply, as the traditional interpretation does, that the man divorces his wife which becomes a basis for his causing her to commit adultery at such a time as she remarries (borrowed from the next saying). Such an interpretation would be more defensible had the main verb been in the future tense: He will cause her to commit adultery when she remarries. ... [T]he conclusion to be drawn is that the offense of making adultery occur happens with the action of divorce, not with some disassociated secondary action of remarriage that has not yet occurred when the divorce takes place. The sin is in the divorce, not in the remarriage.⁷⁸

You might be wondering how adultery could be caused by divorce if adultery is a sexual sin. Adultery is an act of treachery against one’s spouse. Divorce is also an act of treachery against one’s spouse. Luck argues that the two are related. Divorce is a non-sexual form of adultery. The husband is guilty of adulterizing his wife by divorcing her, which brings me to Luck’s next grammatical observation.

Most translations read as if the woman has committed adultery: “[he] makes her commit adultery” (ESV). While it is clear that Jesus holds the husband partly (or entirely) responsible for this sin, nevertheless, the adultery is something she commits. Luck argues that this is a mistranslation. The infinitive *moicheuthenai*, translated as “commit adultery,” is in the passive rather than active voice. It is not a deponent, so it does not function as an active voice either. The passive voice means the woman receives the action – she does not perform the action. Luck details the hermeneutical importance of this grammatical form:

The woman is said to “suffer” the adultery, not “commit” it. The infinitive is passive not active... Therefore, it seems better to interpret this verse as condemning the woman’s husband for stigmatizing her as an adulteress. ... The translation preferred would be either “he causes her to be adulterized” or “he causes her to suffer adultery.” ... Jesus is countering Pharasaical [sic] teaching that a man is guiltless in a divorce simply by providing his wife with an official writ. Jesus says, “On the contrary, when you divorce

⁷⁸Luck.

her without a proper grounds, you adulterize her, i.e., she suffers adultery (because you broke covenant), while at the same time making her look like she was guilty of something worthy of discipline.”

In other words, the husband’s divorce is not only an act of treachery against his wife (adultery), but his action has the effect of stigmatizing her as well because people will presume that she did something morally wrong to be deserving of the divorce.

This interpretation has a lot going for it.⁷⁹ Not only is the grammatical argument rationally compelling, but the conclusion is emotionally compelling as well. One of the most difficult aspects of Jesus’ teaching on divorce is that the innocent wife who was victimized by an unjust divorce is charged with adultery if she remarries. Why should she be punished for the sin of her husband? If Luck is right, she isn’t. She does not commit adultery. Rather, she is adulterized by her ex-husband.⁸⁰

Despite the attractiveness of Luck’s interpretation, I do not find it persuasive. The first problem is its novelty. Adultery has always been understood to be a sexual sin. If, however, adultery is committed by divorce alone, then Jesus has fundamentally changed our understanding of adultery. Surely this would require more explanation on Jesus’ part. Otherwise, no one would have understood His point. It also does not follow that because both adultery and divorce are acts of treachery against one’s spouse that divorce is a form of adultery. Attempting to murder your spouse is an act of treachery, but that does not mean we should define divorce as a non-lethal form of murder.

Secondly, the fact that the verb and the participle are both present active indicatives does not necessarily mean that Jesus envisions both actions as occurring simultaneously. Jesus is speaking in hypothetical terms of a hypothetical man divorcing his hypothetical wife. As a hypothetical, the time of the action does not matter. The point is simply that if *A*, then *B*. The tense of *B* does not necessarily indicate a temporal relationship to *A*. It would be like me saying “If a man impregnates his wife, he causes her to deliver a baby.” While “impregnates” and “causes” are both in the present tense, it is obvious that the delivery happens after the act of impregnation. Anyone who would protest this

⁷⁹Keener also finds it compelling. He holds it out as a real interpretive possibility when he writes: “Luck has pointed out that the verb is passive, and there are very few examples where the passive form of this verb has an active meaning. In other words, Matthew could be claiming that the divorcing husband is the one guilty of adultery, against Jewish custom: he ‘adulterizes’ her, treats her unfaithfully, by divorcing her without adequate cause. This would fit the context: the innocent wife of 5:32 is no more guilty than the lusted-after woman of 5:28 or the brother hated without cause in 5:23. If Luck is correct on this point, there is no indication that she is being called an adulterers by remarriage.” And yet Keener goes on to say, “But given that the text goes on to say, ‘Whoever marries a divorced woman commits adultery,’ the interpretation I have given in the above paragraph [that the second husband commits adultery by marrying the first husband’s wife, thereby dissolving the first marriage] may fit the evidence somewhat better.” (Keener, *...And Marries Another*, 36)

⁸⁰One might agree with Luck that the woman receives rather than participates in the adultery, but argue that the person who adulterizes her is the second husband, not the first. On this interpretation, Jesus is saying the first husband’s act of divorce causes his wife to be the victim of adultery when her second husband marries her. The first husband adulterizes her – not by divorcing her – but by putting her in the situation where she will be adulterized by her second husband. The first husband is blamed for causing this to happen, but not charged with adultery. Only the second husband is charged with adultery.

I think this interpretation is plausible but unlikely. If Jesus meant to say the first husband causes his wife to be adulterized by the second husband, there would be no need for Jesus to add “And whoever marries a divorced woman commits adultery.” If the second husband’s act of marriage is what caused the woman to be adulterized, there would be no reason for Jesus to declare that the second husband is also guilty of adultery. It would be presumed. It makes better sense to understand Jesus’ statement regarding the second husband as supplying us with new information. Up to that point, Jesus had only discussed the moral guilt of the original couple. What about the moral responsibility of those they might remarry? If the woman is associated with adultery, what about the man she marries? Jesus addressed this by adding “And whoever marries a divorced woman commits adultery.” The second husband’s act of adultery is in addition to the woman’s.

conclusion based on the presence of two present tense verbs would be mistaken, and anyone who would redefine the meaning of delivery to be something that actually occurs at conception would be doubly mistaken. “Cause” does not need to be in the future tense (will cause) to convey the notion that there is a temporal gap between the impregnation and the delivery. Likewise, there was no reason for Jesus to speak of the adultery in the future tense for us to know that the adultery would be caused by a future remarriage. The grammatical structure does not warrant fundamentally changing the meaning of adultery from a sexual sin to the mere act of divorce.

A third reason to reject Luck’s interpretation is that it would mean Paul allowed Christians to remain in an adulterous state without repentance. In 1 Corinthians 7:10-11, Paul speaks to Christians who divorce their Christian spouses. On Luck’s interpretation of adultery, this would be an act of adultery against one’s spouse. Adultery is sinful, so we would naturally expect Paul to command that they repent. If divorce caused adultery, then repentance for the adultery would require reconciliation of the marriage. And yet, Paul did not require reconciliation. Paul instructed that they should reconcile or remain unmarried. If Paul understood Jesus to mean divorce itself was adulterous, then Paul would be giving these believers moral permission to remain in an adulterous state. Surely Paul would not do so, which argues against the “divorce is a form of adultery” view.

A fourth reason to reject Luck’s interpretation is that the woman’s second husband is also charged with adultery. If the divorce itself caused the adultery, why would the second husband be implicated? He was not involved with the divorce. Charging the second husband with adultery only makes sense if the adultery is caused by the remarriage.

Finally, the passive form of “adultery” does not mean Jesus is absolving the woman of the sin of adultery. If she were guiltless, then why is her second husband charged with adultery for marrying her? How can she be innocent of adultery while her new husband is not?⁸¹ What sense does it make to say that she is morally free to remarry, but no one is morally free to marry her? How can her action be considered morally good while her new husband’s act is considered morally wrong precisely because he married *her*? A good act never requires an evil act, and thus it cannot be the case that the woman’s remarriage is a morally good act. If the man she marries is guilty of adultery for marrying her, then so is the woman he marries.

Jesus spoke of her adultery in the passive voice, not because she is innocent of any sin when she remarries, but because Jesus was emphasizing her first husband’s responsibility in this guilt. While he is primarily at fault for this sin, that does not mean the woman bears no guilt herself. According to Jesus, all three parties bear moral responsibility. The first husband is held responsible because none of this would have happened had he been faithful to the covenant he made with his wife. The second husband is held morally responsible because he married a woman that was still morally obliged to her first

⁸¹One might explain this by appealing to the Mosaic understanding of adultery in which a man could only commit the sin of adultery against another man (I will explore this in further detail when I discuss Mark 10:11-12). In this case, the second husband commits adultery against the first husband because the woman he is sleeping with is still the first man’s wife. As such, the sin of adultery is uniquely the second husband’s. While his marriage to the woman may be the occasion for which he is charged with adultery, she herself is not guilty of adultery, nor is she the victim of his adultery.

This solution will not work. On the Mosaic understanding of adultery, both the woman and the second husband would be guilty of adultery since she was a willing participant (Leviticus 20:10). The only innocent party would be the first husband. And yet Jesus clearly thinks the first husband is guilty – not of committing adultery, but for causing his wife to remarry and thus be involved in that adulterous union. That is precisely why Jesus’ audience would have been so shocked at his teaching. Jesus was laying the most blame on the person they would have considered to be innocent of any wrongdoing.

marriage covenant. The woman is held morally responsible because she chose to marry another man while still morally obliged to her first marriage covenant.

Literal or Hyperbole?

According to Jesus, if the ex-wife remarries following an unjust divorce she is guilty of adultery, as is the man she marries. The logic of Jesus' argument seems to presuppose that the wife is still married to her first husband and not married (as was supposed) to the second man. Think about it for a moment. What would have to be true for the woman's remarriage to be considered an act of adultery? Sex with one's spouse cannot be adulterous, so the most reasonable conclusion is that Jesus did not consider the woman's second "husband" to be her actual husband because He did not recognize her second marriage to be a valid marriage. How could this be? After all, they followed all of the proper channels. They obtained a legal divorce, and then covenanted a new marriage afterward. How can that new marriage be considered adulterous?

Did Jesus mean for us to understand "adultery" literally, such that the second union is not a marital union at all? If so, the practical ramifications would be enormous. The second couple must be seen as adulterous lovers rather than loving spouses. Every act of intercourse they engage in is another act of adultery against their true spouse(s). If the sexual intercourse is perpetual, so is the adultery.

If being guilty of perpetual adultery were not bad enough, what would repentance look like for Christians who come to learn that their second marriage is not a marriage at all? Do they simply ask God to forgive them and continue on with the relationship? Are they required to cease all sexual activity but allowed to remain together for the sake of the children? Are they required to divorce? Are they required to reconcile with their former spouse? These are just some of the questions and difficulties one must face if they understand Jesus literally. The enormity of these difficulties cannot be exaggerated!

While an initial reading of Jesus lends itself to a literal interpretation, when we look at the broader context of Matthew 5:31-32, it becomes rather clear that Jesus was speaking hyperbolically. The hyperbolic interpretation views Jesus' charge of adultery as a rhetorical device. It is an exaggeration for the sake of effect. Those who remarry after an unjust divorce have acted unrighteously, but their second marriage is still a real marriage and their sin does not rise to the level of actual adultery, nor does their sin call for the same punishment as actual adultery.

Divorce was just one of six topics Jesus addressed in Matthew 5: anger (vs. 21-26), lust (vs. 27-30), divorce (vs. 31-32) oath-taking (vs. 33-37), personal retaliation (vs. 38-42), and the treatment of enemies (vs. 43-48). There is a discernable pattern for most of the six topics. Most follow the formulaic "you have heard that it was said X, but I say to you Y" pattern. The "you have heard it said" portion includes a quotation of Mosaic Law while the "but I say" portion expounds on the deeper meaning of that law. Jesus moves from the immoral actions proscribed by the law to the deeper sins of the heart, condemning both the behavior and the deeper motivations as morally blameworthy. He corrects common misunderstandings of the law, pointing people to the spirit of the law that requires more than mere external behavior. In doing so, He brings out the fullness of the Law, recovering its true meaning from the misunderstandings of the Jews.

1. The law forbids murder, and unjustified anger against a brother is a form of heart-murder. Both are morally blameworthy.

2. The law forbids adultery, and looking lustfully at a woman is a form of heart-adultery. Both are morally blameworthy.
3. The law allows a man to divorce his wife, but if he divorces her without justification, he causes her to become an adulteress when she remarries. Both are morally blameworthy.
4. The law forbids the breaking of an oath, and failing to keep one's word is a form of oath-breaking. Both are morally blameworthy.
5. The law allows for *lex talionis* retribution, but Jesus says we should not avail ourselves of this.
6. The law says we should love our neighbor, so Jews interpreted this to mean we should hate our enemies. Jesus corrects this assumption, saying we should love even our enemies.

Jesus was trying to show the Jews that they were not righteous simply because they had not violated the letter of the law. They were still morally blameworthy for violating the spirit of the law, even if their moral guilt for the latter is not as great as the former. In essence, Jesus was saying, "Do you think you are righteous because you have not gone so far as to physically take someone's life? You're not. You are guilty of heart murder if you hate your brother. Do you think you are righteous because you have not gone so far as to have sexual relations with a woman other than your wife? You're not. You are guilty of heart adultery if you have a strong desire to have sex with another woman. Do you think you are righteous because you divorced your wife and married that woman before having sex with her? Think again. God intended your marriage to endure for life, so if you are having sex with another woman while your rightful wife is still alive, you are still guilty of heart adultery – even if you married the second woman. In fact, you are also morally culpable for your ex-wife's adultery when she remarries."⁸²

Jesus' point was not that lust is identical to and morally equivalent to actual adultery, but that it is in the same spirit as adultery. It is akin to adultery. It resembles adultery in spirit, though not in form. It may not be as morally blameworthy as adultery proper, but it is morally blameworthy nonetheless. A man who engages in lust but not adultery cannot claim to be morally innocent and righteous. He bears moral guilt, even if it is a lesser guilt than he would bear for committing adultery proper.

Similarly, Jesus was not saying remarriage following divorce is identical to and morally equivalent to adultery proper, but that it is in the same spirit as adultery and thus also morally blameworthy. We might say remarriage is adultery-lite. In calling remarriage "adultery-lite," I do not mean to imply that it is morally acceptable, but only that the immorality of the action does not rise to the level of adultery proper. Both are morally wrong, but they differ in their moral gravity.

Jesus was attempting to open the Jews' eyes to the fact that they are not righteous simply because they have kept the letter of the law. They are, in fact, unrighteous because they have violated the spirit of the law when they divorce their wives without justification. The man who divorces his wife without justification causes his ex-wife to commit adultery-lite, and thus he bears moral blame. He is not righteous simply because his divorce was legal.⁸³

Keener also argues that Jesus' teaching on divorce and remarriage should be understood hyperbolically rather than literally. Jesus did not mean that remarriage results in adultery proper, but used such language for exaggerated effect to make it clear that God wants us to preserve our marriages, not end them in divorce. He provides several reasons for interpreting Jesus hyperbolically rather than literally:

⁸²Instone-Brewer, 160.

⁸³Larry Richards, *Divorce and Remarriage: Four Christian Views*, H. Wayne House, ed. (Downers Grove, IL: InterVarsity Press, 1990), 235.

1. Jesus regularly uses hyperbole in His teaching (Matthew 23:24; Mark 10:25; 11:23; Luke 12:33; 14:33), so there is nothing in principle to think He could not be employing hyperbole here as well.
2. Jesus used hyperbole in the context of Matthew 5:31-32. He calls lust “adultery” and advises cutting out one’s eye to avoid it (vs. 29-30). If Jesus was not being literal here, why think He was being literal when He calls remarriage “adultery”?
3. If interpreted literally, it would mean the innocent spouse (who would usually have to remarry for economic survival) who did nothing deserving of divorce is consigned to a life of singleness against her will.⁸⁴
4. If interpreted literally, the woman is living in perpetual adultery, and the only appropriate moral response would be to demand that she leave her second “husband” and return to her first husband or remain single. Given how rampant divorce was in the first century, many marriages would need to be split up, and yet there is no instruction to do so in the NT.
5. This would require a PSU view of marriage, but Jesus’ other teachings contradict this view. He seems to acknowledge that the woman at the well had five husbands rather than one (John 4:18).⁸⁵ In Mark 10:9, Jesus said no one should separate a marriage. “There is little point in forbidding a separation that cannot occur in any case. Jesus forbids it because it *can* but *should not* occur.”⁸⁶ If Jesus recognized that marriages are dissoluble, then any presentation of marriage as indissoluble must be hyperbole.⁸⁷

Keener concludes: “The image of remarriage as adulterous (presented hyperbolically, as if marriage is indissoluble) serves the same rhetorical function: preserve your marriage. ... While the exception [to divorce] for infidelity is meant to free the innocent party [to divorce and remarry], the saying is meant simply to prevent divorce, not to make an ontological statement about its indissolubility.”⁸⁸

This is consistent with what we had previously determined based on the context of Matthew 5:31-32. Jesus recognized the remarriage as a genuine marriage, but still charges the couple with sin because at least one of the partners should rightly be with their first spouse. He calls it adultery, but in saying so, He does not mean it is adultery proper, but rather that it is in the same spirit as adultery (adultery-lite) just as lust is not adultery proper but is of the same spirit as adultery. Jesus was trying to show the Jews that they were not guiltless just because they kept the letter of the law. The man who does not murder but hates his brother may not be guilty of murder proper, but he’s still guilty – albeit of a lesser crime. The man who does not commit adultery proper but looks lustfully on a woman is still guilty – albeit of a lesser crime. Likewise, the man who does not commit adultery proper but divorces his wife without justification is still guilty – albeit of a lesser crime. As Edgar noted, “The Pharisees thought that it was righteous to divorce one’s spouse as long as the legalities were observed. Jesus makes it clear that, while it is permissible to divorce, it is not *righteous*. Divorce falls short of God’s will for us and reveals human failure. In view of God’s ultimate standard for us, divorce, while permissible, is still sin. And remarriage, while permissible, involves an act which measured against the ideal must be acknowledged as

⁸⁴I should distinguish this as my own reason rather than Keener’s. It is only implied by Keener.

⁸⁵It could be counter-argued that Jesus was not speaking metaphysically, but practically. I will address this in more detail when we examine John 4:18.

⁸⁶Keener, *Remarriage After Divorce In Today’s Church: 3 Views*, 107.

⁸⁷It could be counter-argued that when Jesus said man should not separate a marriage, that He was simply referring to man’s actions. Humans effectively separate marriages via their legal actions and practical actions (physically separating from each other).

⁸⁸Keener, *Remarriage After Divorce In Today’s Church: 3 Views*, 107-8.

adultery.”⁸⁹ In other words, while the unjust divorce puts a moral stigma on the remarriage, it is still a genuine marriage, and as such, it is morally acceptable to continue in that marriage.

One might wonder how God could consider the relationship to be a genuine marriage, and yet at the same time consider the union to be immoral. To make sense of this seeming contradiction we must make a distinction between non-marriages, moral marriages, and immoral marriages. Non-marriages are relationships that purport to be marital relationships, but, in fact, are not. A clear example of a non-marriage is so-called same-sex marriage. These are not genuine marriages because they violate an essential element of the marital relationship, namely the binary sexual pairing. Moral marriages have two defining features: (1) They exemplify the essential elements of natural marriage; (2) The pairing does not violate any moral laws. A previously unmarried man who pairs with a previously unmarried woman is the quintessential example of a moral marriage. In contrast, immoral marriages meet the first condition but not the second. They exemplify the essential elements of natural marriage, but the pairing itself violates one or more moral laws. A clear example of an immoral marriage involves the pairing of a Christian and a non-Christian. Such a union is a genuine marriage because it exemplifies the essential nature of a marriage, but the pairing violates God’s command to Christians not to be unequally yoked with unbelievers (1 Corinthians 7:39; 2 Corinthians 6:14-18). Those who remarry after an unjust divorce also fall into this category. They are violating God’s moral law to remain single or reconcile following an unjust divorce, and thus they are acting immorally. However, since the new union fulfills the essential nature of natural marriage, the relationship is a genuine marriage. It is a real marriage, but is still considered immoral since the marriage should not have been formed. The real question, then, is not whether those who wrongly remarried are truly married, but form of repentance is required for their sin. Interestingly, Jesus never spoke to this matter. Perhaps He was more concerned about keeping existing marriages intact than He was about dealing with those who had wrongly remarried.

Gagnon makes a similar point when considering the question of whether Jesus intended to break up second marriages. He writes:

Would Jesus have insisted on divorce of persons already remarried at the time that they first heard his teaching on divorce and remarriage or for followers who disobeyed his teaching but subsequently repented? Probably in some cases but I doubt that he would have applied it as a general principle. It is invalid to argue that if Jesus insisted on a lesser action (forbidding remarriage to those not yet remarried) he would also have insisted on a greater action (dissolving existing remarriages). It is far more impractical to command the dissolution of an already existing marital union than to prohibit someone from entering into an invalid union. A prohibition of remarriage after divorce for those not yet remarried does not disrupt an already existing union with children. Furthermore, requiring the dissolution of invalid remarriages renews the cycle of divorce that Jesus is trying to end.⁹⁰

Instone-Brewer is also worth quoting at length on this point:

Presumably those who became followers of Jesus after an invalid divorce had to recognize that the previous marriage was technically still legal. They could either return to their partner or remain single. If they had remarried, they would presumably have to free the woman and return her dowry.... Jesus did not specifically say what should happen after an invalid divorce. I have assumed that his followers would feel that they had to be reconciled or remain single. In most cases reconciliation would be impossible, and so most of them would face a life of celibacy. This was very difficult in a culture that was suspicious of the morals of a single woman and was suspicious of the piety of a single man.... There is nothing to suggest

⁸⁹Edgar, 233.

⁹⁰Gagnon.

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 married is not to be accused in court of committing adultery."⁹¹

Gagnon's view that Jesus was concerned with preventing divorce and remarriage rather than breaking up existing remarriages, and Instone-Brewer's view that that we should not interpret Jesus literally are both valid considerations that not only put a check on requiring divorce for illegitimate remarriages, but also call into question just how literally we ought to interpret "adultery." If Jesus only meant to say remarriage following an invalid divorce violates the spirit of the law against adultery, then perhaps it is wrong to think we should treat those who wrongly remarried as we would actual adulterers. Edgar's comments are insightful here. Speaking of Jesus' teaching on divorce and remarriage in Matthew 5, he writes:

Remember that in Matthew 5 Christ's teaching on divorce immediately follows after his teaching on murder and adultery, and it follows the pattern they establish. In this pattern Christ states a law which deals with an *action*, then moves beyond behavior to deal with *motive*. In the case of murder, Jesus condemns the anger which motivates it. In the case of adultery, Jesus condemns the lust from which it springs. While the law can deal with acts of sin, no legislation can address a person's hidden motives and desires. In teaching this, Jesus was not calling for new laws that would impose the penalty for murder on a person who shouted out angrily at a brother. Christ was not suggesting a law that would impose the penalty for adultery on a person whose eyes lit up with lust at the sight of a beautiful woman. Jesus' teaching was obviously not a call for new social legislation. It was a demand that each listener face that he or she had violated the spirit of the Law, if not the letter of the Law! If the true implications of Mosaic Law are rightly understood, then no one can claim to be righteous. Who would be so foolish as to call for laws that apply the penalty for murder to anger or the penalty for adultery to lust? Neither is Christ attempting to impose a new law against divorce and remarriage. It would be inconsistent at best to contend such when the two parallel teachings do no such thing!⁹²

I think Edgar hit on an important point when he said, "If the true implications of Mosaic Law are rightly understood, then no one can claim to be righteous." I think this is one of the main themes of Jesus' Sermon on the Mount. Many have noted that some of Jesus' teachings in the Sermon seem impossible to keep. For example, who hasn't been angry with his brother (5:22)? How is it possible to live one's entire life without ever getting angry? We are told to give to the one who begs of us and not to refuse the person who asks to borrow from us (5:42). If applied literally and consistently, every Christian would be broke. We would be forced to lend money to those we know will not repay. Unbelievers would take advantage of us. Or consider the Golden Rule (7:12). As much as we may strive to live this way, none of us can be so selfless that we always treat others the way we want to be treated. What about our motives? Even the best of us have felt our hearts desiring the praise of men when we give, pray, and fast (6:1-18).

Jesus raised the standard for righteousness extremely high. In fact, He required moral perfection. In Matthew 5:48 Jesus said we "must be perfect, as your heavenly Father is perfect." People have tried to explain this away by saying the Greek word could be translated as "complete" instead of "perfect," but this will not do. Jesus was not telling us to be complete as the Father is complete. He was telling us to be perfect like God, echoing the Old Testament teaching that we are to be holy just as God is holy (Leviticus

⁹¹Instone-Brewer, 183.

⁹²Edgar, 235.

11:44-45; 19:2; 20:26). God is our moral standard. One might protest, "But it's impossible to be morally perfect like God!" Exactly! That's the point Jesus is trying to make. The Sermon on the Mount is intended to show us just how unrighteous we are. The essence of the Sermon could be summed up as, "You think you're righteous? Think again." Jesus provides many examples to illustrate this. "You think you are righteous because you pray? Well, you're not righteous because you are praying improperly. You think you are righteous because you fast? Well, you're not righteous because you are fasting with impure motives. You think you are righteous because you give alms? Well, you're not righteous because you do so with impure motives. You think you are righteous because you haven't committed adultery? Think again! If you have lusted after a woman or remarried following an unjust divorce, you are guilty of adultery." Jesus' point is that God's standard is so high, that none of us can keep it perfectly to be considered righteous before Him. Even when our actions may be righteous, our heart and motives are not. None of us can ever attain to all that Jesus taught in the Sermon. We may be able to keep a part here and there, but at the end of the day, the Sermon will reveal more of our unrighteousness than our righteousness. It is an ideal that we strive for, but cannot fully attain.

This point should not be lost on the current discussion. Jesus set forth God's ideal for marriage. Those who fail that ideal fall short of God's righteousness. Those who divorce and remarry may have been considered righteous according to the standards of the Mosaic Law, but not when measured against God's righteousness and God's ideal. An unjust remarriage following an unjust divorce falls short of God's righteousness. If we want to be perfect like God, we will not divorce for unjust reasons and/or will not remarry. To do so may not be as unrighteous as adultery proper, but it is unrighteous nonetheless. Those who truly hunger for righteousness (Matthew 5:6) will seek to fulfill God's ideal for marriage.

Hyperbole Does Not Mean Jesus Allows Divorce and Remarriage

To conclude that Jesus was speaking hyperbolically does not mean we don't take Jesus seriously. Presumably, Jesus' disciples understood Jesus to be speaking hyperbolically, and yet they responded to His teaching with "if what you are saying is true, it's better to forego marriage altogether (my paraphrase of Matthew 19:10). Jesus did not respond with, "Silly disciples. You are interpreting me literally. I'm just speaking hyperbolically, so you can divorce and remarry at will." Instead, Jesus affirmed the seriousness of His teaching, noting that only those who were His true disciples would be able to receive it.

The hyperbolic nature of Jesus' teaching does not mean Jesus winks at divorce and remarriage. Jesus was quite clear that He considers those who wrongly divorce and remarry to be guilty of sin. The difference, then, between the literal and hyperbolic interpretations of Jesus is not that one takes Jesus seriously whereas the other does not. The two interpretations differ (1) in their assessment of the severity of the sin and (2) the appropriate form of repentance required of those who commit the sin. I will discuss the latter in the practical application section of this paper.

What about Mark and Luke?

I came to this study being fairly convinced that Jesus' charge of adultery should be interpreted in a literal manner, so I was initially reluctant to accept the hyperbolic interpretation of Jesus' teaching that remarriage constitutes adultery. Even after I came to see that the context of Matthew 5:32 supported a hyperbolic interpretation, nevertheless, I was concerned by the fact that this context was lacking in Mark and Luke's gospels, and thus would naturally be understood in a literal manner by their readers. I reasoned that perhaps Mark and Luke did not qualify Jesus' statement because Jesus meant it to be

understood literally. I eventually abandoned this line of reasoning, however, for the same reason I rejected the suggestion that Jesus' exception for divorce is not a genuine exception since it does not appear in Mark or Luke. An exception does not need to be mentioned in every context to be a valid exception. If an exception is provided in even one context, then it is a valid exception. Contexts that do not mention the exception do not thereby eliminate the exception. Likewise, the hyperbolic nature of Jesus' teaching on divorce and remarriage does not need to be made clear in every context for us to conclude that Jesus' teaching should be understood hyperbolically. All that is necessary is that this be made clear in one context. Then, we mentally import that understanding into the texts that lack the same context.

As a matter of proper hermeneutics, we interpret the less-than-clear passages in light of the clear passages. The more context one has for determining meaning, the clearer that meaning will be. In this case, Matthew provided more context for Jesus' teaching on divorce and remarriage than Mark or Luke. If the context that Matthew provided makes it clear that Jesus was speaking hyperbolically, then Matthew becomes the hermeneutical control for interpretation. We should interpret Jesus' teaching in Mark and Luke in light of Matthew.

One might still wonder why, if Jesus was speaking hyperbolically, Mark and Luke did not make this clear. Wouldn't those who only had access to one of those gospels naturally conclude that Jesus was speaking literally? Perhaps, but two considerations mitigate against this possibility. First, unlike the modern church, the early church had access to oral tradition in addition to the written word. The written word was just a summary of the oral tradition. The oral tradition of Jesus' teaching on divorce and remarriage would likely have been much fuller than what Mark and Luke recorded.

Second, these books were typically read publically rather than privately. Most Christians would not be able to afford to have their own private copy of any given NT book. Even if they could afford their own copy, many could not read. That means most people in the early church would only *hear* Mark and Luke being read to them, and they would hear it being read by church leadership in the context of a local assembly. Given that context, it is much more likely that Jesus' meaning would be explained to the hearers, and the explanation would be based on oral tradition, and possibly based on the reader's knowledge of Matthew's gospel as well.

Matthew 19:3-12

And Pharisees came up to him and tested him by asking, "Is it lawful to divorce one's wife for any cause?"⁴ He answered, "Have you not read that he who created them from the beginning made them male and female,⁵ and said, 'Therefore a man shall leave his father and his mother and hold fast to his wife, and the two shall become one flesh'?⁶ So they are no longer two but one flesh. What therefore God has joined together, let not man separate."⁷ They said to him, "Why then did Moses command one to give a certificate of divorce and to send her away?"⁸ He said to them, "Because of your hardness of heart Moses allowed you to divorce your wives, but from the beginning it was not so."⁹ And I say to you: whoever divorces his wife, except for sexual immorality, and marries another, commits adultery."¹⁰ The disciples said to him, "If such is the case of a man with his wife, it is better not to marry."¹¹ But he said to them, "Not everyone can receive this saying, but only those to whom it is given."¹² For there are eunuchs who have been so from birth, and there are eunuchs who have been made eunuchs by men, and there are eunuchs who have made themselves eunuchs for the sake of the kingdom of heaven. Let the one who is able to receive this receive it." (Matthew 19:3-12)

As in Matthew 5, Jesus emphasizes the deeper meaning of the Mosaic Law. When asked whether it was lawful to divorce one's wife for any cause at all, Jesus appealed to God's ideal for marriage as represented in Genesis, concluding that if God has joined two people together in marriage as one flesh, then humans should not tear apart God's work through divorce (Matthew 19:3-6). Lifelong marriage has been God's intention all along. Divorce and remarriage were never part of His plan.

At that point the Pharisees asked Jesus why, if God intended marriage to be permanent, the Mosaic Law included a command to issue divorce certificates (Matthew 19:7). Jesus' response is insightful. He notes that Moses only *permitted* divorce; he did not *command* it. Why was it permitted? It was permitted because the Israelites' hearts were hard (Matthew 19:8). God knew that despite His intentions for marriage, hard-hearted men would still divorce their wives, so He included legislation to deal with this regrettable situation.

Jesus' point is clear: Deuteronomy 24:1-4 does not represent God's perfect will, but rather God's accommodation to sinful human wills. The Jews had mistook a permission for a command, and in the process, had ignored the law's ideal for marriage, thinking they were justified in divorcing their wives for any cause. Jesus called on us to follow God's ideal rather than God's accommodation. Jesus called the Jews back to God's intention, and thus effectively (even if not technically) revoked the concession of Deuteronomy 24 for those who want to fulfill God's will. As Robert Gagnon concludes:

For Matthew, it was not a question of the Pharisees misinterpreting Moses but rather of God now revoking the concession granted by Moses to male "hardness of heart." This is consistent with Matt 5:32 where Jesus' teaching about divorce is contrasted ("but I say to you") with the permission to divorce in Deut 24:1. [Some object]...that Jesus could not be abolishing the moral law of Moses. I think a better term than "abolish" here would be "fulfilling by going beyond." Moses does not command divorce; he only permits it. It is thus not a direct violation of the law to revoke one of its permissions; no boundary is crossed. Jesus is rather closing loopholes in the law in order to make it more internally consistent with God's pre-Fall will for humanity.⁹³

Keener agrees that Jesus was not violating the Mosaic Law, but disagrees with Gagnon that Jesus was "revok[ing] one of its permissions." Instead, Keener argues that Jesus was simply being stricter than the law required: "It was never against the law to be *stricter* than the law; to be stricter was to set a respectful 'fence' around the law, a boundary to keep one from breaking its intentions. Fulfilling the law's intention sometimes meant overriding its apparent concessions."⁹⁴ If Keener is right – and I tend to think he is – then Jesus' point was not that one was morally culpable for following the law, but rather that those who want to follow a greater righteousness will follow God's *intention for marriage* in Genesis rather than God's *concession for divorce* in Deuteronomy (given that the concession was only granted for hard-heartedness). While the law may allow divorce and remarriage, it is just that – an allowance. Those who want to obey the spirit of the law will fulfill God's intention for marriage rather than taking advantage of God's concession in the Mosaic Law.

This isn't to imply that there is no unrighteousness involved when divorcing and remarrying. Jesus' point was not merely that divorce is unwise or "not God's best" for our lives. Jesus saw divorce as unrighteousness. It was permitted by the Mosaic Law – not because it was righteous – but because

⁹³Robert Gagnon, "Divorce and Remarriage-After-Divorce in Jesus and Paul: A Response to David Instone-Brewer"; available from <http://www.robgagnon.net/DivorceOUPEntrySexuality.htm>; Internet; accessed 29 June 2020.

⁹⁴Keener, *...And Marries Another*, 118.

people are unrighteous. Only the hard-hearted would want to take advantage of the law's concession. Those who divorce, then, are violating the spirit of the law against adultery even though they may be acting within the letter of the law.

Jesus is not offering a new teaching, then, but simply drawing out the implications of God's ideal as represented in Genesis. Those who understand God's intention for marriage, and those who want to obey the spirit as well as the letter of the law will agree with Jesus that divorce is not an option for the righteous. We should not seek to undo God's work of joining two people in marriage. If you split up what God has joined together, you show yourself to be unrighteous. If you proceed on to marry someone else, you show yourself to be unrighteous a second time.

Jesus' Core Teaching

Jesus' teaching in Matthew 19 is slightly different from the version in Matthew 5. In the latter, He said the man who divorces his wife causes *her* to commit adultery when *she* remarries, whereas in Matthew 19 Jesus said the divorcing *husband* is guilty of adultery when *he* remarries. We should understand these sayings together to mean that Jesus considers it adultery when either party remarries after an unjustified divorce, and the party that initiated the divorce is held morally responsible for both acts of adultery. That means the man who unjustly divorces his wife is guilty on three counts: He is guilty of treachery for the unjust divorce, he is guilty of adultery when he remarries, and he is guilty for his wife's adultery when she remarries.

Jesus' Exception

While Jesus was opposed to the no-fault divorce of the Hillelites, even He made an exception for *porneia*: "Whoever divorces his wife, except for sexual immorality [*porneia*], and marries another, commits adultery." Jesus clearly granted the innocent spouse moral permission to divorce their guilty spouse, but does that moral permission extend to remarriage as well? Is the innocent spouse able to remarry following the divorce, or must s/he remain single until the guilty spouse dies (or possibly remarries)?

The early church was virtually unanimous in thinking that Jesus allowed divorce in cases of *porneia*, but not remarriage. The innocent spouse had to remain single until the guilty spouse died. If s/he remarried before then, s/he would be guilty of adultery. Since the Reformation, however, many interpretive traditions have argued that Jesus gave moral permission to both divorce and remarry when *porneia* is involved.

The debate largely focuses on the placement of the exception clause within Jesus' saying. Those who argue that *porneia* justifies divorce but not remarriage point out that the exception clause comes after "divorces his wife" rather than after "divorces his wife and marries another."⁹⁵ Since it follows immediately after the part about divorce rather than the part about remarriage, they argue that it only provides an exception for the divorce. If both divorce and remarriage were justified due to *porneia*, the exception clause should have come after "and marries another."

⁹⁵Examples include Ryrie, Piper, Laney, Heth1, Wenham.

This argument is wrong-headed for a few reasons. First, while prepositional phrases (“except for *porneia*”) normally modify the word they follow (“divorce”), word order does not determine meaning in Greek.

Second, even if we saw the placement of the exception clause as significant in this particular instance, it does not follow that Jesus meant to exclude the possibility of remarriage. It was a common understanding in the first century that when a divorce was justified, so was remarriage. The reason most people obtained a divorce was so they could marry someone else. The validity of one’s divorce automatically established for them a right to remarry.⁹⁶ Only invalid divorces result in adultery at remarriage.⁹⁷ Had Jesus believed otherwise, and had He wanted to express His belief that *porneia* does not justify a remarriage, He would have had to say so explicitly if He expected the Jews to understand His teaching.⁹⁸ He did not do so, and thus we have no reason to believe that Jesus thought *porneia* justified a divorce but not a remarriage for the innocent spouse.⁹⁹

Third, the very nature of the exception is that it provides a rationale for the divorce, not for the remarriage. While one who divorces their spouse for *porneia* may go on to remarry, they did not remarry due to *porneia*. They divorced due to *porneia*. Seeing that *porneia* is the reason for the divorce rather than the reason for the remarriage, we would naturally expect *porneia* to follow Jesus’ words regarding divorce rather than His words regarding remarriage.¹⁰⁰ This is all the more apparent when we consider the fact that the topic Jesus was discussing with the Pharisees concerned the grounds for divorce, not the grounds for remarriage. As such, we would expect for Jesus to note any exceptions to His anti-divorce teaching to appear after His prohibition against divorce, not after His prohibition against remarriage.

A fourth reason to believe Jesus allowed for both divorce and remarriage in cases involving *porneia* is the very nature of exceptions. An exception functions to negate what would otherwise be true given the rule in question. If remarriage following an unjust divorce is adulterous, then remarriage following a just divorce (one caused by *porneia*) is not adulterous.

Finally, Jesus’ exception must include the moral permission to remarry because the sin of adultery can only be committed by remarriage. Adultery is a sexual sin. That sexual sin does not take place when one divorces, but only when one remarries. If one must remarry to be charged with adultery-lite, then one can only be exempted from the charge of adultery-lite if they remarry. The same act is in view (remarriage), but one person’s participation in that act is justified while another person’s participation in that act is not justified. Those who remarry following an unjust divorce are guilty of adultery-lite, but those who remarry following a just divorce are not guilty of adultery-lite. The only way to make sense of Jesus’ exception is if the innocent spouse remarries. She is not guilty of adultery-lite when she remarries because her divorce was justified.

The meaning of the exception clause is similar to saying “Anyone who shoots a man (except a police officer) and kills him will be guilty of murder.” Would anyone think that because the exception clause follows after “shoots a man” rather than after “shoots a man and kills him” that it means a police officer can shoot a man without being guilty of murder, but not kill a man without being guilty of murder? Of

⁹⁶Keener, *Remarriage After Divorce In Today’s Church: 3 Views*, 108.

⁹⁷Keener, *Remarriage After Divorce In Today’s Church: 3 Views*, 51.

⁹⁸Heth2, 46,70-1.

⁹⁹Heth2, 46.

¹⁰⁰Edgar, 161.

course not. Shooting a man often results in killing a man. If the shooting is justified, so is the killing. Similarly, if the divorce is justified, so is the remarriage.

Or consider the statement, “Whoever drives on this road, except an ambulance driver, and exceeds the speed limit is breaking the law.”¹⁰¹ While the exception appears after “drives on this road” rather than after “drives on this road and exceeds the speed limit,” that does not mean ambulance drivers are justified in driving on the road but not justified in speeding. We would naturally understand this to mean that no one can drive or speed on the road other than ambulance drivers. Likewise, Jesus’ point is that divorce followed by remarriage results in adultery-lite, except in cases involving *porneia*. In such cases, divorce followed by remarriage does not result in adultery-lite. If the divorce is justified, so is the remarriage.

The husband who divorces his wife without justification is morally responsible for her adultery when she remarries; however, if he divorces her for committing *porneia*, he is not morally responsible for her adultery when she remarries. Why is he not morally responsible in the latter instance? Some scholars, such as Wenham and Gagnon, argue that the husband cannot be held accountable for making her an adulteress when she remarries because she already made herself an adulteress prior to the divorce when she committed *porneia*.¹⁰² While this is a reasonable explanation and makes sense in the context of Matthew 5:32, it does not make sense in the context of Matthew 19 where the focus is not on the *wife’s* adultery via remarriage but on the *husband’s* adultery via remarriage. The exception clause could not possibly mean that the husband cannot be held accountable for his own adultery through remarriage because his wife made herself an adulteress prior to their divorce. That does not make any sense. To accept Wenham’s and Gagnon’s understanding of the exception clause, one would have to affirm that the exception clause means something different in Matthew 5 than it does in Matthew 19. Given the verbal, structural, and contextual similarities between the two passages, we have good reason to think the exception clause functions the same way and means the same thing in both passages.

What about the Innocent Spouse of an Unjust Divorce?

We’ve already established that the innocent spouse who was victimized by *porneia* has moral permission to remarry after the divorce, but what about the innocent spouse who was victimized by an unjustified divorce? Is she free to remarry well?¹⁰³ One might think so since both are innocent victims (one of *porneia* and one of divorce), but Jesus had a different perspective.

Jesus addressed this specific scenario in Matthew 5:32: “But I say to you that everyone who divorces his wife, except on the ground of sexual immorality, makes her commit adultery, and whoever marries a divorced woman commits adultery.” According to Jesus, a woman who remarries after her husband wrongly divorced her is guilty of adultery-lite (as is the man who marries her). The Jews presumed that if

¹⁰¹Edgar, 158.

¹⁰²Robert A. J. Gagnon (“Divorce and Remarriage-After-Divorce in Jesus and Paul: A Response to David Instone-Brewer”; available from <http://www.robgagnon.net/DivorceOUPEntrySexuality.htm>; Internet; accessed 09 April 2014). Wenham, *Remarriage After Divorce In Today’s Church: 3 Views*, 28. Heth2, *Remarriage After Divorce In Today’s Church: 3 Views*, 46,93,102. Laney, 28-9. Keener cites other scholars who hold this view, including J. J. Sabatowich, H. G. Coiner, and Robert Gundry (...*And Marries Another*, 152).

¹⁰³While it is my goal to speak in gender neutral terms as much as possible, this requires many uses of “he/she” and “his/her” and “husband/wife” and “man/woman.” This often complicates the writing and confuses the reader, making it difficult to discern the meaning of what is written. While I will try to use gender-neutral scenarios as much as possible, at times I will assign a specific gender to the situation for simplicity’s sake. This should not be interpreted to mean the situation only applies to one gender.

the woman was provided a certificate of divorce per Deuteronomy 24:1, her marriage was dissolved and she was free to remarry. Jesus contrasted this with his own view (“but I say to you”), which is that the certificate of divorce did not, in fact, free those persons to remarry because there were no legitimate grounds for the divorce.

This is a bit perplexing. How is it that the innocent wife who justly divorced her husband for *porneia* is free to remarry, but the innocent wife who was the victim of an unjust divorce is not? Why can the innocent spouse marry in one situation (*porneia*) but not in the other (unjust divorce)? Jesus does not explain, but I would argue that the difference boils down to a just divorce versus an unjust divorce. In a just divorce, the marriage covenant was violated and thus rightly nullified. Once the marriage covenant is nullified, the innocent spouse can remarry. In an unjust divorce, however, there is no violation of the marriage covenant and thus there was no basis for ending the covenant in divorce. The couple still has a moral obligation to the marriage covenant.

Another possibility is that *porneia* has an effect on the marital union that unjustified divorces do not. In cases involving *porneia*, the one-flesh union has been violated, whereas it has not been violated in cases where *porneia* was not involved. Whatever the reason may be, Jesus sees a moral difference that justifies remarriage in one case but not the other. I will be the first to admit that I find this to be the most difficult aspect of Jesus’ teaching. It is emotionally difficult to prohibit an innocent spouse from remarrying when the divorce was no fault of their own.

Mark 10:11-12

“Whoever divorces his wife and marries another commits adultery against her,¹² and if she divorces her husband and marries another, she commits adultery.”

As I noted in my earlier comments on this passage, Mark is the only account to specify that the man who divorces his wife and marries another woman commits adultery *against his first wife*. This important detail invalidates one approach to interpreting Jesus’ teaching on divorce and remarriage.

Some, such as Luck, Keener, and John Kilgallen, have suggested that Jesus’ teaching on divorce should be understood in light of the fact that the OT defines adultery in terms of the woman’s marital status rather than the man’s.¹⁰⁴ A man could not commit adultery against his wife. Only a woman could commit adultery against her husband. Let me explain.

The Mosaic Law did not forbid a husband from sleeping with a prostitute, yet alone identify such an act as adultery against his wife.¹⁰⁵ If he slept with an unmarried virgin, it was not considered adultery against his wife. The sin was against the woman’s father and his punishment was that he had to marry the woman (Deuteronomy 22:28-29¹⁰⁶). A man could only commit adultery by sleeping with a married woman, but even then, the victim of his adultery was the woman’s husband, not his own wife (Leviticus 18:20; 20:10; Deuteronomy 22:23-24). Since polygamy was permitted by the Mosaic Law (and even

¹⁰⁴Luck, Keener, *Remarriage After Divorce In Today’s Church: 3 Views*, 67.

¹⁰⁵This is not to deny that prostitution is looked on unfavorably in the OT. Parents were forbidden from selling their daughters into prostitution (Leviticus 19:29). Cult prostitution was also forbidden (Deuteronomy 23:17-18). Proverbs often warn about the dangers of prostitutes (Proverbs 5:1-23; 6:20-35; 7:1-27; 29:1-27).

¹⁰⁶This (and similar) laws do not specify the marital status of the man involved. Presumably, he could be single or married.

required in some cases¹⁰⁷), a man who married a second woman did not commit adultery against his first wife either since his sexual conduct was within the context of a covenanted marriage.¹⁰⁸ The fact of the

¹⁰⁷Deuteronomy 25:5-10 required a younger brother to marry his deceased brother's widow if they did not have any children together, in order to raise up children on behalf of the deceased brother. There is no qualification that exempts the younger brother from marrying his sister-in-law in the event that he is already married. Indeed, the text speaks of cursing the man's "house," which refers to his household. This presupposes that he has a family. In such cases, the man would simply take his sister-in-law as a second wife, and thus this law requires polygamy in some cases.

Exodus 21:7-11 requires that a man who takes a second wife not deprive his first wife of basic necessities. If he does, then he must let his first wife go free without receiving any payment for her. In regulating how the man must treat his first wife rather than simply prohibiting the man from taking a second wife, it implicitly approves of polygamy.

Exodus 22:17-18 concerns fornication laws. If a man has sex with a virgin, he is forced to marry her unless the father refuses to give her in marriage. There is no exception given for a married man. The text does not say that the man must make her his wife unless he already has a wife, nor that the father must refuse to give him his daughter if the man already has a wife. This speaks volumes, because we know there would be many instances in which married men are having sex with unmarried women. We know the law required the death penalty when a man (unmarried or married) had sex with a married woman (Deuteronomy 22:22). The difference between Exodus 22:17-18 and Deuteronomy 22:22 is the marital status of the woman, not the man.

Leviticus 18:18 prohibits a man from marrying his wife's sister until after his wife has died. By specifically and only prohibiting the man from marrying his wife's sister while his wife is alive, it implicitly permits him to marry a woman other than his wife's sister while his wife is alive.

Deuteronomy 21:15-17 is a case law pertaining to the distribution of inheritance for men who have two wives. He is required to give a double portion of the inheritance to the firstborn son, even if that son belongs to the less favored wife. Again, in regulating how the polygamous man must distribute his wealth rather than simply prohibiting the man from having two wives, it is implicitly approving of polygamy.

While Jesus' teaching takes us back to the monogamous ideal of Genesis 2:24, polygamy was clearly allowed under the Mosaic Law. Many of the OT heroes such as Abraham, Jacob, and David had multiple wives, but they were never rebuked by God for this. The Mosaic Law contained no prohibition against polygamy. Instead, it regulated it via case laws. For example, Deuteronomy 21:15-17 prohibits a man with two wives from discriminating against the firstborn son of his less-favored wife (rather than prohibiting a man from having two wives in the first place). Leviticus 18:18 prohibited a man from marrying his wife's sister, implying that he was free to take any other woman as a second wife. If God wanted to prohibit all polygamy, there would be no reason to specify just one kind of relationship.

God Himself is portrayed as being married to two women. Jeremiah says God divorced Israel due to her spiritual adultery (idolatry), but was still married to Judah (Jeremiah 3:1,6-14). That means God was married to both Judah and Israel at the same time. That is polygamy. Obviously, God is not literally married. This is a metaphor, but if polygamy is intrinsically immoral, why would God use polygamy as a metaphor to describe His holy relationship with Israel and Judah? Can you imagine God describing Israel as His "groom?" No, because homosex is intrinsically immoral. The fact that God uses polygamy as a metaphor for His relationship with Abraham's descendants should clue us into the fact that God did not see polygamy as intrinsically immoral.

God is also said to have taken away Saul's wives and given them to David as a *blessing* (2 Samuel 12:8). Mike Winger points out just a couple of verses later, God told David that He would take those same wives away from David and give them to someone else (Absalom, v. 11). He argues that this is about punishment rather than blessing. Winger is right to argue that it is punishment, but it is only punishment for the man who is losing the wives. It is a blessing for the man who gains them. God punished Saul by taking away his wives and blessed David by giving those wives to him. If it were morally wrong to have multiple wives, we would have expected God to free Saul's wives, not transfer them to David, and then later from David to Absalom.

Alan Shlemon argues that the text never says God gave Saul's wives to David so that he could marry them (See <https://www.str.org/w/does-god-endorse-polygamy>). Rather, God entrusted them to David's care as part of Saul's estate. It was like an inheritance that was passed down from father to son. David cared for them. He did not marry them or have sex with them, similar to how he cared for 10 concubines but didn't have sex with them (2 Samuel 20:3). However, the text says God's punishment of David would involve taking his "wives" and giving them to Absalom (v. 11). Presumably, these wives included both David's original wives plus the wives of Saul. If so, then the text does affirm that Saul's wives became David's wives – not just his property to care for. Also, the text presumes that when God gives one king's wives to another king, that new king will sleep with those women (whether the new king marries them or not). That's why YHWH told David that "I will take your wives before your eyes and give them to your neighbor, and *he shall lie with your wives* in the sight of this sun" (v. 11). The most natural reading of 2 Samuel 12:8 is that Saul's wives became David's wives, and this was a blessing from God.

Those who think polygamy was prohibited by the Mosaic Law often appeal to Deuteronomy 17:17. This law prohibited the king from multiplying wives for himself, but it also prohibited him from multiplying horses and wealth. God was

matter is that according to the Mosaic Law, while a wife can commit the sin of adultery against her husband, she can never be the victim of adultery and her husband's extra-marital sexual liaisons are never grounds for her to divorce her husband.

How would this Mosaic understanding of adultery affect our interpretation of Jesus' teaching on divorce and remarriage? It could do so in two ways. First, it could explain why Jesus only charges the wife and her new husband with adultery in Matthew 5:32, namely because they are the only two people capable of committing the sin of adultery. She is guilty of adultery for contracting a new marriage when she is still morally obligated to her first marriage. Her new husband is guilty of adultery as well because he is sleeping with a woman who is still morally obligated to another man/marriage. His sin is directed against the first husband. What about the husband who divorced his wife? He is free to remarry without sin because polygamy was morally acceptable. He could be morally obligated to two or more women simultaneously. That is why Jesus does not address his remarriage or charge him with adultery. Jesus' only complaint against the husband who unjustly divorces his wife is that by doing so, he causes the woman to commit adultery when she remarries.

This understanding could also explain why the exception clause is only found in Matthew's account, and only in reference to the husband. It is only found in Matthew's account because Matthew was writing for a Jewish audience who uniquely understood Jewish law regarding adultery. The exception is only connected to the husband because in Jewish law only a wife could be guilty of *porneia*. He can divorce his wife for her *porneia*, but she cannot divorce him for the same. There was no reason, then, to extend the exception to wives. Jewish wives were almost always on the receiving end of divorce. They had virtually no grounds to ever initiate a divorce from their husband.

While I agree with these interpreters regarding the Mosaic understanding of adultery, I do not think it helps us interpret Jesus' teaching. It seems undeniable to me that Jesus' teaching departs from the Mosaic understanding in several places. For example, Jesus grants the possibility of a wife divorcing her husband in Mark 10:12.

Also, while the Mosaic understanding of adultery may be able to explain Jesus' teaching in Matthew 5:32 (where the focus is on the wife's adultery in remarriage), it runs afoul with Matthew 19:9 where Jesus specifically charges the husband with adultery for divorcing his wife and marrying another. Who is his adultery against? It cannot be against his new wife because a woman cannot be the victim of adultery per Mosaic Law. It cannot be against his new wife's husband because she was not married. It cannot be against his new wife's father because he married his daughter (it was not a sin to take a second wife). The only person who could possibly be the victim of his adultery is his ex-wife. Mark 10:11-12 is even more explicit that the husband's sin is against his ex-wife. Jesus says "whoever divorces

no prohibiting the king from having more than one wife any more than He was prohibiting him from having more than one horse or more than one denarius. The prohibition is against excess, not polygamy per se.

Others will note that the OT narratives portray polygamous relationships in a negative light, and suggest that this is a backhanded way of conveying the notion that polygamy should be avoided. While it's true that the text records difficulties created by having multiple wives, it also records difficulties created by having one wife. The fact of the matter is that marriage is difficult and creates problems. This no more argues against polygamy than it does marriage in general. Regardless, portraying polygamy in a negative light is very different from a moral prohibition against polygamy. At best, it shows that the man who marries more than one woman is asking for trouble, but if they were willing to deal with the trouble, what was stopping them from practicing polygamy? Surely, it was not the Mosaic Law.

¹⁰⁸Why, then, would a man divorce his wife if such was not necessary to marry another woman? He would do so in order that he would no longer be responsible to provide for her. And if she had done something that justified divorce, not only could he rid himself of the responsibility for providing for her, but he could also keep her dowry.

his wife and marries another commits adultery *against her*" (v.11). The adultery is specifically said to be against his ex-wife.¹⁰⁹ It seems clear to me that Jesus is expanding the definition of adultery, such that it can be committed by either the husband or the wife.¹¹⁰

Why would Jesus define adultery differently than the Mosaic Law? I think it is because Jesus rejected both divorce and polygamy as part of His return to God's ideal for marriage. In the beginning, God intended for one man to marry one woman – not for one man to contract multiple marriages with different women. Jesus may have also reasoned that "if a second union *after* divorce constitutes adultery, then *a fortiori* second unions *before* divorce...must be adulterous too."¹¹¹ If polygamy is wrong, then any definition of adultery that allows for polygamy must be wrong as well. As such, Jesus expanded the definition of adultery such that a husband could commit adultery against his wife. That means the Mosaic understanding of adultery and divorce cannot control our interpretation of Jesus' teaching.

Luke 16:18

Everyone who divorces his wife and marries another commits adultery, and he who marries a woman divorced from her husband commits adultery. (Luke 16:18)

This form of Jesus' teaching on divorce combines and repeats elements we have already seen in Matthew 5, Matthew 19, and Mark 10. Like Matthew 19 and Mark 10, Jesus affirms that a husband who divorces his wife and marries another woman is guilty of adultery. Like Matthew 5, Jesus affirms that the

¹⁰⁹I am interpreting "against her" (*ep' auten*) in "whoever divorces his wife and marries another commits adultery against her" to refer to the first wife rather than the second. Could it be referring to the second wife instead? While possible, I find this unlikely for two reasons. First, adultery is a sin you commit against your wife *with* another woman, not *against* the other woman. For example, when Jesus speaks of those who commit adultery with Jezebel, He uses *met' autes* ("with her", Revelation 2:22). And yet, in our text Jesus says the adultery is "*against her*" [*epi* followed by the accusative *auten*], not "*with her*" [*meta* followed by the dative *autes*]. This argues strongly in favor of understanding Jesus to mean the first wife is the victim of the man's adultery.

Second, the *auten* of verse 11 ("against her") is surely the same *aute* of verse 12 ("she divorces") – differing only in case (accusative in verse 11, nominative in verse 12). Since there is good reason to think the woman of verse 12 is the first wife, it follows that the woman of verse 11 is the first wife as well. Let me explain.

The *aute* of verse 12 goes untranslated in most translations, preferring the simple "she divorces." The NAS, however, brings out the full translation of "she *herself* divorces." These two instances of the feminine form of *autos* are only separated by *καὶ ἐὰν* ("and if"). Absent any contextual indicators that Jesus switched referents, it stands to reason that both refer to the same woman.

Could the *aute* of verse 12 refer to the second wife? Verses 11 and 12 could be read together as addressing lovers who divorce their spouses to marry each other: The man divorces his wife to marry another woman (verse 11) and that woman divorces her husband to marry that man (verse 12). While this is a plausible interpretation, it fails to take into account the conditional nature of verse 12: *If she divorces her husband and marries another....*" In the proposed scenario, we know the woman of verse 12 remarries the man of verse 11, so why would Jesus speak of her remarriage as conditional? He knew she remarried. If Jesus were addressing the proposed scenario, He would have stated the woman's remarriage as a fact rather than a hypothetical. Since He did not, it is highly unlikely that the second wife is the subject of verse 12. Jesus is speaking of the first wife to make the point that either spouse can commit adultery against the other by remarrying following an invalid divorce: If the husband initiates divorce and remarries, he is guilty of adultery. If the wife initiates divorce and remarries, she is guilty of adultery. If verse 12 is referring to the first wife, then verse 11 is also referring to the first wife. As such, Jesus taught that a man who divorces his wife and marries another woman commits adultery against his first wife.

¹¹⁰One might argue that the defining difference in Matthew 19:9 was that the husband divorced his wife before marrying another woman. Had he simply married another woman while keeping his first wife, perhaps Jesus would not have charged him with adultery. Not only is this speculative, but it also ignores the evidence that rejected polygamy as part of His return to God's marriage ideal.

¹¹¹Heth1 and Wenham, 48.

man who marries a divorced woman also commits adultery. There is nothing new to glean from this record of Jesus' teaching that we have not already gleaned from the other three.

Five Scenarios

Having examined each of the Synoptic accounts, five different scenarios emerge:

1. A man who marries a woman whose divorce was not justified commits adultery-lite (Matthew 5:32; Luke 16:18)
2. A man who divorces his wife without justification causes her to commit adultery-lite when she remarries (Matthew 5:32)
3. A man who divorces his wife without justification and remarries commits adultery-lite (Matthew 19:9; Mark 10:11; Luke 16:18)
4. A woman who divorces her husband without justification and remarries commits adultery-lite (Mark 10:12)
5. A man who divorces his wife for her sin of *porneia* can remarry without sin (Matthew 5:32; 19:9)¹¹²

Scenario #1 would not have been surprising to most Jews, at least in principle. Within Judaism at the time, remarriage after an invalid divorce was considered adultery and the couple were forced to separate. For example, if a mistake had been made on the woman's divorce certificate, it was rendered invalid and her subsequent remarriage was rendered invalid as well. She was treated as an adulterer (despite the fact that it was no fault of her own). Another example concerns a husband who was wrongly presumed to be dead. If a woman's husband went off to war or to trade goods and did not return after a specified time, the wife could petition for a divorce on the basis that the man was presumed dead. If she obtained the divorce and remarried, and then her first husband returned, the divorce and remarriage were both considered illegitimate. Her first and second husband had to divorce her, her children born to the second husband were considered illegitimate, and she lost her dowry.¹¹³ So most Jews would not have been surprised by the idea that a man could be guilty of adultery for marrying a divorced woman, but they would have been surprised at how wide Jesus' definition of an invalid divorce was. This leads us to scenario #2.

Many, if not most, divorces in the first century were Hillelite "any cause" divorces. Since Jesus deemed such divorces as invalid, that would mean the vast majority of all remarriages were acts of adultery-lite. This would have been shocking to Jesus' contemporary audience, as it was to His own disciples. As Instone-Brewer notes:

Shammaites allowed remarriage even after a Hillelite "any matter" divorce. They decided that if a legal court had granted a divorce, they would not countermand the court's decision even though it was counter to what they would have decided. Jesus, however, refused to recognize the validity of this type of divorce. He not only refused to allow "any matter" divorces but declared that they were invalid, so that anyone remarrying after an "any matter" divorce was committing adultery. In this opinion Jesus stood out from all other groups within Judaism. He sided with the Shammaites in their interpretation of "matter of indecency," and he sided with Qumran in their teaching on monogamy, but only Jesus declared that "any matter" divorces were invalid.¹¹⁴

¹¹²Instone-Brewer, 150. Instone-Brewer only includes the first four scenarios in his list.

¹¹³Instone-Brewer, 125-30.

¹¹⁴Instone-Brewer, 166-7.

Women would have been shocked to learn that their second marriages were considered adultery-lite, and men would have been shocked to learn that Jesus held them morally accountable for their ex-wife's adultery-lite.

While the shock factor of scenario #2 would have been high enough, it would have been raised a notch or two when Jesus' male audience heard scenario #3. They might be able to accept that their ex-wife committed adultery-lite when she remarried, and perhaps even accept that they were responsible for this in some way, but how could it be that the man himself is guilty of adultery-lite when he remarries? From a Jewish perspective, this would be preposterous for two reasons. First, while a woman could commit the sin of adultery against her husband, a husband could never commit the sin of adultery against his wife. If he had sex with an unmarried woman, it was considered a sin against the woman's father, not his wife. If he had sex with a married woman, it was considered a sin against the woman's husband, not his wife.¹¹⁵

Second, polygamy was legal and morally permissible in Judaism. Even if Jesus' contemporaries agreed with Jesus that it was morally wrong to divorce one's wife for any cause, and even if they agreed with Jesus that the first marriage was still morally binding despite the legalities of the divorce, they would still disagree that their second marriage was an act of adultery since you can't commit adultery with your own wife. They may be a polygamist – being married to two women at the same time – but surely not an adulterer.

Jesus, however, rejected both the moral permissibility of polygamy as well as the notion that a husband cannot commit adultery against his own wife. Based on Jesus' understanding of the creation narrative, He believed God's ideal was not only one man and one woman for one lifetime, but only one marriage at a time. Jesus also elevated the status of women by claiming that a husband can commit adultery against his own wife. Adultery was a reciprocal action that could be committed by either spouse against the other. The wife could commit adultery against her husband, and the husband could commit adultery against his wife. Jesus' Jewish audience would have been stunned by this. It is no wonder that Jesus' own disciples reacted with such dismay.

Scenario #4 is identical to scenario #3, but reverses the gender roles. It would not have been as surprising to Jesus' contemporaries as scenario #3, however, since all agreed that a woman could not be married to more than one man. If she were married to two men simultaneously, the second marriage would be considered an act of adultery against her one and only husband. Nevertheless, Jesus taught that a woman who unjustly divorces her husband and marries another man is guilty of adultery in the same way that a man who unjustly divorces his wife and marries another woman is guilty of adultery.

Scenario #5 would have been expected by Jesus' contemporaries. Even the conservative Shammaites allowed divorce and remarriage for *porneia*.

John 4:16-19

Jesus said to her [the Samaritan woman], "Go, call your husband, and come here." ¹⁷ The woman answered him, "I have no husband." Jesus said to her, "You are right in saying, 'I have no husband'; ¹⁸ for you have had five husbands, and the one you now have is not your husband.

¹¹⁵Wenham, 25.

What you have said is true.”¹⁹ The woman said to him, “Sir, I perceive that you are a prophet. (John 4:16-19)

It is commonly argued that when Jesus told the Samaritan woman she “had five husbands,” He was acknowledging the legitimacy of each marriage. Keener argues that if Jesus held to the PSU view of marriage, He should have said she had one husband and five lovers. By saying she had five husbands, Jesus was acknowledging that each was a genuine marriage, and thus remarriage is not necessarily adultery.¹¹⁶

There are at least two reasons to question this conclusion. First, it presumes that Jesus’ statement had metaphysical intent. How could we possibly know this? Perhaps Jesus was simply speaking from a practical perspective, counting the number of legal marriages she had contracted. It is perfectly legitimate to speak of a relationship from the legal perspective without simultaneously committing oneself to the moral legitimacy of the marriage. We do this regularly. We speak of “same-sex marriage” even though we do not believe these are genuine marriages. We are simply referring to the legal reality. PSU advocates do the same when referring to morally illegitimate remarriages. When Brother Bob and Sister Sue divorce because they cannot get along, and Brother Bob remarries, they still refer to his new girl as his “wife” even if they do not think it is a legitimate or moral marriage. The critique I offered against this approach to the text earlier applies here as well.¹¹⁷

Second, and more importantly, Jesus’ purpose for addressing the woman’s marital history was not to make a theological point about divorce and remarriage, but to reveal His identity to the woman by displaying His supernatural knowledge. That would be best accomplished by counting the number of marriages *she* would identify with, not the number that *God* would recognize as morally valid.

While it is possible that Jesus recognized each of the woman’s five marriages as *bona fide* marriages, the context for Jesus’ statement does not provide us with enough information to know for sure. To invest Jesus’ words with metaphysical and theological significance is to read too much into what Jesus said. Therefore, this passage is of little value for determining the legitimacy or morality of remarriage.

1 Corinthians 7:8-9

To the unmarried and the widows I say that it is good for them to remain single, as I am. ⁹ But if they cannot exercise self-control, they should marry. For it is better to marry than to burn with passion. (1 Corinthians 7:8-9)

This is one of only four passages in the Bible that gives explicit permission to remarry (Romans 7:3; 1 Corinthians 7:8-9; 39; 1 Timothy 5:14). All four passages pertain to widows, however, and virtually no one disputes the moral permissibility of remarriage for the widowed. What we want to know is whether there are any circumstances in which divorced people can remarry.

Some have argued that Paul granted permission for the divorced to remarry in 1 Corinthians 7:8-9. Unlike the other three passages giving explicit permission for widows to remarry, this passage mentions a second category of people, namely the unmarried (*agamois*). Who is included in this category? Is it limited to those who have never married or does it also include the formerly married (divorced)? If Paul

¹¹⁶Keener, *Remarriage After Divorce In Today’s Church: 3 Views*, 107.

¹¹⁷I addressed this approach in my comments on 1 Corinthians 7:10-11 in the divorce section of this paper.

had divorced people in mind, then this verse would give explicit moral permission for the divorced to remarry without any stipulations. Was that Paul's intended meaning?

Those who argue that Paul had both never-married and formerly-married people in mind point out that the same Greek word (*agamois*) appears in verse 11 to describe a divorced couple, demonstrating that the semantic domain of *agamois* includes the formerly-married.¹¹⁸ When you couple this with the close proximity of the two words, it is entirely reasonable to believe that Paul used the same word to mean the same thing in verse eight.

While this is a decent argument *prima facie*, we need to consider the broader context. When Paul addressed the formerly-married (*agamois*) in verse 11, he excluded remarriage as an available option for them. Paul only gave the divorced Christians two options: remain single (*agamois*) or reconcile with each other. If, when specifically addressing formerly married people, Paul does not give them the option to remarry, it is highly unlikely that he has formerly-married people in mind in the more ambiguous context of verse eight where explicit permission to remarry is given. As such, it is best to interpret Paul's reference to "the unmarried" in verse eight as only including the never-married.

This does not end the matter, however. Keener asks whether Paul's logic *should* apply to the divorced even if Paul did not have the divorced in mind. Paul reasoned that in order to avoid burning in lust, widows and single people should marry. Couldn't the same be said of formerly-married people? Formerly married people can also burn with lust – and arguably their lust is more intense than that experienced by the never-married since the former has experienced the joys and pleasure of sex while the latter has not. Burning with lust is burning with lust no matter who experiences it. One's prior marital status is irrelevant to their ability to be set ablaze by lust. If Paul considered marriage a necessary good to avoid "the burn," and the divorced experience the burn, then why should the divorced be prohibited from remarrying?

While I follow Keener's logic and sympathize with this argument both intellectually and emotionally, it proves too much. It would be the end of all moral reasoning on the topic of remarriage. It would abrogate every moral restriction that Jesus and Paul placed on remarriage. Everyone who is divorced could remarry simply because they are horny, regardless of the reason for their divorce and regardless of whether they were the guilty or innocent party in the divorce. Are we to believe that Paul, in this one verse, is abrogating not only his own moral teaching on remarriage (1 Corinthians 7:10-11), but also that of Jesus? While burning with lust is bad, disobeying Jesus is worse. It is good for the never-married to marry when they burn with lust because marriage is a moral good, however, it is not good for the divorced to remarry when they burn with lust because Jesus specifically prohibited them from doing so (under most circumstances).

1 Corinthians 7:10-11

To the married I give this charge (not I, but the Lord): the wife should not separate from her husband¹¹ (but if she does, she should remain unmarried or else be reconciled to her husband), and the husband should not divorce his wife. (1 Corinthians 7:10-11)

Paul's intended audience for these instructions is made clear by his address, "To the married..." Paul does not explicitly say so, but the context makes it clear that he is speaking specifically to Christians

¹¹⁸Richards, 239.

married to other Christians. That is why he is able to issue commands to both the husband and wife, whereas in verses 12-16 (where Paul addresses mixed-faith marriages) he only issues commands to the Christian spouse. Since both spouses are Christian, both are under the authority of Jesus, Paul, and the church. Another reason we know Paul was only addressing same-faith Christian marriages in verses 10-11 is because verse 12 begins with “To the rest I say....” The “rest” that Paul had in view were mixed-faith marriages. Since “the rest” was a separate group from those in verses 10-11, the latter must be same-faith Christian marriages.¹¹⁹

Paul commanded that a Christian should not divorce his/her spouse, but recognized that some people had already divorced their spouse and/or would do so in the future. As such, Paul gave them two options: reconcile to their spouse, remain single. He did not include an option to marry someone else.¹²⁰ I find this extremely significant. When Christians divorce, remarriage is not one of their options. Presumably, this applies to both the guilty divorcer as well as the innocent divorcee. Both must remain single for the rest of their lives (or until one spouse dies) or choose to reconcile with their rightful spouse.¹²¹

Some have noted that Paul did not provide an exception for *porneia*. Does this mean Paul denied this exception for Christian spouses or that Paul interpreted Jesus’ exception clause as justifying divorce but not remarriage? No. It was simply not within Paul’s purview to discuss exceptions at this juncture. He was merely establishing the rule. Where did Paul get this rule from? He says he got it from the Lord, meaning it was something Jesus taught during His public ministry. Jesus taught that remarriage following divorce is adultery-lite. Paul did not give divorced Christians the option to remarry because Jesus did not give divorced people the option to marry. To avoid adultery-lite, divorced Christians must remain single or be reconciled to their spouse.¹²²

¹¹⁹The only other possibility is that Paul is addressing marriages in which neither person is a Christian, but the spouses in such a marriage would not be reading a letter from Paul written to Christians and would not be subject to Paul’s authority.

¹²⁰Luck argues that Paul is only speaking of the short-term, not the long-term. His intent is simply to prevent the divorced spouses from immediately getting remarried. If, however, after a long time one or both spouses refuse reconciliation, then remarriage is permissible. I do not find his line of reasoning persuasive. It requires reading time limits into the text when none are given. If Paul intended for his instructions only to apply for the immediate period of time following a divorce, he could have said so.

¹²¹John MacArthur says the divorcee can remarry if the divorcer later proves to be an unbeliever, or if the divorcer remarries (since reconciliation is no longer possible at that point). In saying so, he has to presume that the new marriage truly ends the original marriage, such that the divorcee is free to remarry. See John MacArthur, “Divorce and Remarriage”; available from <https://www.gty.org/library/articles/DD04/divorce-and-remarriage>; Internet; accessed 23 April 2020.

Many Evangelicals have proposed something similar. For example, Instone-Brewer suggests that the church exercise its disciplinary role to force reconciliation. If the divorcer will not submit, then s/he is to be treated as an unbeliever and excommunicated from the church. As an unbeliever, the divorcee would no longer be subject to Paul’s directives in verses 10-11, but rather his directives in verses 12-16 regarding divorce by an unbeliever. Since Paul allowed the Christian to remarry when s/he was divorced by an unbeliever, the Christian would be free to remarry.

This clever line of reasoning depends on two presuppositions: (1) Church discipline is called for when a Christian divorces a Christian spouse; (2) 1 Corinthians 7:12-16 allows for the Christian to remarry after divorce. I am not convinced that either is true. Regarding (1), Paul called for church discipline in other contexts, but not here. Indeed, he specifically grants permission to divorced believers to remain in that state in verses 10-11, which is the exact opposite of the forced reconciliation being proposed by Instone-Brewer. Regarding (2), I am not persuaded that Paul frees the Christian spouse to remarry in verses 12-16, but merely frees the Christian spouse from the obligation to preserve the marriage and continue evangelizing the unbelieving spouse. I will argue for this position in my comments on 1 Corinthians 7:12-16.

¹²²This is evidence against Luck’s interpretation of Matthew 5 and Matthew 19 that divorce itself constitutes adultery, even if there is no remarriage. Paul understood Jesus’ teaching to be that only remarriage constituted adultery, which is why he did not give these believers the option to remarry. If he thought the divorce itself was an act of adultery, surely he would have commanded reconciliation rather than making it optional.

1 Corinthians 7:12-16

To the rest I say (I, not the Lord) that if any brother has a wife who is an unbeliever, and she consents to live with him, he should not divorce her. ¹³ If any woman has a husband who is an unbeliever, and he consents to live with her, she should not divorce him. ¹⁴ For the unbelieving husband is made holy because of his wife, and the unbelieving wife is made holy because of her husband. Otherwise your children would be unclean, but as it is, they are holy. ¹⁵ But if the unbelieving partner separates, let it be so. In such cases the brother or sister is not enslaved. God has called you to peace. ¹⁶ For how do you know, wife, whether you will save your husband? Or how do you know, husband, whether you will save your wife? (1 Corinthians 7:12-16)

If an unbelieving spouse is happy to remain married to the Christian, the Christian should not divorce him/her. If, however, the unbelieving spouse wants a divorce, Paul said to “let it be so” and assured them that they are “not enslaved” in such circumstances. Many theologians have interpreted this to mean the Christian is free to remarry.¹²³ They point to 1 Corinthians 7:27 which speaks of being “bound to a wife” and 1 Corinthians 7:39 which speaks of a woman being “bound to her husband as long as he lives.” Since “enslavement” is conceptually similar to “bondage,” Paul is referring to the bonds of marriage.¹²⁴ But surely Paul means to communicate something more by this phrase than the mere observation that the marriage has ended. Otherwise Paul would be stating a truism: If your unbelieving spouse divorces you, you are not married in such situations. Obviously one is no longer married in such cases! By saying the believer is “not enslaved” is to say the believer has moral permission to remarry.

To say one is “not enslaved” is a negative way of stating the positive expression “you are free.” Divorce certificates in that day included the phrase “you are free to marry any man,” which is conceptually similar to being “not enslaved.”¹²⁵ The social context as well as the literary context highly suggests that Paul is freeing the believer to form a new marriage. If Paul was not giving the Christian the right to remarry, then in what sense could the Christian be described as free? How would the believer be released from the bondage of their marriage if they must maintain a lifetime of chastity and singleness after the divorce? They are not free if their former marriage prevents them from remarrying. Arguably, then, Paul was not only acknowledging the end of the marriage, but giving the Christian moral permission to remarry following the divorce. They find in this passage, then, a second exception to Jesus’ prohibition against divorce and remarriage, namely desertion¹²⁶/divorce by an unbelieving spouse.

While the conceptual parallel between “bound” and “enslaved” makes a good case for thinking Paul gives permission to remarry in 7:15, I am persuaded that both the nature of the divorce as well as the immediate context suggests Paul had something else in mind. Let me speak to the nature of the divorce first.

¹²³For example, Instone-Brewer, 189-91. Bacchiocchi.

¹²⁴I speak of “similarity” because the Greek words are different. Paul uses *douloo* here, but *deo* in verse 39. It’s not clear what is to be made of the difference. It could be stylistic. There were many words to describe marriage. Or, perhaps he used a different word because he was not referring to the bonds of marriage at all.

¹²⁵Heth2, 75; Instone-Brewer, 202; Keener, *...And Marries Another*, 61.

¹²⁶Most people speak of this situation as one of “desertion,” but this implies that it is something other than divorce. The same Greek word *chorizo* is used in verse 10 to refer to divorce. In the ANE, a man could divorce his spouse simply by leaving the household. This is different from our modern context in which a spouse can desert his/her family but still be legally married.

Prima facie, the reason for this divorce argues against interpreting “not enslaved” as Paul granting moral permission to remarry. The one principle that Jesus and His contemporaries all seem to have agreed on is that remarriage is only justified when the divorce is justified. That’s why Jesus made an exception for *porneia*. *Porneia* was a legitimate violation of the marriage covenant, and thus it justified both a divorce and subsequent remarriage. Is divorcing one’s spouse because of their Christian faith a just reason for divorce? Is becoming a Christian a violation of the marriage covenant? Clearly not! If it is unjust to divorce one’s spouse because they are a Christian, then it is also unjust to remarry following that divorce. The only way to escape this conclusion is to (1) affirm that one’s faith in Jesus is a just reason for divorce or (2) to deny the principle that remarriage is only justified when divorce is justified. Neither option will prove fruitful.¹²⁷ If God does not recognize the moral legitimacy of unjust divorces nor the moral legitimacy of remarriages following an unjust divorce, then surely Paul could not be interpreted to mean he was giving the Christian moral permission to remarry. If remarriage is only justified when the divorce was justified, and this divorce was not justified, then the Christian has no moral justification to remarry.

One might object that it is precisely because the divorce was not justified that Paul permits the Christian to remarry. The divorce was not the Christian’s fault, so they should not be punished for it by having to remain single. While I sympathize with this response, it suffers from at least three problems. First, this just is a denial of the principle that remarriage is only justified when the divorce was justified. Why think that Paul was rejecting this principle? And remember, we have good reason to believe that Jesus endorsed this principle. Which leads me to the second point.

Jesus taught that when a husband unjustly divorces his wife, he causes her to commit adultery when she remarries (Matthew 5:31-32). She was the innocent victim of an unjust divorce, and yet Jesus still prohibited her from remarrying. Why, then, should we think Paul is giving moral permission for the innocent victim of this unjust divorce to remarry? If he were doing so, he would be contradicting Jesus’ teaching that remarriage is only justified when the divorce is justified.

Finally, the permission to remarry interpretation also makes a fictitious distinction between mixed-faith and same-faith marriages, allowing remarriage following an unjust divorce for the former group but disallowing it for the latter. Why think the two should be treated differently? A marriage is a marriage regardless of the faith commitment of the participants. Marriages involving two believers are just as real and valid as marriages involving two unbelievers or marriages involving one believer and one unbeliever. Anything that would justify the divorce of a mixed-faith marriage would also justify the divorce of a same-faith marriage. If the justifications for divorce are the same for both mixed-faith and same-faith marriages, then the justifications for remarriage ought to be the same for both groups as well. It would be inexplicable, then, why Paul would allow a Christian to remarry who was unjustly divorced by his/her unbelieving spouse, but not permit a Christian to remarry who was unjustly divorced by his/her believing spouse.¹²⁸ Both were unjustly divorced, so why is remarriage justified for one group but not the other? This reading of Paul leads to a strange conclusion: It is better for a Christian to be married to an unbeliever than to a believer, because being married to an unbeliever will allow the Christian spouse to remarry in the event of a divorce, whereas they do not have that option if they marry a Christian. If your theology incentivizes being married to an unbeliever, something is amiss. What is amiss is the

¹²⁷Option one will not work because Paul clearly states that mixed-faith marriages should not end (1 Corinthians 7:12-14). Option two will not work because it does not fit the historical context. There is no reason to think Paul disagreed with this principle or made an exception to it.

¹²⁸Luck; Laney, 43.

interpretation of “not enslaved” to mean “free to remarry.” If Paul meant to say the Christian was free to remarry, he could have clearly said so like he did in verses 8 and 28. He did not.

The context itself also inveighs against the “permission to remarry” interpretation. Paul seems to understand “enslavement” in terms of moral obligation to seek reconciliation and convert one’s spouse. He is not saying the Christian has moral permission to remarry in such a circumstance, but that the Christian is not morally obligated to (1) continue pleading with the unbelieving spouse to restore the marriage, nor morally responsible for (2) their spouse’s salvation.¹²⁹ Let’s look at the context again:

But if the unbelieving partner separates, let it be so. In such cases the brother or sister is not enslaved. God has called you to peace.¹⁶ For how do you know, wife, whether you will save your husband? Or how do you know, husband, whether you will save your wife? (1 Corinthians 7:15-16)

Paul provides two reasons for concluding that the Christian is “not enslaved:” (1) “God has called us to peace;” (2) “How do you know...whether you will save your wife/husband?” Regarding the first, those who interpret “not enslaved” to mean the Christian can remarry would have to read Paul as saying “The divorced Christian is free to remarry, *but God has called you to peace.*” “Peace” is contrasted with “not enslaved.” What does God calling us to peace have to do with God giving us permission to remarry after an unjust divorce?¹³⁰ The two seem unrelated. One could plausibly read Paul as saying the believer is free to remarry because God wants him/her to experience peace in his/her life; however, the “you” in “called you to peace” is plural rather than singular. This suggests that the peace God is calling us to is an interpersonal peace.¹³¹ With whom? The unbelieving, ex-spouse. God wants the Christian to have peaceful relations with the ex-spouse. That will not happen if the Christian feels the moral obligation to reconcile the marriage, constantly quarrelling with the unbelieving spouse and incessantly pleading with him/her to return to the marriage. Paul relieved the Christian of that burden by telling them that they are not enslaved to that responsibility. The believer is not morally responsible for the divorce, and is not morally responsible for attempting reconciliation.

Paul’s second reason for declaring the Christian to be “not enslaved” is that there is no way of knowing whether staying married would have had any positive spiritual impact on the unbelieving spouse. Apparently, some Christians felt they had to do everything possible to prevent their unbelieving spouse from ending the marriage because they saw the marriage as a means of evangelizing their spouse. Paul tells them they should not feel guilt regarding the divorce. Even if the marriage had continued, there

¹²⁹Ryrie; Laney, 43-4; John Piper, “Divorce & Remarriage: A Position Paper”; available from <https://www.desiringgod.org/articles/divorce-and-remarriage-a-position-paper>; Internet; accessed 23 May 2015; Heth1 and Wenham, 140-3.

¹³⁰Laney.

¹³¹I say “suggests” because the plural form alone cannot prove this. It is possible that Paul used the plural form to refer to the group of all Christians who experience being divorced by their unbelieving spouse. While possible, I find this interpretation to be unlikely because Paul had just spoken of them in the singular as “a brother” or “a sister.” It’s unlikely that Paul would speak of the Christian spouse as an individual only to immediately switch to speaking of Christian spouses as a group when he explains why the individual Christian is “not enslaved” in this situation. It makes much more sense to read Paul as saying the individual Christian is not enslaved because God has called the former couple to peace.

was no guarantee that the unbelieving spouse would come to faith.¹³² The Christian is not responsible for their spouse's salvation, so let the unbelieving spouse leave the marriage if s/he wants to do so.¹³³

In summary, Paul did not grant a Christian spouse moral permission to remarry after being unjustly divorced by his/her unbelieving spouse. Paul's declaration that the Christian is "not enslaved" in such circumstances does not mean they are free to remarry after the unjust divorce, but rather that they are not obligated to preserve the marriage for the sake of evangelizing their unbelieving spouse or sanctifying their house.¹³⁴

1 Corinthians 7:25-28

Now concerning the betrothed, I have no command from the Lord, but I give my judgment as one who by the Lord's mercy is trustworthy. ²⁶ I think that in view of the present distress it is good for a person to remain as he is. ²⁷ Are you bound to a wife? Do not seek to be free. Are you free from a wife? Do not seek a wife. ²⁸ But if you do marry, you have not sinned, and if a betrothed woman marries, she has not sinned. Yet those who marry will have worldly troubles, and I would spare you that.

To those men already bound to a wife, Paul advised them not to "seek to be free"; i.e. obtain a divorce. To those "free from a wife," Paul tells them not to "seek a wife." And yet, he allows both groups to marry if they choose to, affirming that such would not be a sin (and he ditto's this for women).

Some theologians argue that if "free" refers to divorce with reference to those already bound to a wife, then "free" must also refer to divorce with reference to those free from a wife. As such, Paul is addressing both married and divorced people. Since both groups are given explicit permission to marry, this passage provides explicit evidence that the divorced can remarry without sin.¹³⁵

Further evidence in favor of this position is the fact that Paul distinguishes "a betrothed woman" (virgins) from those "bound to a wife" and from those "free from a wife." He says the one bound to a wife does not sin by marrying, and the one who is free from a wife does not sin by marrying, and then adds "and if a betrothed woman marries, she has not sinned." By wording it this way, the betrothed is

¹³²It is possible to translate the verse in a positive sense of "For all you know, you might be able to save your wife/husband," and a number of minor translations do so (Christian Standard Bible, Easy-to-Read Version, Expanded Bible, Good News Translation, International Children's Bible, International Standard Version, The Message, New Century Version, New Life Version, The Passion Translation, The Voice, Worldwide English Translation) as well as a couple of major translations (New Living Translation, New Revised Standard Version). Heth1 and Wenham agree with such translations (p. 141). This is an unlikely translation, however, given the position of this sentence. Paul does not place this sentence along with the other reasons he gives for not divorcing one's unbelieving spouse, but after he releases the Christian spouse from the responsibility of trying to reconcile the marriage. As such, it seems to be a reason to let the divorce stand, not a reason to fight for the marriage.

¹³³One could counter-argue that the reason Paul addresses the uncertain future of the unbeliever's conversion is because these Christian believers were foregoing their moral right to remarry in hopes that they would be able to reconcile their marriage and convert their spouse in the future. On this view, Paul's advice is to not let that stop you from remarrying because you can't know if your spouse will ever come to faith or not. There is no reason to stay single based on an uncertain hope.

Admittedly, this is a good counter-argument and would fit well with interpreting "not enslaved" as "moral permission to remarry." However, Paul's other rationale (that the believer is not enslaved because God has called us to peace) does not fit this interpretation of "not enslaved." One would need to show how both of Paul's reasons for declaring the Christian to be "not enslaved" fit with the interpretation that Paul was giving moral permission to remarry.

¹³⁴Piper, Gagnon.

¹³⁵Keener, *Remarriage After Divorce In Today's Church: 3 Views*, 109.

distinguished from the other two groups, meaning those other two groups do not include the betrothed. They include the married and divorced.

There are several problems with this conclusion. First, the context makes it clear that Paul's comments are limited to the betrothed. On three occasions Paul explicitly identifies the audience he is speaking to:¹³⁶

- Verse 8: "To the **unmarried** and **widows** I say..."
- Verse 10: To the **married** I give this charge..."
- Verse 25: Now concerning the **betrothed**..."

Paul's discussion of the betrothed continues from verse 25 through verse 38, and thus his permission to marry in verses 27-28 only applies to the betrothed. It would be a grave hermeneutical mistake to apply Paul's instructions to one group (the betrothed) to a different group (the divorced), particularly when Paul spoke directly to the divorced on two separate occasions earlier in the same chapter and did not give moral permission to remarry in those contexts.

One might protest that while Paul was addressing the betrothed in this passage, surely he must have a wider audience in mind because he speaks of being "bound to a wife" and "free from a wife." How could the betrothed be described as being "bound to a wife" if he is not yet married, and how could the betrothed be described as "free from a wife" if he never had a wife? It must be remembered that betrothals were legally binding in the ANE. The betrothed were considered to be legally married even before consummating the marriage and living together as a married couple. As Luck observes:

[I]n Hebrew marriages, the only vows that were ever said, the only agreement that was ever made, was made at the beginning of the initial betrothal. For them, the betrothal was not merely a sentimental statement of intention, as it often is in our society, but the very binding of the parties together by covenant. From that moment onward, the woman was considered the man's wife."¹³⁷

The way one ended a betrothal was the same way one ended a consummated marriage: divorce via a certificate of divorce.¹³⁸ Paul was instructing Christian men who were betrothed to a woman¹³⁹ that there was no need to end their betrothal via divorce. Likewise, those who were not betrothed to a woman should not seek to be betrothed/married.¹⁴⁰ This latter group could include those who have never been betrothed (single, unmarried people), those who were formerly betrothed, or both.

¹³⁶I say "explicitly" because there are times that Paul addresses a particular group of people without introducing his comments by the "now concerning" formula. For example, he addressed married people in 7:1-7 and widows in 7:39-40 without using this formula.

¹³⁷Luck.

¹³⁸Instone-Brewer, 276.

¹³⁹The Greek word *gune* can mean woman or wife, depending on the context. It could be translated either way. From a legal perspective, the woman was his wife, and thus it could legitimately be translated as "wife." And yet, because they had not yet consummated the marriage to live as a married couple, it could legitimately be translated as "woman" as well.

¹⁴⁰Heth1 and Wenham, 147. Instone-Brewer recognizes that this passage appears in a section addressing the betrothed and that this interpretation is possible, but he thinks it is still likely that Paul is also including the divorced in his comments. He writes, "[T]hose who wish to argue that Paul did not allow remarriage after divorce would say that Paul meant to give this permission [to marry] only to those who were released from a betrothal agreement. This limited application is possible, though unlikely." Unfortunately, Instone-Brewer never explains why he thinks it is unlikely. He only goes on to speak of another *possible* interpretation: "Although verse 27 occurs in the context of a passage speaking mainly about betrothal, it is quite possible that Paul should also direct his advice to those who had divorced, and there is nothing in the context to rule this out. The term 'released,' *lusin*, is used generally for release from any type of contract, including a marriage contract. However, it would be unsafe to base a firm conclusion either way on this verse." He speaks of what is possible, but possibilities come

Given how the Corinthians had been responding to the present circumstances¹⁴¹ (ceasing sexual relations with their spouse, divorcing their spouses, etc.), it is likely that some of those who were betrothed had already ended their betrothal in divorce, prompting the Corinthians to ask Paul for direction in this matter. Given the fact that Paul is specifically addressing the betrothed in this section, it is unlikely that he has the single, unmarried person in mind. It is much more likely that he is addressing the person who was betrothed but ended their betrothal due to the present circumstances, informing them that it would not be a sin to marry the woman they had been formerly betrothed to despite the distressing times.¹⁴²

Paul gave permission to both groups to marry if they chose to do so: If the betrothed decided to proceed on to consummate the marriage, it would not be a sin. He can fulfill his promise to marry. Likewise, if the unbetrothed (or formerly betrothed) decides to take a wife, he would not sin.

Second, if Paul meant to give divorced people the right to remarry, he would be contradicting his former instructions in verses 10-11. In that passage, Paul instructed Christians who had divorced to either remain unmarried or to reconcile. There was no option to remarry. If Paul did not consider remarriage an option for divorced Christians in verses 10-11, why would he suddenly list it as an option in verses 27-28? This inconsistency is easily resolved when one recognizes that Paul was not addressing the formerly married in verses 27-28, but the betrothed.

Third, understanding “a betrothed woman” to be a third group of persons distinguishable from the married and divorced is a misreading of the text. Notice that Paul does not speak of “the betrothed” in general to include both sexes, but only “a betrothed woman.” This is significant. Verse 27 says “the one bound to a wife should not seek divorce. The one released from a wife should not seek marriage.” Who would be bound to a wife? A man. Who would be released from a wife? A man. Paul was specifically addressing men. So when he adds “and if a betrothed woman marries, she has not sinned,” he is not meaning to add a new situation to the list, but simply to address women who were betrothed as well. Paul’s point is that the ability of the betrothed men to marry without sinning applies equally to the betrothed women. Verse 28, then, clarifies what men Paul has in view in verse 27: betrothed men.

Fourth, if we are to believe that Paul was referring to the divorced in verse 28, we would have to believe that he brings them into the conversation out of nowhere (without his typical “now concerning” formula), and only mentions them this one time in the entire 16 verse section.

Fifth, verse 28 is parallel to verse 36:

- “**But if you do marry, you have not sinned**, and if a betrothed woman **marries, she has not sinned**. Yet those who marry will have worldly troubles, and I would spare you that.” (v. 28)
- “If anyone thinks that he is not behaving properly toward his betrothed, if his passions are strong, and it has to be, let him do as he wishes: **let them marry—it is no sin.**” (v. 36)

cheap. The fact of the matter is that there is no contextual reason to think that Paul was addressing the divorced in this verse, but there is evidence to believe that he was only addressing the betrothed and formerly betrothed. That’s why even Instone-Brewer recognizes that this verse is a poor proof-text for those who wish to claim that the improperly divorced can remarry. See Instone-Brewer, 207.

¹⁴¹Paul is not clear regarding what these circumstances were, but it was likely some form of persecution. Whatever it was, Paul’s instructions to the betrothed were influenced by it. It was due to the present circumstances that he advised the betrothed not to marry (v. 26) but to live in the state that God called them (vs. 17-24).

¹⁴²Piper.

It is clear from the context that verse 36 only refers to the betrothed. This argues in favor of interpreting verse 28 as referring to the betrothed alone as well.

1 Corinthians 7:36-38

If anyone thinks that he is not behaving properly toward his betrothed, if his passions are strong, and it has to be, let him do as he wishes: let them marry—it is no sin.³⁷ But whoever is firmly established in his heart, being under no necessity but having his desire under control, and has determined this in his heart, to keep her as his betrothed, he will do well.³⁸ So then he who marries his betrothed does well, and he who refrains from marriage will do even better.

Paul continues his instructions to the betrothed after a lengthy interlude extolling the virtues of the single life (vs. 28-35). Whereas Paul was directly addressing betrothed men in verses 25-28, Paul seems to turn his attention to the fathers of betrothed women in verses 36-38. Evidence for this is found in the fact that Paul said “let *them* marry” rather than “go ahead and marry.”¹⁴³ If Paul were still speaking directly to betrothed men, he would not speak of the man and his betrothed using the third personal plural “them.” Also, if Paul were speaking to betrothed men he would have said “keep her as a virgin” (similar to the ESV reading above), but in the Greek text it says “keep his own virgin.” This fits better if addressed to a father, because the virgin would not be a betrothed man’s to keep. The idea is that the father could decide to keep his own virgin daughter in his household rather than allowing her to marry.

Finally, the Greek word *gamizo* (used twice in verse 38) means “to give in marriage,” rather than “get married” as implied by the ESV. A father can, but a betrothed man cannot, give a betrothed woman in marriage. The NET translation brings out the intended meaning better than the ESV:

If anyone thinks he is acting inappropriately toward his virgin, if she is past the bloom of youth and it seems necessary, he should do what he wishes; he does not sin. Let them marry.³⁷ But the man who is firm in his commitment, and is under no necessity but has control over his will, and has decided in his own mind to keep his own virgin, does well.³⁸ So then, the one who marries his own virgin does well, but the one who does not, does better.

In a footnote, the NET brings out the sense of the passage according to the “father” interpretation: “If anyone thinks he is acting inappropriately toward his unmarried daughter, if she is past the bloom of youth and it seems necessary, he should do what he wishes; he does not sin. Let them marry. 7:37 But the man who is firm in his commitment, and is under no necessity but has control over his will, and has decided in his own mind to keep his daughter unmarried, does well. 7:38 So then the one who gives his daughter in marriage does well, but the one who does not give her does better.”

Paul admonishes fathers that it is better to keep their betrothed daughters at home (due to the current distress) rather than let them marry, but if the father thinks that doing so is unfair to his daughter (due to her age or other reason), Paul said the father is free to let her marry. Such is not sinful, even if it is not the most beneficial.

¹⁴³There is a textual variant here. Some manuscripts read “let him marry,” which would indicate that Paul is speaking to the men who are betrothed to women rather than the fathers of such women. However, it is only supported by a handful of manuscripts (D*, F, G, *et al*). See Instone-Brewer, 206.

1 Corinthians 7:39-40

A wife is bound to her husband as long as he lives. But if her husband dies, she is free to be married to whom she wishes, only in the Lord.⁴⁰ Yet in my judgment she is happier if she remains as she is. And I think that I too have the Spirit of God.

This is one of the four passages giving widows explicit permission to remarry, specifying only that they must marry someone “in the Lord”; i.e. a Christian.

Some have argued that this passages makes it clear that death alone ends a marriage and gives one the right to remarry. There is no reason to believe Paul intended this to be the whole of his theology on divorce and remarriage. He is simply stating the marriage ideal that a marriage should endure for life. In stating the ideal, we should not presume there are no exceptions. Even Jesus gave an exception for divorce. Surely Paul is not negating Jesus’ exception simply because he does not mention it here.

Romans 7:1-6

Or do you not know, brothers – for I am speaking to those who know the law – that the law is binding on a person only as long as he lives?² For a married woman is bound by law to her husband while he lives, but if her husband dies she is released from the law of marriage.³ Accordingly, she will be called an adulteress if she lives with another man while her husband is alive. But if her husband dies, she is free from that law, and if she marries another man she is not an adulteress.⁴ Likewise, my brothers, you also have died to the law through the body of Christ, so that you may belong to another, to him who has been raised from the dead, in order that we may bear fruit for God.⁵ For while we were living in the flesh, our sinful passions, aroused by the law, were at work in our members to bear fruit for death.⁶ But now we are released from the law, having died to that which held us captive, so that we serve in the new way of the Spirit and not in the old way of the written code. (Romans 7:1-6)

John Piper *et al* argue that this passage (as well as 1 Corinthians 7:39-40) teaches marriage can only be ended by death, and remarriage is only permitted for widows. It’s not at all clear, however, that Paul is discussing divorce or remarriage. He does not use any words to express the idea of divorce and he does not speak of the woman as *marrying* another man, but rather as *living with* another man while her *husband* is still alive. Arguably, Paul is speaking of a married (rather than divorced) woman who is cohabiting with another man in an adulterous relationship.

For the sake of argument, however, let’s assume that Paul was referring to a legally divorced woman who remarried. If so, his teaching would simply parallel the teaching of Jesus: remarriage following divorce is adulterous. That is the rule. However, rules usually have exceptions. Indeed, Jesus Himself provided an exception (*porneia*) to the moral rule that Paul is articulating here. The fact that Paul did not mention that exception in this context does not mean He thought there were no exceptions. Jesus’ teaching on divorce and remarriage in Mark and Luke mentions no exceptions, and yet we know from Matthew’s account that Jesus acknowledged an exception to His moral rule. In the same way it would be wrong to conclude from Mark and Luke’s account of Jesus’ teaching that Jesus did not allow for any exceptions to His moral rule, it would be wrong to conclude from Romans 7:1-3 that Paul was unaware of any exceptions that would morally justify remarriage. As Edgar noted, “It is...contrary to normal usage to conclude that every time a subject is mentioned a complete list of exceptions must always be stated

or none exists.”¹⁴⁴ We should interpret those passages that do not mention exceptions (Mark 10:11-12; Luke 16:18; Romans 7:1-3; 1 Corinthians 7:39-40) in light of those that do, not vice-versa. Passages that do not mention exceptions should be understood as idealized and general rules.

Given Paul’s purpose for raising the topic of divorce and remarriage, we would not expect him to note any exceptions. He was not attempting to present a full-orbed theology on divorce and remarriage, but used it as an illustration for how Christians are released from the Mosaic Covenant to serve Christ under the New Covenant. In the same way death releases a spouse from their marital covenant and frees them up to marry someone else, likewise the death of Jesus has released us from the obligations of the Mosaic Covenant so we can be married to (serve) Jesus through the New Covenant.¹⁴⁵ Speaking of exceptions for remarriage following divorce would do nothing to advance his argument. In fact, it would be an unnecessary theological distraction that would detract from the point he was trying to make. Paul’s point depended on the truth that death ends a marriage. Given that purpose, it would not make any sense for Paul to go off on a tangent and mention circumstances that can end a marriage prior to death. Analogies are intended to make a single point. Paul’s single point was that death ends a marriage and frees up the widow to marry someone else. It would be a mistake to overanalyze his analogy and draw conclusions that he never meant for us to draw.

We also need to consider the fact that Paul is discussing Mosaic theology, not Jesus’ theology. He was well aware that the Mosaic Law permitted divorce and remarriage and that the Mosaic Law never identified remarriage as an act of adultery. To interpret Paul’s words to mean that remarriage after divorce is adultery, then, would mean Paul was contradicting the very Mosaic Law he claimed to appeal to.

If Paul were talking about actual divorce and remarriage, the most we can conclude from Romans 7:1-3 is that as a rule, when a divorced woman remarries while her ex-husband is still alive, she is guilty of adultery. It does not mean Paul denied any exceptions to this rule. At best, Paul is referring to the rule for unjust divorces, not just divorces in which remarriage is permissible for the innocent spouse.

1 Timothy 3:2 & Titus 1:6

Therefore an overseer must be above reproach, the husband of one wife, sober-minded, self-controlled, respectable, hospitable, able to teach, (1 Timothy 3:2)

[I]f anyone is above reproach, the husband of one wife, and his children are believers and not open to the charge of debauchery or insubordination. (Titus 1:6)

In these two passages, Paul lists the qualifications for an overseer/bishop/pastor. One of those requirements is that he be the “husband of one wife.”¹⁴⁶ What does this mean? There are several possibilities:

1. Pastors must be married men

¹⁴⁴Edgar, 63.

¹⁴⁵Instone-Brewer, 210.

¹⁴⁶All, or at least most, of these requirements do not appear to be unique to pastors. They are virtues that all Christians should possess. Paul was simply asking Timothy and Titus to find men who exemplified these virtues and appoint them as pastors. As such, the requirement to be the husband of one wife should not be thought of as something that only applies to pastors. Whatever it means, it applies to all Christian men.

2. A prohibition of polygamy
3. A prohibition of concubines
4. Pastors can only be married once
5. Pastors must be sexually faithful to their wife

Let's review each possibility in turn.

Pastors must be Married Men

It is unlikely that Paul meant pastors must be married. If Paul had meant to say a pastor must be married, he could have made this clear by using the word *gamos*. He did not.¹⁴⁷

Second, Paul himself was not married (1 Corinthians 7:8-9; 9:4-6). Are we to believe that Paul was excluding himself from ministry?¹⁴⁸

Third, if a pastor must be married, would this require that a pastor remarry immediately after the death of his wife if he wishes to continue in the pastorate?

Fourth, if we take "husband of one wife" to mean that pastors must be married, then do we also require pastors to have at least two children since he must keep his "children" (plural) submissive (1 Timothy 3:4-5; Titus 1:6)? Surely not. This reading leads to ridiculous conclusions, and thus cannot be the right reading of the text.

A Prohibition of Polygamy

Perhaps Paul was prohibiting polygamy – the practice of taking more than one wife (also known as polygyny).¹⁴⁹ This is also doubtful for a couple of reasons. First, polygamy was outlawed in the Roman Empire. Not many men, if any, would be married to multiple wives at the time. It would not make sense to include a qualification for an issue no one (or few) faced in that day.¹⁵⁰

Second, Paul uses the same Greek phrase elsewhere in the same letter, but with the nouns for husband and wife swapped. When speaking of the qualifications for a widow to be financially supported by the church, Paul said she must be the "wife of one husband" (1 Timothy 5:9). Since the phrases are grammatically equivalent, if "husband of one wife" refers to polygyny, then "wife of one husband" refers to polyandry (one woman married to multiple men). Such a practice never existed in Jewish or Roman culture, and thus Paul cannot be referring to polyandry with reference to the widow. It follows, then, that he is not referring to polygyny with reference to pastors either.

A Prohibition of Concubines

Could Paul have been referring to the practice of taking a concubine in addition to one's wife? Again, this is doubtful. First, since a concubine was not considered to be a genuine wife, Paul's command to have one wife would not rule out having a concubine.

¹⁴⁷Kostenberger, 240.

¹⁴⁸Luck.

¹⁴⁹Adams, 80-1.

¹⁵⁰Luck. Keener says polygamy was still legal in Palestine, but it was rarely practiced. Again, why prohibit something that is virtually unheard of?

Second, Roman law outlawed the practice, and it did not exist in Jewish culture by the time of the first century A.D. While some people still had concubines (particularly soldiers since they were not allowed to marry), it was infrequent enough not to warrant inclusion in a list of pastoral requirements.¹⁵¹

Pastors can only be Married Once

Perhaps Paul meant to teach that a pastor can only be married once in his lifetime. Anyone who has been married more than once would be disqualified from the pastorate. Once again, Paul's grammatically parallel statement in 1 Timothy 5:9 that widows must be the "wife of one husband" to receive church aid is instructive. There was a long Roman tradition of praising a woman who was only married to one man in her lifetime. It was called *univira*, and it appears in funerary inscriptions. A widower might praise his deceased wife for remaining faithful to him alone for the duration of her life. Or, it could be ascribed to a widow by her children after she died, praising her for remaining loyal to her deceased husband even after he died. Either way, the virtue was in having only been married once. Paul may have had this in mind when setting for the qualifications for supporting widows. Arguably, Paul reasoned that a woman who was married multiple times will have multiple families to draw financial support from. The church should only be burdened to support those widows who were only married once, and may not have the same financial resources as those women who married multiple times. If, with reference to widows, Paul was referring to the number of marriages she contracted, then we should understand Paul to be referring to the number of marriages a man has contracted when he says pastors can only be the "husband of one wife."

As persuasive as I find this reasoning to be, it does invite a number of questions. If Paul meant to exclude any man from the pastorate who has been married to more than one woman in his lifetime, he would exclude many men whose second marriages were entirely just. For example, it would exclude widowers who remarried after their wife died. It would exclude those who remarried after their first wife committed adultery. And what about those who had remarried before they became Christians? Would they also be prohibited from pastoring?

One could argue that the exception for death and adultery should be presumed exceptions to this principle, but this is not clear. Perhaps Paul is holding pastors to a higher standard (recall Paul's emphasis on the pastor being above reproach). While it is morally permissible for a widower or victim of adultery to remarry, doing so would exclude them from the pastorate. Bacchiocchi notes that *The Apostolic Canons* and *The Constitutions of the Holy Apostles* forbade widowed bishops from remarrying, so there is historical support for this. Nonetheless, if Paul were holding them to a higher standard, it would seem to treat remarriage after death or adultery as something morally dirty or less than ideal. That is not how Jesus and Paul portray such remarriages when they speak of them.

Pastors must be Sexually Faithful to Their Wives

The final interpretation understands "husband of one wife" to refer to sexual fidelity to one's spouse. It could be translated idiomatically as "a one-woman kind of man," meaning a faithful husband.¹⁵² As such,

¹⁵¹Keener, *...And Marries Another*, 89.

¹⁵²Kostenberger, 241.

Paul simply means to say that a pastor cannot be a man who is sexually unfaithful to his wife.¹⁵³ Such a requirement would be necessary given how widespread adultery was in that culture, how prone men are to this sin, and Paul's desire that a pastor be above reproach.

Whether this passage has any applicability to the question of remarriage depends on how you interpret "the husband of one wife." If it refers to sexual fidelity to your current spouse, then this passage does not speak to the morality or permissibility of remarriage. If, however, we should read 1 Timothy 3:2 and Titus 1:6 in light of 1 Timothy 5:9, and the latter is referring to the number of marriages one has contracted in their lifetime, then it excludes the possibility of remarriage – at least for pastors.

Summary

The OT does not explicitly allow for remarriage following divorce, but implicitly affirms the morality of remarriage by not condemning a woman's remarriage (Deuteronomy 24:1-4) and by only prohibiting priests from marrying a divorced woman (Ezekiel 44:22). In cases involving adultery, the innocent spouse was permitted to remarry because the adulterer would be stoned to death (Leviticus 20:10). Even after the Jews stopped practicing capital punishment for adultery, it was still understood that adultery justified both divorce and remarriage.

The NT teaching is more restrictive than the OT teaching because it represents God's original ideal for marriage (Matthew 19:3-9; Mark 10:2-9). Only widows are given explicit permission to remarry (Romans 7:3; 1 Corinthians 7:8-9, 39; 1 Timothy 5:14). Jesus forbade remarriage except in cases involving *porneia* (Matthew 5:32; 19:9; Mark 10:11-12; Luke 16:18). In such cases, the innocent spouse alone is free to remarry (Matthew 5:32; 19:9). Paul echoed Jesus' teaching, requiring Christians to remain single or to be reconciled following an unjust divorce (1 Corinthians 7:10-16).

¹⁵³It is for this reason that I am persuaded a pastor who commits adultery while serving as a pastor is forever disqualified from pastoring if his sin is exposed. While God will surely forgive him if he repents, Paul was concerned that a pastor be above reproach in the eyes of man. The pastor needs to be spiritually restored (Galatians 6:1), but such restoration does not include a return to the pastorate.

Practical Application

Now that we have established the Biblical teaching on divorce and remarriage, how should we apply that teaching to the varied and complicated situations facing us today? While some situations/questions are clearly and directly addressed by Scripture, many are not. For example, is the guilty party allowed to remarry if they repent of their sin? Is remarriage morally permissible if one's divorce occurred prior to their conversion? Is the innocent spouse who was victimized by an unjust divorce able to remarry after his/her former spouse forms a one-flesh union with someone else (via fornication or marriage)? Scripture does not address such questions directly, so we have to do our best to think through these questions in light of Biblical principles and apply them in wisdom. The questions we will consider are as follows:

1. Do divorced people have the option for remarriage?
2. Does remarriage following an invalid divorce result in perpetual adultery?
3. How should we respond to those who wrongly divorced and/or remarried?
4. How does repentance factor into the equation?
5. How does conversion factor into the equation?
6. Are there any justifications for divorce and remarriage in addition to *porneia*?

I will answer some of these questions in light of both the hyperbolic interpretation of adultery as well as the literal interpretation. I do this for three reasons. First, while I am persuaded that the hyperbolic interpretation is the best understanding of Jesus' teaching, I am still sympathetic to the literal interpretation and would like to explore the practical implications for both interpretations.

Second, I recognize that not everyone will be persuaded by the hyperbolic interpretation. I would like to help those who maintain a literal interpretation to think through some of the practical implications for their view as well.

Third, it has been my experience that most literalists abandon the literal interpretation when it comes to practical considerations. Therefore, I would like to present a more consistent application of the literal interpretation for them to consider.

Do divorced people have the option for remarriage?

There is only one person in one circumstance for whom Jesus explicitly permitted both divorce and remarriage: the person whose spouse commits *porneia* against them (Matthew 19:9). What about the spouse who committed *porneia*? S/he cannot remarry. What about those involved in an unjust divorce? Neither spouse can remarry, however, it is possible that it would be morally permissible for the innocent spouse to remarry once the guilty spouse has formed another one-flesh union via fornication or remarriage. Let me flesh this out a bit more, speaking to the innocent and guilty spouses separately.

The Innocent Spouse

The innocent spouse who is victimized by *porneia* is given moral permission to divorce and remarry, but the innocent spouse who is victimized by an unjust divorce is not (until the guilty spouse dies). Jesus was quite clear that the innocent spouse is guilty of adultery-lite if she remarries, as is the man who marries her (Matthew 5:32; Luke 16:18). Why is the innocent spouse victimized by *porneia* permitted to remarry

after divorce but the innocent victim of an unjust divorce is not? I would argue that it is because the former marriage was justly ended whereas the second marriage was not. God does not blame the innocent spouse for the unjust divorce, but he is not permitted to remarry for the simple reason that he still has a moral obligation to fulfill that marriage covenant since there were no moral grounds for terminating it. I understand that if it were up to the innocent spouse, he would reconcile the marriage and fulfill his obligations to that covenant. The problem is the guilty spouse. If she does not want to reconcile, then the hands of the innocent spouse are tied. That may not be fair, but the only way one could ever fulfill their moral obligation to the marriage following an unjust divorce is if reconciliation is possible, and reconciliation will not be possible once one of the spouses has remarried.

This raises an interesting question: Is the innocent spouse free to remarry after the guilty spouse has done so? Possibly so. There are at least two reasons to think the innocent spouse is morally free to remarry after his ex-wife remarries.

First, if Jesus forbade the innocent spouse from remarrying because both spouses continue to be morally obligated to their marriage covenant even after a legal (unjust) divorce, then the innocent spouse should be free to remarry once that moral obligation to the covenant ends. What could end that moral obligation? A violation of the covenant. One clear violation of the marriage covenant is sexual sin. Jesus gave victims of sexual sin moral permission to both divorce and remarry because sexual sin is a gross violation of the marriage covenant. If sexual sin can end one's moral obligation to their marriage covenant *prior* to a legal divorce, why wouldn't sexual sin end one's moral obligation to their marriage covenant *after* a legal divorce?¹⁵⁴ The only difference is when the sexual sin was committed, which seems morally trivial. If sexual sin ends one's obligation to their marriage covenant, then those who are victimized prior to a legal divorce and those who are victimized by sexual sin after a divorce should both be free to remarry. If this were not the case, it would lead to the counter-intuitive conclusion that a woman is better off if her husband cheats on her while they are still legally married. If he does the slightly more honorable thing by waiting to have sexual relations with his lover until after the divorce, then his wife will never be able to marry. Ironically, then, a woman should hope that her husband cheats on her before the divorce. It seems to me that the guilty spouse's post-divorce actions (*porneia*) are clear violations of that marriage covenant, giving the innocent spouse grounds for both divorce and remarriage. Since the divorce has already been effected legally, no further action needs to be taken on her part. She is free to remarry at will.

This conclusion is all the more clear for those who hold to the PSU view of marriage. On this view, the couple are still married in God's eyes. The divorce was a legal fiction. As such, the post-divorce *porneia* occurred while they are still married and Jesus' exception for *porneia* applies. The innocent spouse has moral grounds for ending the marital union and remarrying. Since a *legal* divorce has already transpired, however, the only change is in the court of heaven. God now recognizes the divorce as legitimate and the marriage as nullified, freeing the innocent spouse to remarry.

Some, following the lead of R. H. Charles, have appealed to Paul's statement in 1 Corinthians 6:16 that "he who is joined to a prostitute becomes one body with her" and "the two...become one flesh" in support of the idea that *porneia* breaks the one-flesh marital union, thereby effecting a *de facto* divorce

¹⁵⁴While sexual intercourse within the new marriage is morally permissible with respect to the new marriage covenant, that same sexual intercourse is a violation against the first marriage covenant which is still morally binding on the guilty spouse. As such, it is an act of treachery against the original covenant and gives the innocent spouses grounds for ending that covenant (divorce). Since a legal divorce has already been obtained, however, there is nothing more for the innocent ex-spouse to do. The marriage has ended. He is free to remarry.

even prior to any legal divorce. The idea here is that sex creates a new one-flesh union, thereby invalidating the previous one-flesh marital union. If the guilty spouse commits fornication or remarries after an unjust divorce, the first marriage is terminated and the innocent spouse is free to remarry.

I think this interpretation of Paul is problematic on at least two fronts. First, it assumes that only one one-flesh union can exist at any given time. When a new one-flesh relationship is formed, the prior is automatically terminated. This assumption cannot be justified from Scripture nor logic. Consider polygamy. While this may not have been part of God's marriage ideal, we would fully expect that a man had a one-flesh relationship with each of his wives – not concurrently, but simultaneously. He did not end his one-flesh relationship with wife #1 the moment he had sexual intercourse with wife #2. And when he has sexual intercourse with wife #1 again, his one-flesh union with wife #2 was not ended and a one-flesh union reformed with wife #1.

Or consider the adulterer. When a married man has sexual intercourse with his lover, does he cease to have a one-flesh relationship with his wife and cease to be married to her – completely unbeknownst to her? When he comes home and has sexual intercourse with his “former wife,” does he end the one-flesh union with his lover and re-establish a one-flesh union with his “former wife,” making her his wife once more? Completely unbeknownst to his wife, their marriage has been ended and reestablished countless times!

The second problem with appealing to 1 Corinthians 6:16 in support of this view is that it assumes sexual relations are sufficient to constitute a new marriage or terminate an existing marriage. I would argue that both assumptions are false.

Sex does not constitute a marriage. If sexual relations alone could constitute a marriage, then there could be no such sin as fornication. When an unmarried couple engaged in sexual relations for the first time, they would simply become married. Also, there is no reason to think Paul believed that the man who slept with a prostitute became married to her. While a one-flesh union is necessary to a marital union, it is not sufficient to constitute a marital union.

Extra-marital sex cannot end a marriage either. It provides moral justification for ending a marriage, but further action is required to end the marriage. That is why a cheating spouse who confesses his sin, and is forgiven by his wife, does not need to remarry her. They remained married all the while he was cheating. His one-flesh union with his lover was in addition to his one-flesh union with his wife. Paul's statement in 1 Corinthians 6:16, then, does not contribute anything meaningful to this debate.¹⁵⁵

A second reason for thinking the innocent spouse is free to remarry after the guilty spouse has done so is because reconciliation is no longer possible. Deuteronomy 24:4 teaches us that God considers it an abomination for a wife to remarry her first husband after the dissolution of her second marriage (by death or divorce).¹⁵⁶ Once the guilty spouse has remarried, then, reconciliation becomes impossible. If future reconciliation is impossible, what need is there for the innocent spouse to remain unmarried? He can never fulfill his moral obligation to his marriage covenant. It seems to me that the only reason for

¹⁵⁵Heth1 discusses this in *Divorce and Remarriage: Four Christian Views*, 98-101.

¹⁵⁶One might object that this teaching is found in the Mosaic Law, and the Mosaic Law no longer applies to the church. I agree that the Mosaic Covenant has been superseded by the New Covenant, and as such, we are bound to the terms of the New Covenant rather than the Mosaic Covenant. Generally speaking, I agree that we are only subject to the commands found in the New Covenant. However, what God considers abominable does not change. If He found it morally detestable for a couple to remarry after an intervening marriage back then, He still considers it morally detestable now.

forbidding the innocent spouse from remarrying after reconciliation is no longer possible is for punishment. But why should the innocent spouse be punished for what the guilty spouse did? The innocent spouse did nothing wrong. As such, there is no reason to punish him by prohibiting him from remarrying after reconciliation is impossible.

While I find these two reasons quite compelling for allowing the innocent spouse to remarry after the guilty spouse has done so, the logic of Jesus' teaching in Luke 16:18 gives me pause. Jesus said, "Everyone who divorces his wife and marries another commits adultery, and he who marries a woman divorced from her husband commits adultery." Jesus addressed the remarriage of both spouses, and charged both spouses with adultery.¹⁵⁷ Jesus did not say the first spouse to remarry commits adultery, and then the second is free to remarry without sin. Jesus does not even raise the issue of who remarries first, presumably because that was not relevant to the moral equation. Whenever a wrongly divorced person remarries, it is adultery-lite because both spouses have a moral obligation to fulfill their marriage covenant. From God's perspective they should still be married to each other, so if either remarries, they sin. If the husband fails to fulfill his moral obligation by marrying another woman, that is his sin. Likewise, if the woman fails to fulfill her moral obligation by marrying another man, that is her sin. Given Jesus' logic, the remarriage of one spouse following the divorce does nothing to free up the other spouse to remarry. If the innocent spouse remarries after the guilty spouse does so, the innocent spouse would be just as guilty of adultery-lite as the guilty spouse.

Which line of reasoning is the right one? On the one hand, it does not make any sense for Jesus to penalize the innocent spouse by demanding that they stay single even after their hard-hearted ex-spouse has remarried and reconciliation is no longer possible. This was particularly true of women in Jesus' day whose financial security depended on being married. It is hard to imagine that Jesus would consign these women to a life of struggle and poverty when the divorce was no fault of their own. If sexual sin is sufficient to end a marriage prior to a legal divorce, surely it is sufficient to end our moral obligation to that marriage after a legal divorce. On the other hand, Luke 16:18 seems to clearly charge both parties with adultery-lite if both remarry following an unjust divorce. What to do, then?

If the moral logic I have outlined is both sound and consonant with the principle of Jesus' teaching, perhaps the problem is with my understanding of Luke 16:18. Perhaps I am pressing this verse beyond its intended limits. Perhaps Jesus was not saying both spouses are guilty of adultery-lite if both remarry following an unjust divorce, but that either spouse could be guilty of adultery following an unjust divorce – not just the husband, and not just the wife. If the husband remarries first, he would be the one guilty of adultery-lite. If the wife remarries first, she (and her new husband) would be the one guilty of adultery-lite.

I think we should also consider the brevity and incompleteness of Jesus' teaching as represented in Luke's account. For example, there is no mention of the exception for *porneia*. In the same way Luke 16:18 should not be read to exclude exceptions for *porneia*, perhaps it should not be read to exclude exceptions for post-divorce *porneia* either. Also, Jesus never addresses the status of the woman who marries the divorced man. If the man who marries the divorced woman is charged with adultery-lite, surely the woman who marries the divorced man is also guilty of adultery-lite, and yet Jesus does not address her status.

¹⁵⁷Jesus does not explicitly charge the ex-wife with adultery for having remarried, but this is presumed. If her new husband is guilty of adultery for having married her, she would be guilty of adultery as well. It seems inconceivable that one party in a sexual relationship could be guilty of adultery while the other is not.

There are other truths missing from Luke's account as well. Jesus does not address the situation in which a woman divorces her husband like we find in Mark 10:12, nor does Jesus explicitly charge the ex-wife with adultery as we find in Matthew 5:31-32 (it is only implied). Each account of Jesus' teaching presents a slightly different version, addressing different parties. Each account is incomplete. Given the brevity of Luke's account coupled with the incomplete nature of each account, perhaps it is premature to confidently conclude that Jesus was charging both spouses with adultery-lite for remarrying after an unjust divorce.

I remain open to both possibilities until this matter can be resolved through further research, but I understand that life cannot wait for a definitive answer. Given the uncertainty, how should we advise a person in this situation? We can either err on the side of caution or on the side of grace. There is much to commend the cautious approach. It is difficult to fault the person who is willing to deny themselves the happiness of remarriage to ensure their obedience to God. On the other hand, there is something to be said for siding with grace. The single life can be very difficult for people – especially for those who have previously experienced the joys of marriage. It would be tragic to deny someone the ability to remarry if it is morally acceptable to do so. Given the gravity of the circumstance, the soundness of the moral logic, and the uncertainty regarding the proper interpretation of Luke 16:18, I would personally err on the side of grace and permit the innocent spouse to remarry once the guilty spouse has done so.

The Guilty Spouse

The spouse who is guilty of *porneia* is not free to divorce his spouse, but can be divorced by his spouse. Once divorced, he has no moral right to remarry until after his ex-spouse dies. If he remarries prior to her death, he is guilty on two counts: the first for his *porneia*, and the second for his remarriage (Matthew 5:32; 19:9). This seems right. If the guilty party was allowed to remarry, it would be a reward for both his sexual sin and for the ensuing divorce.¹⁵⁸ Why should he be rewarded for his unfaithfulness to his marriage covenant by being allowed to contract a new marriage covenant with someone else?

If the guilty party is prohibited from remarrying when *porneia* is involved, how much more when it is not? To divorce one's spouse without justification is treachery, and thus the divorce is not recognized by God. That is why Jesus said the man who unjustly divorces his wife commits adultery-lite when he remarries (Matthew 19:9; Mark 10:11; Luke 16:18). If he wants to do God's will, he must remain single or, presumably, reconcile with his wife before she remarries. This is in stark contrast to the teaching of many Protestants who would say that such a man can remarry once his ex-wife remarries. Not only did Jesus call both remarriages "adultery" in Luke 16:18, but it would be a moral mockery to say the innocent spouse is guilty of adultery when she remarries, but the guilty spouse is not so long as he waits to remarry until after his ex-wife has done so. How could the spouse who ruined his first marriage be considered guiltless in contracting a new marriage while his innocent ex-wife is considered an adulterer for doing the same? The timing of one's remarriage seems morally trivial.

¹⁵⁸Adams argues that the innocent spouse is only guilty of adultery if his first wife divorced him without justification. If, however, she divorced him for committing *porneia*, he is free to remarry (p. 53). This makes no sense. It would mean that a husband wrongly divorced by his wife cannot remarry but a husband rightly divorced by his wife can. If a man's first marriage ended because his spouse wanted a wealthier man, he can't remarry without committing sin. But if his first marriage ended because he was cheating on his wife, he can remarry and it's holy? This is completely counter-intuitive, and dare I say immoral and unjust.

What if there is no innocent spouse in the marriage? What if both spouses are guilty of *porneia*? Perhaps both spouses cheated on each other behind the other's back. Perhaps the husband cheated, and when it became known to his wife she engaged in "revenge cheating" rather than filing for divorce. Is either justified in divorcing the other?

It could be argued either way. On the one hand, if a spouse who is guilty of *porneia* has no moral grounds on which to initiate a divorce, and both spouses are guilty of *porneia*, it follows that neither spouse has moral grounds for initiating divorce. On the other hand, it could be argued that both spouses have moral grounds for divorce since each has been the victim of *porneia*. While some may consider it hypocritical to divorce your spouse for doing to you what you did to them, if divorce is justified when a spouse commits *porneia*, and your spouse committed *porneia*, then perhaps each spouse has moral grounds on which to divorce the other and it does not matter who initiates the divorce.¹⁵⁹ I tend to find the latter view more persuasive. If Jesus permitted divorce on the grounds of *porneia*, and *porneia* is present, then divorce is justified for either spouse.

While both may be justified in divorcing the other, are either justified in remarriage? Normally, a justified divorce justifies remarriage. In this case, however, I don't think a remarriage is justified because there is no innocent spouse. Both are guilty of *porneia*. If, in situations where only one spouse commits *porneia*, the guilty spouse is not free to remarry, why think the guilty spouse is free to remarry in situations where both spouses commit *porneia*? If Jesus did not permit the innocent victim of an unjust divorce to remarry, why think He would permit the person guilty of *porneia* to remarry simply because their spouse was also guilty of *porneia*? If both parties commit adultery, neither is permitted to remarry.

Perpetual adultery?

Everyone agrees that Jesus charged those who remarry following an unjust divorce with adultery. There is debate, however, over the following questions: (1) Was Jesus speaking literally or hyperbolically?; (2) If Jesus was speaking literally, is the adultery a singular event or perpetual?; (3) If it is perpetual, what does repentance call for? Let's address each, in turn.

Was Jesus Speaking Literally or Hyperbolically?

We examined this question previously and determined that Jesus ought to be interpreted hyperbolically. While Jesus clearly charged those who remarry following an unjust divorce with sin, He was not saying they were guilty of adultery proper. Rather, they were guilty of a lesser sin that is in the same spirit as the sin of adultery (what I have termed "adultery-lite"). As such, Jesus was not denying that the second marriage was a real marriage, but rather affirming that the divorce itself was immoral and a second marriage should have never been contracted. The original spouses ought to be with each other. The fact that they are married to other people shows that they are unrighteous – not for breaking the law as written, but for violating the spirit of the law. As Jay Adams writes:

[W]hile [the marriage contract] is truly broken..., nevertheless the divorced parties *have no right in God's eyes to be in a divorced state*. They are obligated to be reconciled in remarriage so that they can renew the contract and continue to pursue their vows. ... [A]nyone who marries either of the sinfully divorced persons (who are under divine obligation to remarry one another) commits adultery as well as the

¹⁵⁹We could also envision a situation in which both spouses forgave one another for their past *porneia* and vowed to remain faithful going forward – a good faith "reset" of the marriage if you will. If one spouse fails to remain faithful after having made this vow, arguably the spouse who kept the vow would have the moral authority to initiate a divorce.

divorced person he/she marries, not because he/she is still married but because he/she is obligated before God to be married. He/she has no right before God to be in an unmarried state of divorce....¹⁶⁰

Is the Adultery a Singular or Perpetual Event?

The logic of Jesus' teaching on divorce and remarriage strongly suggests that those who remarry after an invalid divorce are committing perpetual adultery (on the literal interpretation) or adultery-lite (on the hyperbolic interpretation). All that necessarily separates those who interpret Jesus literally from those who do not is their judgment regarding the severity of the sin involved and the proper form of repentance. Both, however, ought to agree that the sin in view is perpetual.

Let's start with the literal interpretation. If we follow the logic of Jesus' argument, and if we consider what constitutes the sin of adultery, it seems rather obvious that the adultery is perpetual. Consider Jesus' logic. Why does He deem the man who remarries following an invalid divorce to be guilty of adultery? One can only commit adultery *against* one's spouse, not *with* one's spouse. It follows, then, that Jesus considered the man to be married to his first wife rather than to his new lover.

Second, consider what causes adultery. Adultery is caused by having sexual relations with someone who is not your spouse. If sexual activity causes the sin of adultery, then an act of adultery is committed each time a person has sexual intercourse with someone other than their spouse. If each act of intercourse is an act of adultery and the intercourse is perpetual, then so is the adultery.

If Jesus had said "whoever divorces his wife...and marries another woman commits *sin*," then it would make sense to think of the sin as a singular event because the act of marriage is a singular event. However, Jesus did not call it the "sin of remarriage." He called it the sin of adultery. That sin is committed by sexual intercourse, and sexual intercourse is normally ongoing, and thus the sin of adultery is perpetual.

If you are not yet convinced that the adultery would be perpetual, imagine for a moment that the husband was engaged in an adulterous relationship with his coworker prior to the divorce. If he had sexual intercourse with this woman 20 times, how many times did he commit adultery? Most would say he committed adultery 20 times. Now, let's change the scenario a bit. The same man meets the same woman at work, but because he does not want to commit adultery, he divorces his wife prior to pursuing her any further. They wait until after marriage to engage in sexual activity. Within the first few weeks of marriage, they have sexual intercourse 20 times. In this revised scenario, did the man commit adultery? According to Jesus, yes, he did. How many times did he commit adultery? Many would be wont to say only once, but what has changed between the two scenarios such that the man was guilty of 20 separate acts of adultery under scenario #1 but only one act of adultery under scenario #2? The only difference is when the man engaged in the 20 acts of sexual intercourse. In scenario #1, he did so prior to divorcing his wife whereas in scenario #2 he did so after remarriage. Perhaps one assumes that scenario #2 is different because the sexual activity is taking place within the confines of a marriage. But remember, on a literal view of adultery Jesus does not consider the second marriage to be a real marriage at all. If they were truly married, then not even one act of their sexual intercourse could be considered adulterous. The only reason their sexual intercourse is considered an act of adultery is because they are not married to each other, but to someone else. And if they are married to someone else, then each act of sexual intercourse is an act of adultery.

¹⁶⁰Adams, 67-8.

Oddly enough, most theologians deny that the adultery (or adultery-lite) is perpetual. This is particularly odd for those who endorse a literal interpretation of Jesus' teaching that remarriage is adultery. While they affirm that God only recognizes the first marriage and not the second, they are unwilling to follow Jesus' logic to its natural conclusion. They claim that the adultery of the second union is a single act of adultery that can be repented of, and once repented of, the second union becomes morally acceptable in the eyes of God. For example, Laney notes that the present tense of *moichao* could be interpreted to mean the adultery is ongoing or that it is just "one punctiliar action at the time of the remarriage." Given the ambiguity, the matter must be decided on the basis of other Scriptures. He asks:

Should sexual intercourse between married partners cease? Not according to Paul (1 Cor 7:5). Should marriage end in divorce? Not according to Jesus (Mk 10:9; Mt 19:6). It may be that confessing the sin, but continuing the marriage is the *least* culpable course of action for the divorced and remarried Christian. ... What grace means is that a divorced and remarried couple need not break up. Although entering their marriage wrongfully, they should remain in that marital state in which they find themselves (see 1 Cor 7:17-24).¹⁶¹

While I agree with Laney that genuinely married people should continue having sex and should not divorce, on his own view, the second union is not a genuine marriage. If God considers the second union to be an example of adultery rather than a genuine marriage, why think God suddenly recognizes the divorce as valid and the remarriage as a genuine marriage once the adulterous couple repents, or once they engage in sexual intercourse a second time? How can repentance or an additional act of sexual intercourse by this adulterous couple suddenly legitimize the new "marriage" (we will explore the role of forgiveness in the next section)? Laney abandons the logic of his own view in order to avoid the conclusion that the second marriage entails perpetual adultery because he thinks such a view would require the couple to divorce or cease having sexual relations.

Heth1 agrees with Laney, writing, "Based on grammatical possibilities, the prohibition of Deuteronomy 24:1-4, Paul's statement in 1 Corinthians 7:5 and Jesus' prohibition of divorce, we should lean in the direction of viewing the action as singular at the time of remarriage."¹⁶² And again, Heth1 and Wenham write, "We believe that you should see that your present marriage is now God's will for you. You should seek to be the best husband or wife you can be, rendering to each other your full marital duty. If you come to the realization that Jesus calls remarriage after divorce the sin of adultery, then call sin 'sin' rather than seek to justify what you have done."¹⁶³

Again, these authors abandon the logic of their own position. The only way to avoid the conclusion that the adultery is perpetual is to legitimize the second union as a genuine marriage, despite the fact that they believe that Jesus taught the only legitimate marriage was the first marriage. They declare as moral what Jesus declared to be sin. What Jesus affirmed to be in opposition to God's will they affirm to be "God's will for you." How can something that is sinful be God's will? How can they say the second marriage is now God's will, while at the same time encouraging people to repent for the sin of remarriage? This is moral doublespeak and an outright denial of Jesus' assessment of the remarriage.

On their view, Jesus charged those in the second union with adultery because they are not married to each other, but to someone else. The only way the second union could be considered holy is if the first

¹⁶¹Laney, 39-40.

¹⁶²Heth1, *Divorce and Remarriage: Four Christian Views*, 59.

¹⁶³Heth1 and Wenham, 200.

marriage is dissolved, but nothing can dissolve that marriage other than death on the PSU view. There is nothing Jesus said, and nothing in the logic of Jesus' teaching that would lead one to believe the first marriage ends when those in the second union repent of their sin or repeatedly engage in acts of intercourse.

Edgar also argues against the notion of perpetual adultery, assigning the guilt of adultery to the first act of sexual intercourse alone. He writes:

Jesus is clear about the ideal, and he is clear about the sin. Yet in no place does God prescribe separation for those who have remarried. Even when a second marriage does involve adultery, we must conclude that the adultery relates not the marriage as a whole but only to the act by which the second marriage was initiated. The physical consummation of the new union may technically and in reality be an adulterous act. In such a case it must be acknowledged as sin and dealt with as sin. It must be brought to the Lord in confession, with the expectation that the Lord will keep his promise and forgive. But at the same time, the second union *is* initiated. A new and valid marriage relationship has been established. And within that relationship sexual relations once again take on the holy and undefiled character of any valid marriage."¹⁶⁴

If the second union is considered adultery because God considers at least one of the partners to still be married to someone else, then how could the second union ever be considered a marriage? How could it ever be considered anything other than perpetual adultery? If the second union is considered adultery on day one because at least one of the partners is still married to someone else, then on what logical or principled basis should we think the second union is considered a genuine and holy marriage on day two? What changed from day one to day two? If God considers the second union to be adultery because the first marriage is binding until death, there is no reason to think God changes His mind simply because the couple decides to persist in their sin rather than ending the second union.

How might we answer the questions of perpetual adultery on the hyperbolic interpretation of adultery? On this interpretation, Jesus does recognize the second marriage as a real marriage, but nevertheless charges the couple with adultery-lite because there was no moral basis for ending the first marriage to contract a second. The guilty husband is still morally obligated to his first wife. As such, sexual activity with a second woman is adulterous. Since that sexual activity is perpetual, so is the sin. The couple is perpetually guilty of adultery-lite. The man who lusts is guilty of adultery-lite each time he lusts. In the same way, the remarried couple is guilty of adultery-lite each time they engage in sexual activity.

What Does Repentance Call For?

If those who remarried without moral justification are guilty of perpetual adultery, what can they do to repent of their sin?

How Should We Respond to Those Who Wrongly Divorced and/or Remarried?

If remarriage following an invalid divorce means one is living in perpetual adultery-lite (or adultery proper on the literal view), what is the proper form of repentance? There are at least four levels of repentance one might require:

¹⁶⁴Edgar, 236.

1. Acknowledgement that one's divorce and remarriage was sinful, and confession of their sin to God
2. The above, plus abstaining from all sexual relations
3. The above, plus a legal divorce
4. The above, plus a reconciliation to one's first spouse

Repentance Level #1 – Confession

Virtually everyone agrees that level #1 repentance is required. Even those who do not see the adultery as perpetual still agree that the remarriage was sinful and that sin needs to be confessed to God.

On the hyperbolic view, the woman sinned by unjustly divorcing her husband and sinned again by contracting another marriage; nevertheless, the second marriage is a bona-fide marriage. She should not have remarried, but she did. Now that a new marriage has been contracted, it would only further compound her sin by engaging in yet another divorce. If it would be morally wrong to end the second marriage, then the only form of repentance left is confession of one's sin to God.

Those who think remarriage does not entail perpetual adultery and those who interpret Jesus hyperbolically (such as myself) are likely to find level #1 repentance sufficient. Those who interpret Jesus literally and see the adultery as perpetual are likely to require one of the other three options as well.

Repentance Level #2 – Cessation of Sexual Relations

While most of those in the hyperbolic camp would not require the cessation of sexual relations for true repentance, it is not ruled out in principle. The hyperbolicist could argue that while Jesus considered the second marriage to be a bona fide marriage, nevertheless, He still considered the sexual intercourse that takes place within that marriage to be sinful (not adultery proper, but in the same spirit as adultery). If the sexual intercourse is sinful and perpetual, then true repentance requires the cessation of all sexual activity in the marriage. I do not know any hyperbolicist who endorses such a view, however. Most would argue that if God considers the second union to be a legitimate marriage, then sexual intercourse within that marriage must be morally permissible since the marriage bed is undefiled (Hebrews 13:4). Indeed, spouses have a moral obligation to provide for one another sexually (1 Corinthians 7:1-5), so it is not only morally permissible for the couple to engage in sexual relations, but morally obligatory. It would be a contradiction to affirm the legitimacy of the marriage while denying the possibility of sexual activity within that marriage.

I agree with this line of reasoning. Jesus' purpose in affirming that remarriage following an unjust divorce is adultery-lite was to encourage people to remain faithful to their spouses, not to institute new legislation for punishing those who have not followed God's ideal for marriage. As Instone-Brewer noted, "[J]ust as someone who hates his brother is not to be prosecuted for murder, so one who has married is not to be accused in court of committing adultery."¹⁶⁵ Likewise, in the same way Jesus was not suggesting the lustful man be prosecuted for adultery, He was not suggesting that the remarried be prosecuted for adultery. It is worth quoting Edgar again to reinforce this point:

Remember that in Matthew 5 Christ's teaching on divorce immediately follows after his teaching on murder and adultery, and it follows the pattern they establish. In this pattern Christ states a law which deals with an *action*, then moves beyond behavior to deal with *motive*. In the case of murder, Jesus

¹⁶⁵Instone-Brewer, 183.

condemns the anger which motivates it. In the case of adultery, Jesus condemns the lust from which it springs. While the law can deal with acts of sin, no legislation can address a person's hidden motives and desires. In teaching this, Jesus was not calling for new laws that would impose the penalty for murder on a person who shouted out angrily at a brother. Christ was not suggesting a law that would impose the penalty for adultery on a person whose eyes lit up with lust at the sight of a beautiful woman. Jesus' teaching was obviously not a call for new social legislation. It was a demand that each listener face that he or she had violated the spirit of the Law, if not the letter of the Law! If the true implications of Mosaic Law are rightly understood, then no one can claim to be righteous. Who would be so foolish as to call for laws that apply the penalty for murder to anger or the penalty for adultery to lust? Neither is Christ attempting to impose a new law against divorce and remarriage. It would be inconsistent at best to contend such when the two parallel teachings do no such thing!¹⁶⁶

If Jesus was not calling for a new law to deal with those who wrongly remarry, then it would be wrong-headed to treat those who remarry as actual adulterers and penalize them accordingly. We should encourage those who have wrongly divorced to reconcile with their spouse and charge them not to remarry. We should inform those who have wrongly remarried that they have sinned by doing so, and encourage them to confess their sin to both God and their original spouse. It will do no good at that point, however, to demand that they cease sexual relations, get a divorce, or reconcile to their first spouse.

While the hyperbolic interpretation does not require the cessation of sexual relations, a literal interpretation does. If Jesus considers the second union to be an adulterous affair rather than a genuine marriage, then at the very least genuine repentance would require the cessation of all sexual activity within that relationship. True repentance calls for change, not just contrition and confession. Repentance means we change our mind about the sin. We move away from the sin and toward righteousness. One cannot change their mind about their adultery if they continue to engage in adulterous activity. Nobody would suggest that the lustful man can continue in his lust so long as he acknowledges his wrongdoing to God. Nobody would suggest that fornicators can continue to engage in sexual relations so long as they confess their sin to God. Repentance from lust requires that one stop lusting and repentance from fornication requires that one stop fornicating, so why think adulterers can continue to engage in sexual relations so long as they confess their sin to God?¹⁶⁷ True repentance would require the remarried to cease all sexual relations with one another.

One could counter that Paul warned against foregoing sexual relations in a marriage (1 Corinthians 7:1-5), but this only applies to married people. If Jesus does not recognize the second union as a real marriage, then Paul's teaching does not apply to them. Instead, they are subject to the command not to commit adultery.

Repentance Level #3 – Divorce

Does true repentance require the remarried to obtain a legal divorce? On the hyperbolic interpretation, the answer is a clear no. Their marriage may have been immorally contracted, but it was contracted nonetheless and it would be an additional sin to end that marriage in divorce.

¹⁶⁶Edgar, 235.

¹⁶⁷Indeed, Jesus considered the issue so important that He warned the lustful person that they were in danger of hell for it, and said they should do whatever is necessary to stop (gouge out your right eye or cut off your right hand). See Matthew 5:29-30.

In contrast, it would make sense on the literal interpretation to require the couple to end their relationship, both legally and practically. Requiring a legal divorce merely calls on the couple to take the necessary actions to match the legal/practical reality with spiritual reality. It is asking the adulterous couple to stop pretending that they are husband and wife when, in fact, they are not. When a man has an adulterous affair while married, everyone recognizes that true repentance requires the man to do more than just cease sexual relations with his lover. He must completely sever his relationship with the woman. If, in God's eyes, the man is still married to his first wife and not to the second, the man's second "wife" is no different than a mistress. True repentance would require that he completely sever his relationship with the woman.

There is good Biblical precedent for requiring people to end immoral marriages. As discussed previously, Ezra commanded that those who had wrongly married foreign women to divorce those women and send away any children produced by those immoral unions (Ezra 10:2-12). John the Baptist told Herod he was morally obliged to divorce his wife because the marriage was immoral (Matthew 14:3-4; see Leviticus 20:21). There was even a precedent for this in Jesus' day. As noted earlier, it was Jewish practice in the time of Jesus to require the spouses in a second marriage to divorce if one's first divorce was determined to be invalid. There was, then, a social context in which requiring divorce for an adulterous remarriage would be expected.

Despite the Biblical precedent for demanding divorce for immoral marriages, there is nothing in the NT regarding the proper form of repentance for immoral remarriages. Neither Jesus nor Paul ever commanded those who wrongly remarried to legally divorce their new "spouse" or even to cease sexual relations with them for that matter. If this sin called for such punishments, the NT's silence is deafening. It is also shocking since large numbers of people in the early church would have been impacted. While we cannot know how many marriages ended in divorce in the first century A.D., given the prevalence of "any matter" divorce in Judaism and "no fault" divorce in the Greco-Roman world, it is likely that divorce was just as common then as it is today.¹⁶⁸ How, then, could Jesus and Paul fail to address this? Paul wrote an entire chapter on marriage, divorce, and remarriage, providing instructions regarding relatively uncommon situations at times. Why, then, would he not provide instructions regarding the common situation of immoral remarriages? While Jesus considered such relationships to be adulterous, He did not prescribe any particular punishment for those in such relationships, and He gave no command for the original couple to reconcile. Can we require something of people that Jesus did not?

We do not need to rely entirely on negative evidence, however. Paul's teaching regarding Christians who divorce Christian spouses is also instructive (1 Corinthians 7:10-11). Here was a situation in which believers had clearly disobeyed Jesus' command not to divorce, and yet Paul did not demand church discipline to force them to reconcile. He gave them the option to remain single. This is rather astonishing. They still have a moral obligation to their marriage and that obligation can't be fulfilled if they are living separate, single lives, and yet Paul allowed them to do so. Essentially, he let the immoral divorce stand. On a practical level, he allowed the Christians to wrongly divorce without forcing them to repent by reconciling. If Paul would not command believers who had wrongly divorced to reconcile, why

¹⁶⁸Instone-Brewer points to some anecdotal evidence that we have from the ancient Greco-Roman world to support this conclusion. "A funeral inscription from the late first century B.C.E. says 'Uncommon are marriages which last so long, brought to an end by death, not broker apart by divorce; for it was our happy lot that it should be prolonged to the 41st year without estrangement'" (G. H. R. Horsley, ed., *New Documents Illustrating Early Christianity*, vol. 3 [North Ryde: The Ancient History Documentary Research Centre, Macquarie University, 1983], 33-36). Also, in a famous comment, Seneca complains that there are women who do not number the years by consuls but by husbands – they divorce to marry and they marry to divorce (*De beneficiis* 3.16.2)." See Instone-Brewer, 191.

think he would command believers who had wrongly divorced and wrongly remarried to divorce their illegitimate spouse and reconcile with their former spouse? If Paul did not exercise church discipline for Christians who had disobeyed Jesus' teaching on divorce, why think we have the obligation to "force" Christians who wrongly remarry to divorce or cease sexual relations?

At the end of the day, I do not think a literal interpretation necessarily requires divorce, although it would seem to be an appropriate response for the repentant if they so choose. While there is Biblical precedent for encouraging divorce as part of one's repentance, there are also Biblical precedent for allowing the marriage to stand.

Repentance Level #4 – Reconciliation

On behalf of #4, probably the most I could say is that for those who consider #3 to be an appropriate form of repentance, #4 is surely their ideal. However, it may be a lot more idealistic than realistic. It would require convincing both of the original spouses to divorce their current spouses and return to the original marriage. The chances of all those stars aligning are not very high. That's not to say it makes #4 inappropriate, however. I would simply point to Paul's example once again. If he did not force divorced Christians to reconcile, on what authority can we do so?

How does repentance factor into the equation?

Forgiveness stands at the center of the Christian faith. What role, then, does repentance and forgiveness play when it comes to divorce and remarriage? Are those who are prohibited from remarriage due to an unjust divorce permitted to do so if they repent? Does the morally illegitimate second marriage become morally legitimate if both parties repent for their adultery-lite? Theologians such as Adams¹⁶⁹, Keener¹⁷⁰, Richards¹⁷¹, and Instone-Brewer¹⁷² think so. They argue that if a woman divorced her husband without justification but has not remarried, she needs to acknowledge her sin to God and attempt to reconcile

¹⁶⁹Adams not only thinks that repentance allows the guilty party to remarry, but in cases involving *porneia*, he thinks the innocent spouse is required to forgive the guilty spouse if s/he repents for his/her sin (56-7). If that repentance comes before the innocent spouse files for divorce, then the innocent spouse loses his/her grounds for divorce. They must remain in the marriage. They cannot divorce, and cannot get remarried. Presumably, if the repentance came after the divorce but before either party remarried, then the couple would be required to reconcile by getting remarried to each other.

This is an interesting argument. Jesus did say we are required to forgive someone who asks for forgiveness (Matthew 6:14; 18:21-35; Luke 17:3-4), but this does not necessarily mean that there are no consequences for our sins. While the innocent spouse should seek to reconcile the marriage rather than seek divorce, the guilty spouse's repentance does not necessarily take away the innocent spouse's right to divorce and remarry. That is the consequence of committing *porneia*. While the innocent spouse can forgive the guilty spouse for what they did, they can still proceed with a divorce if they cannot or do not wish to remain in the marriage. If the innocent spouse chooses to both forgive the guilty spouse and remain in the marriage, I think they do lose their grounds to divorce in the future. One cannot forgive their spouse and commit to remaining in the marriage, but five years later, when the marriage gets difficult, decide to divorce the guilty spouse citing the *porneia* from five years earlier.

¹⁷⁰Keener, *Remarriage After Divorce In Today's Church: 3 Views*, 117-8.

¹⁷¹Carl J. Laney, *Divorce and Remarriage: Four Christian Views*, H. Wayne House, ed. (Downers Grove, IL: InterVarsity Press, 1990), 211-2, 243. Richards argues that the guilty party can remarry since the divorce truly ended the marriage (p. 243). If there is no longer a marriage, then both are free to form new ones. It is inconsistent to think that the innocent spouse is no longer married and thus free to marry someone else, but see the guilty spouse as still married and unable to remarry. I think Richards misunderstands the argument, however. The guilty spouse is not forbidden from remarriage because he is seen as still married to his first spouse. He is forbidden from remarriage as a punishment for his sin in violating the marriage covenant.

¹⁷²Instone-Brewer, 287.

with her husband. If those attempts are unsuccessful or impossible (because he refuses or has remarried), she is free to remarry.¹⁷³

There are at least three problems with this line of reasoning: (1) It wrongly assumes that forgiveness can nullify the marriage; (2) It wrongly assumes that forgiveness erases all consequences for sin; (3) It effectively nullifies Jesus' teaching.

Wrongly Assumes that Forgiveness Nullifies the Marriage

Jesus made it abundantly clear that God does not recognize unjust divorces. While humans may consider such marriages to have ended, God does not. Because there was no breach of covenant, there was no basis for ending the covenant, and thus the two are still morally obligated to that covenant. Why think divine forgiveness will erase this moral obligation? Why think God's forgiveness for our unjust act will simultaneously end our obligation to the marriage covenant? The covenant still stands even if God forgives someone for failing to keep it. The divorce remains just as groundless prior to repentance as it does after repentance, and the marriage remains just as binding after repentance as it does prior to repentance. Genuine repentance for the unjust divorce requires more than contrition and confession. It requires reconciliation. Rather than freeing one up to marry someone else, true repentance obligates one to reconcile with the spouse they unjustly divorced. What if that innocent spouse is unwilling to reconcile or if reconciliation is no longer possible because the innocent spouse has remarried? That brings me to the second problem.

Even on the hyperbolic interpretation of Jesus' teaching, the two have a moral obligation to be together. Repentance does not nullify that obligation and free them up to remarry. True repentance requires them to fulfill their marital obligation by reconciling with each other. It is a slightly different matter, however, if at least one person has already remarried. In such cases, they have already contracted a new marriage. While they still have a moral obligation to be with their first spouse, their circumstance makes it impossible to fulfill that obligation. As such, they can only repent in part by confessing their sin.

Let me add one more point regarding forgiveness. If the act of repentance permits remarriage for those who would otherwise be prohibited from remarrying, then what about the innocent woman involved in an unjust divorce? Jesus taught that she is guilty of adultery if she remarries (Matthew 5:32). If it is true that repentance gives one moral permission for what would otherwise be morally impermissible, what can she repent of? She did not do anything wrong. She is the innocent victim of an unjust divorce. Since she has no sin, there is nothing she can repent of. As such, she will never be allowed to marry. How could this be? How could those guilty of *porneia* and those guilty of an unjust divorce be permitted to remarry after repentance, but the innocent victim of an unjust divorce cannot? If your moral reasoning results in the unrighteous being rewarded while the righteous get punished, something is wrong with your moral reasoning.

Wrongly Assumes that Forgiveness Erases All Consequences for Sin

While God may absolve a person of their moral guilt when they repent, that does not mean there are no enduring consequences for their sinful behavior. David was forgiven for his murder and adultery, but the child produced by his adulterous affair still died. Similarly, while God will forgive a person for acting

¹⁷³Adams, 95.

treacherously against his/her spouse, there are still consequences for the sin, namely the inability to remarry.

This seems to be the point of Jesus' eunuch saying. After Jesus' set forth his teaching on divorce, Jesus' disciples concluded that it is better to forego marriage altogether: "If such is the case of a man with his wife, it is better not to marry." Jesus replied, "Not everyone can receive this saying, but only those to whom it is given."¹² For there are eunuchs who have been so from birth, and there are eunuchs who have been made eunuchs by men, and there are eunuchs who have made themselves eunuchs for the sake of the kingdom of heaven. Let the one who is able to receive this receive it" (Matthew 19:11-12). While most have interpreted Jesus' response as affirming the single life, I find it more likely that He was affirming the need to remain single following an unjust divorce.

The proper interpretation largely hinges on the referent of "this saying." Which saying did Jesus have in mind: His own teaching in verse nine, or His disciples' response in verse eleven? There are three reasons to think He was referring to His teaching.

First, Jesus spoke about "receiving" this word/saying. The use of this word is more apropos to a teaching than an expressed opinion. It doesn't even make sense to speak of "receiving" the disciples' expression of shock.

Second, the Greek phrase translated "this saying/word" refers to Jesus' teaching in Matthew 7:24,26; 19:1; 26:1; Luke 4:36; 9:26,28,44; John 6:60; 7:36,40; 10:19; and 19:13. The gospels rarely use the phrase with reference to the words of someone other than Jesus (Matthew 28:15; Luke 7:17; 24:17).

Third, Matthew records a conversation in Matthew 19:16-30 (immediately after the pericope in question) that is very similar in form to the divorce pericope in Matthew 19:1-12. Both involve Jesus dialoguing with an unbeliever (unbeliever asks question, Jesus answers, unbeliever responds, Jesus provides teaching), and both involve a follow-up dialogue between Jesus and His disciples (disciples express shock at Jesus' teaching, Jesus provides additional teaching).

*And behold, a man came up to him, saying, "Teacher, what good deed must I do to have eternal life?"¹⁷ And he said to him, "Why do you ask me about what is good? There is only one who is good. If you would enter life, keep the commandments."¹⁸ He said to him, "Which ones?" And Jesus said, "You shall not murder, You shall not commit adultery, You shall not steal, You shall not bear false witness,¹⁹ Honor your father and mother, and, You shall love your neighbor as yourself."²⁰ The young man said to him, "All these I have kept. What do I still lack?"²¹ Jesus said to him, "If you would be perfect, go, sell what you possess and give to the poor, and you will have treasure in heaven; and come, follow me."²² When the young man heard this he went away sorrowful, for he had great possessions.²³ And Jesus said to his disciples, "**Truly, I say to you, only with difficulty will a rich person enter the kingdom of heaven.**"²⁴ Again I tell you, it is easier for a camel to go through the eye of a needle than for a rich person to enter the kingdom of God."²⁵ When the disciples heard this, they were greatly astonished, saying, "**Who then can be saved?**"²⁶ But Jesus looked at them and said, "**With man this is impossible, but with God all things are possible.**"²⁷ Then Peter said in reply, "See, we have left everything and followed you. What then will we have?"²⁸ Jesus said to them, "Truly, I say to you, in the new world, when the Son of Man will sit on his glorious throne, you who have followed me will also sit on twelve thrones, judging the twelve tribes of Israel.²⁹ And everyone who has left houses or brothers or*

sisters or father or mother or children or lands, for my name's sake, will receive a hundredfold and will inherit eternal life.³⁰ But many who are first will be last, and the last first.

In response to Jesus' teaching about the salvation of the rich, the astonished disciples exclaimed, "Who, then, can be saved?" Jesus responded to the disciples, but did not answer their question. He did not tell them who could be saved, but pointed them to the One who can save. He said "With man this is impossible, but with God all things are possible." What is the "this" (*touto*) that is impossible? Jesus is referring back to verse 23 where He taught that the rich have a difficult time entering the kingdom of God. Given the parallels in form between the two pericopes, it is likely that Jesus refers back to His own teaching in both pericopes.

Despite this evidence, interpreters routinely conclude that Jesus is referring to the disciples' reaction because Jesus said only some could receive this saying. If Jesus were referring to His teaching on marriage and divorce, they argue, then Jesus would be saying that only some people could obey His teachings. We know Jesus' moral teachings apply to all Christians, so surely Jesus' eunuch saying cannot refer to His teaching on divorce and remarriage. He must be referring to His' disciples comment about remaining single, and is affirming the value of that way of life for those who have been given the gift of celibacy (similar to Paul's comments in 1 Corinthians 7:7).

I would counter that Jesus was not making a distinction between two types of believers (those who are able to live a life of celibacy and those who are not), but between believers and unbelievers. Believers are able to accept Jesus' teaching on divorce and remarriage because they have been given the insight to receive it and desire to fulfill God's ideal for marriage. Those who do not believe in Jesus will reject it.

This is similar to Jesus' statement in Matthew 13:11: "To you it has been given to know the secrets of the kingdom of heaven, but to them it has not been given." The "you" refers to the disciples of Jesus, while the "them" refers to those who do not believe. As Heth1 and Wenham observe, we should not think

that verses 3-9 contain one message about marriage and divorce for the Pharisees and that verses 10-12 contain another message for only certain disciples about voluntary celibacy. On the contrary, Jesus' response to His followers' objection to His ethic of "no divorce followed by remarriage" suggests that because they are now Christians they have the "graced ability" to live in accordance with Jesus' radical demands of discipleship. ... [Jesus' statement] does not envisage some disciples who have not been given the gift of celibacy, on the one hand, and other disciples who have this gift, on the other; rather it views on the one side, the Pharisees and unbelievers who will not obey Jesus' new teaching on divorce and remarriage, and on the other side, the true disciples of Jesus who are able to obey His precepts because "with God all things are possible."¹⁷⁴

Jesus' point is that while His teaching is a hard teaching, those who are His disciples will follow it, even if that means remaining single (like a eunuch) after an illegitimate divorce if need be.

To answer the question in the previous section, if one is unable to reconcile with their spouse, they must remain single. They cannot remarry. If they marry someone else, they would be guilty of adultery-lite (hyperbolic interpretation) or adultery proper (literal interpretation). Would God forgive a person who does so? Of course, but that does not mean it is morally acceptable. God would also forgive a person for

¹⁷⁴Heth1 and Wenham, 58-9. The hermeneutical argument I presented for the eunuch saying is also derived from their work.

committing theft or adultery, but no one suggests that this gives us moral permission to do these things. A true disciple of Jesus who is committed to loving Jesus by obeying His teachings would not knowingly and intentionally disobey Jesus' teaching by remarrying on the basis that God will forgive him/her for doing so (Romans 6:1-7; Titus 2:11-14; 1 John 2:4; 5:18; Jude 4). One would have to question the spiritual state, commitment, and sincerity of any Christian who plans both their future sin and their future repentance.

While the guilty spouses do need to repent of their sin, there is no reason to believe that such repentance erases the consequences of their sin. While God may forgive them for what they did, that forgiveness is not grounds for a new marriage. Forgiveness for one sin (divorce) does not entail permission to commit another sin (remarriage).

Effectively Nullifies Jesus' Teaching

If one could remarry after an unjust divorce simply by repenting of their sin, then Jesus' teaching would be effectively nullified. A woman could divorce her husband simply because they do not get along, ask God to forgive her, and then remarry. A man could commit *porneia*, get a divorce, remarry, then ask God to forgive him and go on his merry way. If anyone who repents of a wrongful divorce can get remarried without sin, to whom does Jesus' teaching apply? Who is prohibited from remarrying, and under what circumstances?¹⁷⁵ In many churches today, divorce is accepted for virtually any reason, and no remarriage is prohibited. Jesus' teaching is being ignored in the name of forgiveness.

If merely confessing one's sin can abrogate Jesus' teaching, then why did the disciples conclude from Jesus' teaching that it is better not to marry at all? It would be easy to get around Jesus' teaching. Just marry, divorce, repent, and then you are free to marry again. The disciples' conclusion only makes sense if they rightly understood Jesus to mean that the grounds for divorce and remarriage were very narrow, and few would "qualify."

How Does Conversion Factor Into the Equation?

While some would agree that repentance does not nullify Jesus' teaching, they believe conversion does.¹⁷⁶ If someone divorced their spouse – or was divorced by their spouse – for reasons other than *porneia* prior to becoming a Christian, they are said to be exempt from Jesus' teaching. They can remarry, or if already remarried, their new marriage is morally legitimate. There are two reasons provided for this conclusion, neither of which are adequate.

¹⁷⁵Keener argues this way. He thinks it may be true that Jesus forbids the guilty party from remarrying, but also says that we may suppose that God will even forgive the guilty party if they repent. That repentance would require them to remarry their spouse if possible, but if that is no longer possible (because their former spouse has already remarried or is unwilling to reconcile), then they are free to remarry someone else.

Richards argues that the guilty party can remarry since the divorce truly ended the marriage (p. 243). If there is no longer a marriage, then both are free to form new ones. It is inconsistent to think that the innocent spouse is no longer married and thus free to marry someone else, but see the guilty spouse as still married and unable to remarry. I think Richards misunderstands the argument, however. The guilty spouse is not forbidden from remarrying because he is still viewed as married to his first spouse. He is forbidden from remarrying as a punishment for his sin in violating the marriage covenant.

¹⁷⁶Heth1. Edgar, 135. Adams argues that your past is forgiven you, so you can remarry. If God forgives, so must we. He interprets 1 Corinthians 7:17 to mean that a new convert starts from square one (pp. 92-3). This passage says no such thing. It actually affirms the opposite – that one's pre-conversion state carries over into one's Christian life.

One argument is that ignorance of Jesus' teaching exempts one from being guilty of violating it. Since sinners are ignorant of Jesus' teaching prior to conversion, they are exempt from Jesus' teaching regarding divorce and remarriage. If they divorced as an unbeliever, they are free to remarry as a Christian.¹⁷⁷ The problem with this line of reasoning is that the Christian is not ignorant of Jesus' teaching regarding remarriage. They may have been ignorant of Jesus' teaching when they divorced as an unbeliever, but when they remarry as a believer, they are fully aware of Jesus' teaching that remarriage following an unjust divorce is adultery-lite. Their sin is not based on ignorance, but knowledge. Why think they can knowingly flout Jesus' teaching regarding remarriage simply because their divorce occurred prior to conversion? While their pre-conversion sin of divorce may have been forgiven, that does not give them moral permission to knowingly commit the second sin of remarriage after becoming a Christian.

The second reason to think new converts are exempt from Jesus' teaching is the fact that they have been forgiven of their pre-conversion sins. If one of those pre-conversion sins was an illegitimate divorce or illegitimate remarriage, they are forgiven. They are starting from a new slate now. "The old has passed away; behold, the new has come" (2 Corinthians 5:17).

This line of reasoning collapses into the same line of reasoning we examined previously. If God's forgiveness does not erase sin's consequences, why think this is only true for Christians who sin as Christians and not for sinners who sinned while sinners? Sin is sin, and the consequences for sin are the same for the new convert as well as the long-time Christian. It is only the Christian, however, who is willing to accept those consequences. When we tell new converts that they do not have to obey Jesus' teaching because they sinned prior to conversion, we are telling them that they do not have to accept the consequences that Jesus deemed appropriate for their sin. When the sin occurred is irrelevant.

Those who think conversion affects the applicability of Jesus' teaching fail to understand the logic of Jesus' teaching. Jesus declared that as a matter of fact, anyone who wrongly divorces his spouse and remarries commits adultery-lite. Whether they know it or not, both their divorce and their second marriage is morally wrong. There is no hint that this is only true for believers. These truths apply to anyone who has been married – believer and unbeliever alike. Indeed, the people to whom Jesus provided this teaching were not followers of Jesus (Matthew 19), and yet Jesus believed His teaching was applicable to them as well. Why? Because Jesus was communicating God's perspective on marriage and divorce. God doesn't have one perspective for believers and another for non-believers. God's perspective on marriage applies to all humans, whether they are believers or not. Given the logic of Jesus' teaching, I see no reason to think Jesus' teaching only applies to people after they become Christians. Marriage covenants, and our moral obligations to those covenants, are not dissolved upon conversion.

Are There any Justifications for Divorce and Remarriage in Addition to Porneia?

While divorce and remarriage is morally permissible for the innocent spouse in cases of sexual sin, could there be other justifications for divorce and remarriage that Jesus did not address? For example, Jesus did not say that those involved in unjustified divorces could remarry after their ex-spouse dies, and yet

¹⁷⁷If ignorance of Jesus' teaching absolves one from guilt for disobedience, then many Christians would be exempt as well because there are plenty of Christians who are ignorant of Jesus' teaching with respect to divorce. A Christian who wrongly divorced their spouse in ignorance should not be allowed to remarry because one is exempt from Jesus' commands – Christian or non-Christian. If Jesus said those who wrongly divorced cannot remarry, that applies to those who wrongly divorced prior to their conversion just as much as it does to those who did so after their conversion.

virtually all Christians have understood this to be a valid, implicit exception. It is not an act of adultery to remarry following an invalid divorce so long as your ex-spouse has passed away. Similarly, Deuteronomy 22:28-29 prohibits a man from divorcing a woman he was forced to marry for violating her sexual purity. Although this law provided no exceptions, the Jews (rightly) argued that this did not preclude the husband from divorcing his wife for adultery. This exception was understood to be implicit, based on other texts of Scripture.¹⁷⁸ Could it be, then, that there are exceptions in addition to *porneia* that Jesus would have agreed with but did not mention?¹⁷⁹ Consider the following:

- Physical abuse?
- Emotional abuse?
- Criminal activity?
- Murder?
- Imprisonment/abandonment?
- Financial mismanagement?
- Fraud?
- Refusal of sexual relations?
- Viewing pornography?
- Transgender/transvestite spouse?

To determine if any of these circumstances justify a divorce and/or remarriage, we must answer two questions: (1) Is Jesus' exception for *porneia* to be understood as exhaustive or merely as instructive?; (2) If the latter, how do we determine what other circumstances would justify a divorce and remarriage?

Regarding the first question, did Jesus mean *porneia* is the one and only exception to His prohibition against divorce, or did He only mention *porneia* because it is the most common of a plurality of moral justifications for divorce? Perhaps a re-examination of the context would be helpful.

The Pharisees wanted to know if Jesus held to the Hillelite "any matter" interpretation or the Shammaite "adultery" interpretation of Deuteronomy 24:1. Perhaps, when Jesus said divorce was allowed for *porneia*, He was not attempting to articulate every possible justification for divorce, but merely declaring *porneia* to be the proper understanding of *ervat davar* in Deuteronomy 24. This would not prove that Jesus believed there were justifications for divorce other than *porneia*, but would mean that Matthew 5:32 and 19:9 should not be read to exclude the possibility that Jesus accepted other justifications for divorce.¹⁸⁰

¹⁷⁸While the Mosaic Law called for adulterers to be stoned, Jews came to abandon this practice in favor of divorce instead.

¹⁷⁹A good number of conservative-leaning theologians argue for justifications in addition to adultery, including Craig Keener, David Instone-Brewer, Michael Ross, William Heth, and Larry Richards. Most cite physical abuse as one such example.

¹⁸⁰Instone-Brewer argues that Jesus probably accepted Exodus 21:10-11 as valid grounds for divorce as well for the following reasons: (1) He did not dispute these grounds, and generally, what Jesus does not dispute we can presume He agrees with; (2) All Jews held Exodus 21:10-11 to contain valid grounds for divorce, so others would have interpreted His silence as agreement; (3) Jesus' exception clause in Matthew 19:9 mirrors the form of the Shammaite interpretation of Deuteronomy 24:1, indicating that Jesus agreed with the Shammaite interpretation. If Jesus agreed with the Shammaites, and the Shammaites also understood Exodus 21:10-11 as containing valid grounds for divorce, it is possible that Jesus also considered Exodus 21:10-11 as containing valid grounds for divorce. See Instone-Brewer, 184-6.

These three arguments are arguments from silence, but are worth considering nevertheless. They raise the possibility that Jesus accepted Exodus 21:10-11 as valid grounds for divorce. Ultimately, I do not find them persuasive. Regarding (1), there is so much of what Jesus said that is not recorded for us in Scripture that we have no way of knowing whether Jesus disputed Exodus 21:10-11 as valid grounds for divorce or not. Besides, not all silence implies agreement. Point (2) is valid, but since it relies on point (1), and point one is weak, the import of point (2) is severely weakened. Regarding (3), I previously argued that

While this is an attractive way of reading the text, I previously critiqued the notion that Jesus offered *porneia* as the proper understanding of *ervat davar*. If *ervat davar* was not a just reason to divorce one's spouse, and *porneia* is equivalent to *ervat davar*, then *porneia* would not be a just reason to divorce one's spouse either. And yet Jesus clearly sees *porneia* as a moral justification for divorce, so Jesus could not have been suggesting that *porneia* is the proper understanding of *ervat davar*. If I am right, then Jesus' exception for *porneia* is unrelated to Deuteronomy 24, and may express Jesus' own understanding of what justifies a divorce. Since Jesus only mentioned *porneia*, it may be the case that Jesus saw *porneia* as the lone justification for divorce.

Keener argues that Jesus' exception should not be understood as exhaustive because Paul made a distinction between Jesus' teaching on divorce and his own. He understood that Jesus' teaching, while true, did not speak to every circumstance (such as mixed religious marriages). Instead, Jesus gave us principles that we need to apply to a variety of circumstances. When Paul addressed issues that Jesus did not address, he applied His Spirit-informed wisdom to the situation (1 Corinthians 7:8,12-16,40). Given Paul's example, and given the (possible) intent of Jesus' exception clause, it is possible that Jesus' exception for *porneia* is instructive rather than exhaustive. However, Keener's conclusion is based on his understanding that Paul allowed Christians to remarry when they were abandoned or divorced by their unbelieving spouse. I provided my reasons for thinking this is a misreading of Paul. If I am right, then Paul did not provide an additional justification for remarriage, and Keener's argument is undermined.

Wayne Grudem argues that there are additional exceptions for divorce on the basis of Paul's phrase "in such cases" in 1 Corinthians 7:15.¹⁸¹ Grudem interprets Paul to be giving Christians moral permission to remarry when they are wrongly divorced by their unbelieving spouse due to their faith, but he argues that if Paul only had desertion in mind, he would have used the singular "in this case" (ἐν τούτῳ) rather than the plural "in such cases" (ἐν τοῖς τοιοῦτοις). The plural suggests there are other cases that also allow for divorce and remarriage. Colloquially speaking, we might translate Paul as saying "or things like that."

Jesus' stated position is not identical to the Shammaites, so we cannot infer anything about what Jesus believed based on what the Shammaites believed. While Jesus' position may have been more in line with the Shammaites' than the Hillelites', that does not mean we can assume it was identical to the Shammaites'. Furthermore, given the fact that Jesus said the only reason God permitted divorce for *ervat davar* was because of the hardness of human hearts, it is highly doubtful that Jesus was simultaneously claiming that *ervat davar* refers to *porneia*, for that would mean God only allows divorce for *porneia* due to our hard hearts. That would contradict Jesus' claim that *porneia* is a just reason for divorce. As such, Instone-Brewer is wrong to interpret Jesus' exception clause as an affirmation of the Shammaite interpretation of Deuteronomy 24:1.

There is a good reason to reject Instone-Brewer's thesis that Jesus probably accepted Exodus 21:10-11 as valid grounds for divorce since He did not specifically repudiate it. When Jesus was asked about Deuteronomy 24, He explicitly rejected the allowance it made for divorce on the grounds that it reflected God's concession to human sinfulness rather than His will for human beings. Jesus pointed back to Genesis to tell us what God intended for marriage, and Genesis reveals that God intended for two people to be joined in marriage for a lifetime. If that was God's intention, and neither Deuteronomy 24 nor Exodus 21 reflect that ideal, then both Deuteronomy 24 and Exodus 21 must be divine concessions. Jesus did not merely reject the Jews' interpretation of Deuteronomy 24, but He rejected the concessions Deuteronomy 24 made for divorce because those concessions do not reflect God's ideal. If the concessions of Deuteronomy 24 do not reflect the ideal found in Genesis, then neither does Exodus 21. That does not mean Jesus made no allowance for divorce. He did. He said divorce was justified for *porneia*. If He believed neglect (as represented in Exodus 21) was also a valid justification for divorce, He could have said so. He did not. He made no appeal to Exodus 21. He only mentioned *porneia*, and thus we have no good reason to believe that Jesus thought divorce was also justified for the reasons provided in Exodus 21.

¹⁸¹Wayne Grudem, "Grounds for Divorce: Why I Now Believe There are More than Two"; available from <http://www.waynegrudem.com/grounds-for-divorce-why-i-now-believe-there-are-more-than-two>; Internet; accessed 05 October 2022.

There are a number of reasons I do not find Grudem's argumentation persuasive. First, I am not persuaded that Paul was giving believers the moral permission to remarry following the unbeliever's act of divorce. If Paul was not providing a moral justification for remarriage in this situation, then surely the plural form does not mean Paul was envisioning additional justifications for remarriage.

Even if I am wrong – and Paul is giving moral permission to remarry – it could be that the other cases Paul had in mind were those involving sexual sin, which Jesus already covered.

Third, I find it more likely that Paul uses the plural "cases" to refer to multiple instances of the same activity. He is envisioning the many cases in which an unbelieving spouse divorces the believing spouse. While Paul speaks of a singular husband and a singular wife in context, surely this is a stand-in for any and all husband and wife pairs.

In my opinion, all attempts to argue from Scripture that Jesus' exception for *porneia* should not be understood as exhaustive fail; however, that does not necessarily prove that Jesus did not accept other justifications for divorce. While His words lend themselves to an exclusive interpretation, I find it interesting that Jesus did not foreclose on the possibility of other exceptions by making the exclusivity of *porneia* more explicit. He could have said something like "If a man divorces his wife (with the *lone exception of porneia*) and marries another woman, he commits adultery." Or, "If a man divorces his wife (*only excepting cases involving porneia*) and marries another woman, he commits adultery." The fact that Jesus does not use exclusive language leaves open the possibility that Jesus did not intend for us to understand *porneia* as the only justification for divorce. Laws are not typically exhaustive. The Mosaic Law frequently provides examples of specific situations to illustrate the principle of a law (case law). It does not mean the law only applies to those specific examples. It was well-understood that the same law applies to similar situations that involve the same principle. In the same way, we are not always provided with an exhaustive list of exceptions to laws. Stated exceptions are intended to illustrate the kinds of exceptions that are permissible. It is possible (but by no means certain) that Jesus' exception for *porneia* was not meant to exhaust all possible exceptions, but rather to provide a principled example of the kinds of exceptions that are permissible.

Let's turn our attention to the second question. If circumstances other than *porneia* justify divorce, how would we identify them? How do we know if we are properly applying the principle of Jesus' teaching? A good place to begin is by asking ourselves why Jesus thought sexual sin justified divorce and remarriage. I would suggest that it was because it undermined the one-flesh union and sacred trust so essential to the marital relationship. It is an act of treachery against one's marriage partner and marriage covenant. If a suggested justification for divorce undermines the one-flesh union, breaks the sacred trust, or is otherwise an act of treachery against one's spouse, then it *might* be a morally justifiable reason for divorce.

A second, but related principle, is that of *a fortiori*. An *a fortiori* conclusion reasons from the obviousness of X to the even more obvious nature of Y. The form of reasoning is "if X, then even more so Y." Applied to marriage and divorce, if sexual sin justifies divorce because it is an act of treachery that breaks the sacred trust so essential to the marital union, and yet we find another circumstance that is even more treacherous than sexual sin, then it follows that this other circumstance also justifies divorce. Attempted murder is a prime example. Clearly, the attempted murder of a spouse is even more treacherous than sexual sin against that spouse, so if Jesus thought sexual sin justified divorce and remarriage, how much more attempted murder!

That's why, despite any clear Biblical evidence that Jesus allowed for exceptions in addition to *porneia*, I think it's likely that there are other exceptions that Jesus would agree justify divorce and remarriage. I freely admit, however, that I am treading on dangerous ground. We need to be very careful when we go beyond the teaching of Scripture. This is particularly the case when fallen human hearts are involved. We are prone to self-rationalization, trying to justify that which is not justifiable. Those who are looking to justify a divorce and remarriage will often find a way to do so, ignoring Scripture and reason in the process. If we are going to declare that there are circumstances other than *porneia* that justify divorce, we better have a very strong justification for this conclusion that is built on robust moral reasoning.¹⁸²

How would some of the scenarios I listed earlier fare when considered through the lens of these principles?

Physical Abuse

Physical abuse is a greater act of treachery against one's spouse than sexual sin given the fact that physical abuse is a direct attack on one's body (sexual sin is only an indirect attack on one's spouse). Only attempted murder could be worse, and the difference between the two is just a matter of degree and intent.

One could rightly ask how much physical abuse is required before divorce is justified. After just one instance? After five instances? Ten? The severity of the abuse is also a factor that needs to be considered. Pushing someone is not the same as punching someone in the face. Punching someone once is not the same as punching them so many times that they need to be hospitalized. These are pastoral questions that I cannot answer, and for which there is no clear, objective answer. Of course, our primary concern should be one's safety and making sure that no future abuse takes place. That may require a temporary separation to bring the offender to repentance, or it may require a permanent divorce. Our secondary concern should be to preserve the marriage. Under normal circumstances, one should not use an instance of physical abuse as an excuse to get out of the marriage.

Emotional Abuse

Determining what constitutes emotional abuse is very subjective and opinions vary so widely. While there might be extreme cases of emotional abuse in which the abuse would be considered to be as treacherous as sexual sin, most are not. In general, I would argue that emotional abuse does not justify divorce.

¹⁸²One might charge me with inconsistency at this point. Earlier, I argued that Instone-Brewer is wrong to think Jesus would have approved of the Exodus 21 justifications for divorce on the basis that Jesus said Mosaic teaching on divorce and remarriage does not represent God's ideal, but rather God's temporary concessions to the sinful and hard-hearted Israelites. If Jesus rejected those Mosaic concessions in favor of God's ideal in Genesis 2, that would include both Deuteronomy 24 as well as Exodus 21. Now, however, I am arguing that there could be justifications for divorce and marriage that are not found anywhere in Scripture. Isn't that inconsistent? No. The Mosaic Law allowed divorce for reasons less serious than *porneia*. Jesus raised the bar and only allowed divorce and remarriage for a sin as serious as *porneia*. What I am arguing is that Jesus may also permit divorce for sins that are as equally serious (if not more serious) as adultery. While Jesus would not approve of divorce for sins lesser than *porneia*, He does approve of divorce for the sin of *porneia* and arguably would approve of other sins that are as serious as or worse than *porneia*.

Criminal Activity

While criminal activity is serious, and while a spouse's criminal activity can have serious consequences on one's family, I do not think this constitutes an act of treachery against one's spouse or marriage, and therefore do not think it justifies divorce and remarriage.

Murder

What if you discovered that your spouse murdered someone? This is a species of criminal activity, and I do not think it justifies divorce unless there is reason to believe that the personal safety of the family is also threatened. This would obviously be the case if one's spouse murdered a family member.

Abortion would be an extension of this line of reasoning. If one's wife murdered his child through abortion, divorce and remarriage are justified. The same reasoning would apply in the case of a husband who kills his unborn child via physical violence to the mother.

Imprisonment/Abandonment

If one's spouse is (or is going to be) imprisoned for a long time, does this constitute abandonment? If a spouse is morally required to provide for the other spouse, and a failure to provide basic provisions is grounds for divorce, then imprisonment may be grounds for divorce. This is disputable, however. One could argue that the vow of "for better or for worse" covers even situations like these.

Is the verdict any different when a spouse willingly abandons you? If a spouse declares that he is leaving the family, and stays away for several years without ever filing for divorce, is one justified in filing for divorce? Perhaps, given their unwillingness to fulfill their responsibilities as a spouse. This is particularly the case if one thinks the principle of Exodus 21:10-11 still applies today (personally, I am not convinced that it does).

Financial Mismanagement

What if a husband with a gambling problem gambles away the family home, or if a wife's spending problem is causing financial ruin to the family? Is divorce justified? While financial mismanagement can cause extreme distress to a family, this is not worse than sexual sin and arguably not an act of treachery against one's spouse. Divorce and remarriage is not justified.

Fraud

What if one's spouse lied about their past (prior to the marriage) or failed to disclose something about themselves that would have caused their spouse not to marry him/her. For example, what if one's spouse had a sexually transmitted disease, is unable to have children, or once lived as a homosexual?

Whether divorce is justified for failing to disclose a sexually transmitted disease depends on what kind of STD it is. If it a life-threatening disease, then arguably the person's failure to disclose that is an example of attempted murder, and divorce would be justified. If it is not a deadly STD, divorce would not be justified. Practically speaking, by the time a spouse discovers that the person has an STD, they would have already contracted it themselves. There may be no practical reason for a divorce other than

retaliation. While the innocent spouse would surely be angry for what their spouse has done to them, anger for the deceit and fraud is not justification for divorce.

What if your spouse knew they were unable to have children, but intentionally failed to disclose that information to you prior to marriage? This is a difficult one. While there is no question that this is morally wrong, it does not prevent the couple from having children. Adoption is always an option.

On the other hand, one of the primary reasons people get married is because they want to have children – their own biological children. It could be considered an act of treachery against one's spouse to intentionally hide this information prior to marriage and intentionally deny them from fulfilling this basic desire. Treachery is no small matter. Arguably, it is the treachery of adultery that justifies someone in divorcing their spouse in instances of adultery. If intentionally depriving someone of children is treacherous, then perhaps divorce is justified. This is a judgment call I am unable and unwilling to make.

What if they once lived as a homosexual? Again, as difficult as it may be to know this, the person did not commit any sexual sin against their spouse during their marriage and thus divorce would not be justified.

Refusal of Sexual Relations

What if the person you married refuses to have sex with you after the wedding? In such cases, divorce is justified because the marriage was never consummated as a one-flesh union. What is more common, however, is the refusal to engage in sexual relations later in the marriage. Does this justify divorce? Perhaps, but it depends.

Clearly, a refusal to fulfill the sexual needs of one's spouse is wrong. In 1 Corinthians 7:3-5 Paul said "the husband should give to his wife her conjugal rights, and likewise the wife to her husband. ⁴ For the wife does not have authority over her own body, but the husband does. Likewise the husband does not have authority over his own body, but the wife does. ⁵ Do not deprive one another, except perhaps by agreement for a limited time, that you may devote yourselves to prayer; but then come together again, so that Satan may not tempt you because of your lack of self-control." However, just because it is morally wrong does not mean it is grounds for divorce. There are many ways in which we wrong our spouses morally, but they do not constitute grounds for divorce. Indeed, if Paul thought sexual deprivation in a marriage was grounds for divorce, he could have said so when discussing the matter in 1 Corinthians 7. If Paul believed sexual deprivation justified divorce, arguably he would have used this as leverage against those in Corinth who were teaching that married couples ought to cease sexual relations. He did not.

One might ask why a spouse refuses to have sex with their partner. There could be legitimate reasons for withholding sex from one's spouse. Perhaps one spouse has an STD, or perhaps one spouse committed adultery and his/her spouse is psychologically/emotionally unable to engage in sexual relations. In such circumstances, counseling rather than divorce is needed. Is sex being withheld as a form of punishment or a means of manipulating one's spouse? If so, counseling should be sought. Is it due to the fact that a spouse has stopped taking care of their physical appearance? If so, the spouse should be encouraged to do so. If sexual inactivity persists, however, this may be grounds for divorce per Exodus 21:10-11 if you (unlike me) think this passage still applies today. Even then, Exodus 21:10-11

only applies to this situation if *onathah* is properly translated “marital rights” instead of “oil/ointment.” Given the uncertainty, I am hesitant to conclude that a failure to engage in sex is grounds for divorce.¹⁸³

Viewing Pornography

One could argue that pornography is a sexual sin, and thus covered by Jesus’ exception for *porneia*. However, a few things should be considered. First, there is debate over the meaning of *porneia*. Some scholars argue that Jesus used it as a synonym for adultery. If so, pornography would not justify a divorce. Even if *porneia* is rightly interpreted as sexual immorality (as I argue in Appendix II), it is still not clear whether pornography should be included in this broader category. This brings me to my second consideration.

Whether a man is lusting at a woman standing in front of him in the flesh or whether he is lusting after a woman on a piece of paper or screen seems morally irrelevant. That’s not to say there are no differences at all between the two activities, but merely that pornography is a form of lust.¹⁸⁴ So if we said that pornography qualifies as *porneia*, that would also mean that lust qualifies as *porneia*. If pornography justifies divorce, then so does lust. If lust justified divorce, however, virtually every wife on the planet would have grounds for divorce because virtually all men have lusted at one point or another while married (and given how many married men have looked at pornography, most women would have grounds for divorce for that as well).

One might grant this point in principle, but counter that the amount of lust (or pornography viewing) should be considered. Perhaps. I think most people understand the difference between a married man who has looked at pornographic images a handful of times and a man who views porn for hours on-end. When does it become too much? When does it go from a sin that needs to be repented of to a sin that justifies divorce? Any answer one may give to this question is quite subjective. For the wife who wants out of a marriage, she will likely consider two instances too much and worthy of divorce. We need to be careful that we don’t start looking for justifications to get out of a difficult marriage. The whole point of Jesus’ teaching on divorce is that we should be trying to keep our marriages together rather than for ways to get out of our marriage.

The third thing we need to consider is Jesus’ teaching on lust. The Jews thought they were righteous because they did not violate the command against adultery, but Jesus said they had violated the spirit of that command when they lust after a woman. Both lust and adultery are morally wrong, but they are not morally equivalent. Jesus said the person who hates his brother is like a murderer (Matthew 5:21-22). Are we to believe that an attitude of the heart is just as bad as violently killing someone? Of course not. Likewise, lust is not morally equivalent to adultery. We know this intuitively. While any woman

¹⁸³Even the Jews were hesitant to grant a divorce for this reason. While they prescribed the maximum number of days that a man could forego sexual relations (by occupation), when either spouse denied the other their conjugal rights, the rabbis would not immediately grant divorce, but would incur financial penalties on them by either reducing (if the woman was at fault) or increasing the dowry (if the man was at fault). See Instone-Brewer, 106-7.

¹⁸⁴One could argue that pornography viewing is different than lusting after women in public in that men typically masturbate in the context of the former but not the latter. The masturbation often leads to the man failing to fulfil his conjugal duties with his wife, which is sinful (1 Corinthians 7:3-6). This is true, but two things should be pointed out.

First, there is no necessary connection between pornography viewing and masturbation. One could view pornography without masturbating.

Secondly, this reveals that the real differentiator is not the way the man is lusting, but the masturbation and how it affects the sexual health of the marriage. That would be an issue even if porn was not involved (e.g. a man who regularly masturbates, but not to porn).

would be upset with her husband if she catches him lusting after another woman, her emotional consternation rises to an entirely other level when she discovers that he is having an affair with that woman. Are both wrong? Yes. Are both equally wrong? No.

In calling lust “adultery,” Jesus was not suggesting that those who lust be punished, yet alone that they bear the same punishment as adultery proper. His point was simply that they are morally blameworthy for their actions and thus not righteous concerning the law. If we say that divorce is justified for lust (in the form of pornography), then we are advocating that lust be punished on the same level as adultery, contra Jesus. If Jesus was not suggesting that lust be prosecuted, how can we?

Of course, there are other things to consider in addition to pornography viewing as such, including whether one fulfills his obligation to provide for the sexual needs of his wife. If a man is masturbating to pornography on a regular basis – such that his sexual needs are fulfilled and he refuses to fulfill his wife’s sexual needs – that is a separate sin. But once again, while that sin needs to be repented of, it is not at all clear to me that it justifies a divorce. Perhaps, but it is just not clear from the Biblical principles we have to work with. While Paul commanded the Corinthians to fulfill their conjugal duties (1 Corinthians 7:3-6), he never prescribed a punishment for a failure to do so, yet alone the punishment of divorce. Is it wrong to withhold sex from your spouse? Yes. Does this sin justify a divorce? I do not see any basis in Scripture for concluding that other than the OT teaching in Exodus 21:10-11, but as noted already, the translation of “conjugal rights” is uncertain. Even if we could be certain that Moses referred to conjugal rights, this law was part of the Mosaic Covenant which has been abrogated by the New Covenant.¹⁸⁵

What about *child* pornography? This is a demented and disgusting form of sexual sin that, I believe, would justify divorce. Divorce may be necessary to protect one’s children from one’s spouse since pedophiles often prey on their own children.

Sex Change or Cross-Dressing

If a spouse decides to identify as the opposite sex or undergo a sex change, does this justify divorce? Given the fact that this act *de facto* turns the marriage into a gay or lesbian relationship (from all appearances, if not in fact when genitals are “reassigned”), divorce is justified. This is particularly true for a sex change, which necessarily and permanently deprives the other spouse of heterosexual intercourse.

Others

While some circumstances may arguably be grounds for a divorce, others clearly are not. Some of the most common reasons for divorce include incompatibility, growing apart, falling out of love, incessant arguing, etc. These are not justifications for divorce. These are the result of failing to love and forgive the way Jesus instructed us. Those in marriages suffering from such issues need to repent and seek counsel, not divorce.

¹⁸⁵For further reading regarding the abrogation of the Mosaic Covenant, see the following: Jason Dulle, “The Law: The Misunderstood Covenant”; available from <http://www.onenesspentecostal.com/law.htm>; Internet; accessed 21 August 2020. Jason Dulle, “The Inferiority of the Law to the New Covenant in Galatians”; available from <http://www.onenesspentecostal.com/inferiority.htm>; Internet; accessed 21 August 2020.

Conclusion

While the Bible acknowledges legitimate justifications for divorce in both testaments, divorce is always a tragedy and should be avoided if possible. Jesus called us back to God's ideal for marriage: one woman and one man becoming one flesh for one lifetime. If God joins us together in marriage, we should be looking for ways to preserve the marriage rather than looking for reasons to end it.¹⁸⁶ Nevertheless, Jesus believed that sexual sin provided moral justification for the innocent spouse to divorce and remarry. Divorce and remarriage for any other reason is sinful – except, perhaps, a few other extenuating and abnormal circumstances.

When divorce is justified, so is remarriage. Likewise, when divorce is not justified, neither is remarriage. Only the innocent spouse who was victimized by *porneia* has the moral right to divorce and remarry. Arguably, the innocent spouse who was victimized by an unjust divorce can also remarry after their ex-spouse has committed sexual sin or remarried. For everyone else, it is wrong to divorce and wrong to remarry. Those who have unjustly divorced their spouse need to reconcile or remain single. If they have already remarried, they must acknowledge their sin and repent. Repentance, however, never gives us permission to disobey Jesus' teaching.

¹⁸⁶Even where grounds for divorce exist, divorce is permissible rather than required. We should hope for repentance and work toward restoration rather than seek a divorce.

APPENDIX I – THE PURPOSE OF THE DEUTERONOMY 24:1-4 CASE LAW

The Mosaic Law includes a case law prohibiting a divorced woman from remarrying her first husband after her second marriage ended due to divorce or death. This is a rather strange law. One would naturally expect God to desire their reconciliation. Not only did God forbid it, but He considered the reconciliation to be an abomination. What was the purpose of this law? Several explanations have been suggested.

Laney has suggested that the law was meant to discourage hasty divorce. If a husband realized he could never get his wife back once she married another man, it would give him reason to pause before writing her a divorce certificate. Perhaps men were divorcing their wives to marry other women, and then, when things did not work out with their second wife and they got a dose of seller's remorse, they wanted their first wife back again.

Charles Ryrie, Heth¹, and Wenham do not think this sufficiently explains the background of this law. They observe that the financial repercussions of the divorce alone (returning the wife's dowry) would be enough to make a man think twice before divorcing his wife.

Another possibility is that the law served to prevent legalized adultery. If a husband could easily divorce and then remarry his ex-wife, men would game the system, using it as an easy, legal form of adultery. The problem with this explanation is that it fails to account for the fact that polygamy was allowed under the Mosaic Law. It would actually be to a man's financial advantage to stay married to his first wife since an unjustified divorce would require that he return her dowry.

William Luck suggests that the law functioned to protect women from abuse. For a man to take back his wife after she was married to another man would be to treat her like property that can be given away and taken back again at will. It is essentially a legalized form of wife swapping, and treats the woman like chattel property. This is a plausible explanation, but not one that has garnered much support from other theologians.

Heth², following the lead of Raymond Westbrook, suggests that the law was intended to prohibit men from profiting from divorce. Instone-Brewer summarized Westbrook's argument in the following manner:

[T]he main difference between these two marriages was the financial consequences for the woman. The first marriage ended when the man cited a valid ground for the divorce, namely "a matter of indecency." The fact that he had a valid ground for the divorce meant that she lost her right to her dowry. The second marriage ended without any valid grounds for divorce, either because the man "hated/disliked" her (which was a technical term for a groundless divorce), or because he died. In either case the woman would have kept her dowry.¹⁸⁷ ... [T]his would give the first husband a financial motive for remarrying his

¹⁸⁷One might ask why we should assume that the woman would walk away with the dowry after her second husband divorced her. If he had grounds for divorce, he would keep the dowry. However, in saying the "man *hates* her and writes her a certificate of divorce" (v. 2), the text may intend to indicate that the second husband did not have grounds for divorce. This language is used in the ANE to describe a divorce without justification. The man divorced her simply because he no longer liked her (see Instone-Brewer, 7). What we may have here, then, is a picture in which the first husband justly divorces his wife (a matter of indecency) whereas the second does not. I say "may" simply because the mere mention of "hate" does not

wife, because he would then have both her new dowry and her old one. This law therefore forbids the first husband from getting financial benefit in this way.¹⁸⁸

The first husband profits twice from his wife – first by rejecting her as unfit to be his wife, and then by accepting her back as fit to be his wife again. He rejected her in the past, but now wants her again to profit from her second marriage.¹⁸⁹ Westbrook finds support for this “financial” interpretation of the law in the fact that this legislation falls into Deuteronomy’s commentary on the eighth commandment not to steal.

Edgar disagrees with this proposal on the ground that the text never mentions a dowry or finances. The text provides us with the reason for prohibiting the man from taking back his first wife, and it has nothing to do with finances: He cannot take her back because “she has been defiled” in some manner by the second marriage.¹⁹⁰ While it may not be clear how she has been defiled by the second marriage, that is the only rationale provided in the text for prohibiting the original spouses to remarry, and it does not seem to have anything to do with finances. There is no reason to speculate regarding other possible reasons when the text clearly supplies the reason for God’s concern. Indeed, if the purpose of this law was to prohibit the husband from profiting off of his ex-wife, it leads to the bizarre conclusion that “the Lord, rather than allowing an otherwise acceptable reconciliation of the original marriage, is more concerned that the husband not have undue financial profit. ... Is the Lord more concerned about such financial situation, which are obviously not illegal, than reconciliation of marriages?”¹⁹¹

In the end, I have to agree with Edgar. While it may not be clear to us how the second marriage defiled the woman, that is the explanation offered by the text for prohibiting the reconciliation. All other explanations have to go beyond the text.

necessitate that the divorce be unjustified. It could also refer to a husband’s disposition toward his wife for her treacherous behavior. For example, God is said to hate Israel because of her evil, causing Him to divorce her (Hosea 9:15). Even if the point of saying the second husband hates the woman is to make it clear that the second divorce was not justified, the illegitimacy of the second divorce cannot be the reason God prohibits the woman from returning to her first husband since she would be prohibited from returning to him even if her second husband had died, and we know death is a legitimate end to a marriage.

¹⁸⁸Instone Brewer, 7.

¹⁸⁹Heth2, 65-6.

¹⁹⁰Edgar, 139.

¹⁹¹Edgar, 139.

APPENDIX II – THE MEANING OF *PORNEIA* IN MATTHEW 5:32 AND 19:9

Jesus said divorce is justified for *porneia*, but what does *porneia* mean in this particular context? Most theologians understand it to refer to the specific sin of adultery or to the broader category of sexual sin more generally (as reflected in the ESV translation, “sexual immorality”). Those who believe the Bible forbids all divorce and those who hold to the PSU view of marriage, however, have suggested several other possibilities.

Betrothal

Heth¹, Wenham, and Piper agree that *porneia* refers to sexual sin more broadly, but think it only justifies a divorce when such a sin is committed during the betrothal period. In Jewish culture, betrothal preceded marriage in a way that is similar to modern engagements. Unlike modern engagements, however, betrothals were as legally binding as marriage itself. A betrothed person was legally married even though the marriage ceremony had not yet occurred. If one wanted to end their betrothal, then, it required a legal divorce.¹⁹² According to Piper *et al*, Jesus’ exception for *porneia* applies to the betrothed, not the married. If a woman committed sexual sin during the betrothal period, Jesus said the “husband” would be justified in calling off the marriage. He was not giving permission to married people to end their marriage in divorce for sexual sin committed after they were married.¹⁹³

There are two arguments in favor of this view. First, the exception only appears in Matthew’s gospel. Matthew is also the only gospel author to include the story of Joseph seeking to divorce Mary, his betrothed, when he discovered she was with child. Perhaps Matthew added the exception clause to make it clear that Joseph’s intended action was just and did not violate Jesus’ teaching regarding divorce. Jesus’ teaching only applied to the married, not to the betrothed like Joseph.¹⁹⁴

Second, Jesus used the word *porneia* rather than *moicheia* (the common word for adultery). As such, it is more likely that Jesus is referring to fornication (a sin committed by unmarried people) than to adultery (a sin committed by married people).

There are a number of reasons to reject this view, however. First, why would Jesus offer a justification for ending a betrothal when the discussion was about justifications for ending a marriage? The Pharisee asked Jesus about the meaning of Deuteronomy 24:1-4 – a passage about divorce, not betrothal.¹⁹⁵ If Jesus was discussing the divorce of married people, the exception clause would naturally be understood to apply to married people, not the betrothed.

Second, since a betrothal is just as legally binding as marriage, and since the betrothed as well as the married must obtain a legal divorce to end their union, what does it matter if one divorces their partner before the marriage ceremony or after? If betrothal was as binding as marriage, then the exception should apply equally to both.¹⁹⁶ What is the difference between the two situations if both involve a

¹⁹²Heth¹ and Wenham, 170.

¹⁹³Heth¹ and Wenham, 178.

¹⁹⁴Piper.

¹⁹⁵Kostenberger.

¹⁹⁶Edgar, 173-6.

divorce? The only difference I can see is that the betrothed couple has not yet consummated the marriage, but the sexual act itself does not create a marriage. Sex consummates a marriage, but the marriage exists before the sexual act. Indeed, the marriage must already exist to provide the proper moral context for the sexual act.

Third, this is too narrow of a definition of *porneia*. There is no other example where *porneia* is used to refer specifically to sexual misconduct during the betrothal period, and thus there is no reason to believe Matthew was using it that way here. Even the OT makes no distinction between sexual misconduct for the betrothed versus the married (Deuteronomy 22:22-27).¹⁹⁷

Fourth, while the story of Joseph may provide a reason for Matthew to include the exception, the inclusion of that story alone cannot define the meaning of *porneia*.

Fifth, are we to believe that God is so concerned about sexual purity that sexual misconduct justifies ending the betrothal, but that same sexual misconduct does not justify ending the marriage?¹⁹⁸

Sixth, in 1 Corinthians 7:25 Paul gives commands concerning the betrothed. Paul plainly says that his instructions are his, not the Lord's. That means Jesus did not address the betrothed in His public teaching on divorce. Any interpretation of Jesus' teaching, then, that views Him as discussing the betrothed is mistaken. Whatever Jesus' exception clause may mean, it applies to the married rather than the betrothed.

Incestuous Marriages

Ryrie argues that *porneia* refers to incestuous marriages; i.e. marriages involving closely related kin. Jesus made an exception for divorce in cases involving such improperly contracted and immoral marriages.

Two arguments are offered in favor of this interpretation. First, the NT uses *porneia* to refer to incest (1 Corinthians 5:1; Acts 15:20,29). In Acts 15:20, the church determined that there were four things Gentile Christians were to avoid: food sacrificed to idols (idolatry), *porneia*, strangled animals, and blood. In the official letter written to the Gentile churches, they listed these items in the following order: food sacrificed to idols, blood, strangled animals, *porneia*. Interestingly, these same sins appear in this same exact order in Leviticus 17 and 18 (food sacrificed to idols = Lev 17:8-9, blood = Lev 17:10-12, strangled animals = Lev 17:13-14; *porneia* = Lev 18:6-16). The apostles appear to have derived this list from Leviticus 18. What kind of *porneia* is described in Leviticus? Sex with close kin. Given the Jewish audience of Matthew, he thought it important to make it clear that divorce was permitted for those who had violated Leviticus 18:6-16 by contracting an incestuous marriage.

Second, the setting for Jesus' teaching was in "Judea beyond the Jordan," otherwise known as Perea (Matthew 19:1). This area was governed by Herod Antipas. Herod Antipas is the one whom John the Baptist condemned for marrying his brother's wife (Matthew 14:3-4; Mark 6:17-20). Perhaps the reason the Jews in Perea asked Jesus about His views on divorce was to get Jesus in trouble with Herod the same way John did. Jesus, however, did not demand a divorce for invalid marriages, but merely said that divorce is permitted.

¹⁹⁷Luck.

¹⁹⁸Edgar, 173.

A few things can be said in response. First, neither 1 Corinthians 5:1 nor Leviticus 18:6-16 refer to incestuous *marriage*. They refer to incestuous *sex*.

Second, even though *porneia* clearly refers to incestuous behavior in 1 Corinthians 5:1, it is clear that Paul did not think incest is the sole meaning of *porneia* because he spoke of this incest as “a kind” of *porneia*. This implies that there are other kinds of *porneia* as well.

Third, concerning the apostles’ use of Leviticus 18:6-8, while incest would surely be included in their understanding of *porneia*, there is no reason to believe the apostles were only prohibiting incest. The LXX does not even use *porneia* in Leviticus 18:6-16 to describe incest. Also, incest was not a common practice among the Gentiles. Surely there are other, more pressing, sexual sins that the apostles wanted to separate the Gentile Christians from, including fornication, adultery, and the like. If *porneia* is never used to refer to incestuous *marriages*, then it is highly doubtful that Jesus is referring to such in Matthew 5 and 19.

Fourth, if one is going to define the *porneia* of Acts 15:20,29 based on Leviticus, there is no reason to limit the comparison to the incest laws of Leviticus 18:6-16. Leviticus speaks of other sexual sins in the same context including having sex (and presumably marrying) with both a woman and her daughter (18:17), marrying two sisters (18:18), having sex with a woman during her period (18:19), adultery (18:20), homosex (18:22), and bestiality (18:23). If the apostles were deriving their commands from Leviticus 18, it is more likely that they had a range of sexual sins in mind when they commanded the Gentiles to abstain from *porneia*.

Fifth, the connection between Acts 15:20,29 and Leviticus 17-18 is not as tight as is argued. For example, Leviticus 17:8-9 is not talking about eating meat sacrificed to idols, but merely the offering of a sacrifice to an idol.

Sixth, even if we agree that *porneia* can refer specifically to incest (in Acts 15 or elsewhere) or incestuous marriages in certain contexts, there is no reason to think that Jesus was defining *porneia* according to Leviticus 18:6-8.¹⁹⁹

Seventh, incestuous marriages were seen as invalid marriages. If there was no marriage, there can be no divorce. While the couple would be forcibly separated, it would not be considered a divorce and no certificate of divorce would be issued. It would be similar to a modern day annulment. If these situations did not constitute a divorce, then Jesus’ exception cannot be referring to incestuous “marriages” because Jesus was talking about real divorces, and the exception He provided was an exception for genuinely married people. It is hardly an exception to divorce if incestuous “marriages” are not even real marriages.²⁰⁰

Eighth, if Jesus was only excepting incestuous “marriages,” why would He merely give permission for “divorce” rather than commanding a “divorce?” Why would Jesus permit such invalid marriages to continue, contrary to the law?²⁰¹

¹⁹⁹Edgar.

²⁰⁰Instone-Brewer, 158.

²⁰¹Edgar, 177-85.

Ninth, since Gentiles also engaged in incestuous marriages, why would this exception only appear in Matthew's Gospel and be omitted from Mark and Luke? Mark and Luke were written for a Gentile audience, so we would expect them to include the exception clause as well.

Finally, Herod's marriage may have been immoral, but it was not incestuous. He married his brother's wife, Herodias. She was not kin, other than by law. The law did not prohibit someone from marrying their brother's sister. It actually commanded it when the brother died and had no children. What the law did say is that a man should not have sex with his brother's wife (Leviticus 18:16). In the context, however, it is presumed to be an act of adultery rather than an act of wife-swapping. None of this is to say that Herod's marriage to Herodias was moral. It was not. Both had divorced their spouses in order to marry each other. That alone made their marriage immoral. The fact that Herod would do this to his own brother added an element of treachery to it as well. But what John the Baptist was condemning was not an incestuous marriage, but a treacherous and immoral marriage.

Adultery

Instone-Brewer argues that *porneia* refers specifically to adultery. The debate over divorce was between the Hillelites who said divorce was justified for any matter and the Shammaites who said divorce was justified for adultery. By citing *porneia* as justification for divorce, Jesus was siding with the Shammaite school of thought. Jesus' exception, *παρεκτός λόγου πορνείας*, seems to be Jesus' translation of the Hebrew *ervat davar* from Deuteronomy 24:1. And just like the Shammaites, in Jesus' translation, He reverses the order of the Hebrew words.²⁰²

Several objections can be raised against this view. First, Instone-Brewer is well aware that the Shammaites allowed for divorce for reasons other than adultery. If Jesus were siding with the Shammaites, then, we should suppose that He agreed with their other justification for divorce as well – not just adultery.

Second, as discussed previously, I do not think Jesus was siding with the Shammaites. His position may have been more closely aligned with the Shammaites than the Hillelites, but Jesus' teaching was not synonymous with either school of thought.

Third, I think it is a mistake to view *porneia* as Jesus' interpretation of *ervat davar* in Deuteronomy 24:1. Jesus is quite clear that the divorces permitted by the Mosaic Law reflected God's temporary concession to human sinfulness rather than God's marriage ideal. That means the reason for divorce in Deuteronomy 24:1 is not, in reality, a just reason for divorce. Contrast this with Jesus' exception for *porneia*, which was a just reason for divorce. If *porneia* is a just reason for divorce but *ervat davar* is not, then *porneia* is not Jesus' interpretation of *ervat davar*.

Fourth, Jesus used *porneia* rather than *moicheia*, which is the technical term for adultery. That these two words are not synonymous is evidenced from the fact that they appear together in the same context (Matthew 15:19; Mark 7:21; 1 Corinthians 6:9; Galatians 5:19; Hebrews 13:4). Be that as it may, I do not think this argument is decisive. As Edgar points out, just because the two words are used in the same context does not mean that *porneia* must mean something other than adultery. It could still be the case that *porneia* includes the concept of adultery, even if there is another word that specifically and only refers to adultery. Why would Jesus choose a word that merely includes the concept of adultery

²⁰²Instone-Brewer, 277-9.

rather than a word that specifically and only refers to adultery if Jesus meant to say that adultery alone justifies divorce and remarriage? The answer to that question may be found in the way *moicheia* and *porneia* were used in Greek literature. *Moicheia* was typically used when referring to a man's adultery whereas *porneia* was used when referring to a woman's adultery.²⁰³ In Matthew, Jesus is specifically referring to the woman's sexual sin, so we would naturally expect Him to use *porneia*. That said, it still seems odd for Jesus to use a word that referred to a wide range of sexual sins if He only meant to identify a single sexual sin as a justification for divorce. His choice of words would naturally lead interpreters to think He was referring to sexual sin more broadly, which brings me to the next definition of *porneia*.

Any sexual sin

When we look at how *porneia* is used in various contexts, it clearly refers to a variety of sexual sins. *Porneia* refers to pre-marital sex in 1 Corinthians 7:2, to adultery and incest in 1 Corinthians 5:1,²⁰⁴ and sex with prostitutes in 1 Corinthians 6:13-18 (adultery or fornication depending on one's marital status). "It is a basic rule of biblical interpretation not to over specify the meaning of a term; while *porneia* can include incest, premarital sex, or extramarital sex, it is a broader term that, when left unqualified, includes any kind of sexual immorality. There is no contextual reason to suppose a narrower interpretation here, and for that reason more scholars favor the infidelity interpretation than any other single position."²⁰⁵

Since there is nothing in the context to suggest that Jesus had one particular kind of sexual sin in view, it is best to understand His use of *porneia* in its broadest sense to refer to any kind of sexual unfaithfulness to one's spouse.

What about the fact that *porneia* is used alongside other words for specific sins? For example, in Matthew 15:19, Mark 7:21, and Galatians 5:19 *porneia* is listed along with *moicheia* (adultery). If *porneia* refers to sexual sins in general, that would include adultery. Why, then, list both *porneia* and *moicheia*? This seems to imply that *porneia* has a more restricted meaning that does not include adultery (e.g. fornication). I do not find this objection persuasive for a couple of reasons. First, these vice lists often employ synonyms with overlapping semantic domains. Some vices are categories of sin while others address specific sins. Preachers do the same today. They'll commonly call out a string of sins. If they say God is opposed to "sexual immorality, fornication, and adultery," would anyone think that "sexual immorality" must refer to a specific sin in this context since other specific sexual sins were identified (fornication, adultery)? No. The preacher is speaking against sexual sin in general, but that does not preclude him from going on to name specific sexual sins as well. The same is true in Scripture.

Second, as I pointed out in the previous section, there is good reason to believe that when speaking of adultery, *porneia* was used to refer to the woman's sin while *moicheia* was used to refer to the man's.

²⁰³Edgar, 162-4.

²⁰⁴Some have suggested that perhaps the father had died, which would make this ordinary fornication. While that is speculative, it's clear that Paul did not see this as ordinary fornication. He describes this sin as something "not tolerated even among pagans." Fornication was tolerated by the pagans. The sin Paul has in mind here is no ordinary fornication. It is an incestuous relationship because of kin relationship, and it remains incestuous even if the man's father had already died. Whether the father was dead or alive is only relevant to the question of whether this sin was also adulterous. If the father had already died, then it would not be an act of adultery (assuming the son was not married). It would only be an act of incest.

²⁰⁵Keener, *Remarriage After Divorce In Today's Church: 3 Views*, 107.

