

JESUS' TEACHING ON SCRIPTURAL DIVORCE AND REMARRIAGE

From the information in Study 19 it is evident that there never was any issue over the lawfulness of divorce or remarriage in Old Testament times or during the Intertestamental Period. The key problem was abuse of the divorce law on a number of counts, which could leave the parties guilty of committing adultery. However, when we come to Jesus' four statements on this subject in Matthew 5:31, 32; 19:3-10; Mark 10:2-12; and Luke 16:18, there is less certainty and with many varying opinions.

THE GREEK WORD *APOLUQ* MEANS "DISMISSED" RATHER THAN "DIVORCED"

The Hebrew Scriptures use the phrase "to put away/dismiss one's wife." This was often done in a hard-hearted and unfair way simply because the husband treacherously began to be unfaithful to and to hate his wife:

- ❖ "You have **acted treacherously against** her, though she was your marriage partner and your wife by covenant. Didn't the one [God] make [us] with a remnant of His life-breath? And what does the One seek? A godly offspring. So watch yourselves carefully, and do not act treacherously against the wife of your youth. ¹⁶ **'If he hates and dismisses** (Heb. *shalach*) **[his wife],**' says the LORD God of Israel, **'he covers his garment with injustice,'** says the LORD of Hosts. Therefore, watch yourselves carefully, and do not act treacherously" (*Mal. 2:14-16 adapted from the HCSB*).

As shown in the previous study, the Hebrew word *shalach* means "dismisses." So such "putting away/dismissing" was not legitimate scripturally based divorce, but was the discarding of the wife at the whim of the husband and was really abandonment of her, usually with an underlying motive of acquiring a new wife.

This same phrase with its same meaning of abandonment is taken up in the New Testament where the Greek words are rendered in the following way:

- ❑ The KJV renders *apoluq* as "put away" (except in Matt. 5:32 "divorces").
- ❑ Young's Literal Translation and the American Standard Version consistently render *apoluq* as "put away."
- ❑ Kenneth Wuest's *The New Testament, An Expanded Translation* renders *apoluq* as "dismisses" or "put away."
- ❑ Marshall's Interlinear Translation renders *apoluq* consistently as "dismisses."
- ❑ The Amplified Bible renders *apoluq* consistently as "dismisses."

The main definitions of *apoluq* in the Greek-English lexicons are "dismisses" and "releases," but most modern translations take it to mean "releases" in the texts concerning this subject, and then logically extrapolate it to mean "divorces." We believe that this is the incorrect rendering of *apoluq* in these cases because it is not the first and most frequent meaning in the NT and it does not take into account the difference in meaning from Old Testament times between *k'rithuth* = "divorce," which requires a certificate of divorce, and *shalach* = "dismissal" which was not the stage of a completed divorce and which often flippantly involved abandonment with no intention of providing a certificate of divorce. In fact, the prime word in Greek for "divorce" is *apostasion* which Jesus does not use for this subject in the following accounts. For the above reasons The Radical Reformation Version renders *apoluq* as "dismisses" in the following texts and implying that the certificate of divorce was given for the Hillelite "**any cause**" grounds for divorce that were not actually valid as divorce in God's eyes.

THE TWO ISOLATED ACCOUNTS

- Matthew 5:31-32

“It was said, ‘Whoever **dismisses** (*Gk apoluō*) his wife must give her a certificate of divorce’ (*Gk apostasion*).³² But I say to you that everyone who **dismisses** his wife, **except in the case of *porneia***, is setting her up for committing adultery (*Gk moicheuo*), and whoever marries a **dismissed** woman commits adultery.”

NOTE: I have left the Greek word *porneia* untranslated here and in Matthew 19:9 until later in the study because there is uncertainty as to its meaning, even though it is usually translated as “sexual immorality” or “fornication.”

- Luke 16:18

❖ “Everyone who **dismisses** his wife and **marries someone else** commits adultery (*Gk moicheuo*), and **the one who marries a woman** who had been **sent away** from her husband commits adultery.”

The Luke 16:18 and Matthew 5:31-32 texts are both isolated from any context. However, the Luke 16:18 passage is very similar to the passage in Mark 10:10-12 which is the parallel to Matthew 19:3-9. This statement recorded in both Luke 16:18 and Mark 10:11 of: “**dismisses** his wife **and marries another** commits adultery,” was said privately to the disciples after Jesus’ encounter with the Pharisees. However, Matthew 19:9 shows this statement to have also been said to the Pharisees **thus linking the exception clause to the Luke 16:18 statement and so making it part of the Jesus/Pharisees confrontation on the whole subject of dismissal**.

THE TWO PARALLEL ACCOUNTS

The two *parallel accounts* of Matthew 19:3-10 and Mark 10:2-12 concern the Hillelite/Shammaite debate which had continued through to the time of Jesus. It is only in these passages that we find the fully structured account wherein the Pharisees raised this issue with Jesus about the grounds for divorce:

- Matthew 19:3-12:

❖ “Then some Pharisees came to him in order to test him. They asked, “Is it lawful for a man to **dismiss** (*Gk apoluō*) a wife **for any cause**?”⁴ He answered, “Haven’t you read that the One who created them from the beginning made them male and female,⁵ and said, “*For this reason a man will leave his father and mother and will be joined to his wife, and the two will become one flesh.*”⁶ So they are no longer two, but one flesh. Therefore what God has joined together, let no one separate.”⁷ They said to him, “Why then did Moses command us to give a certificate of divorce (*Gk apostasion*) and to **dismiss** her?”⁸ Jesus said to them, “Moses allowed you to **dismiss** your wives because of your **hard hearts**, but from the beginning it wasn’t this way. ⁹ Now I say to you that whoever **dismisses** his wife, **except in the case of *porneia***, and marries another, commits adultery (*Gk moicheuo*).”⁹

¹⁰ The disciples said to him, “If this is the case of a husband with a wife, there’s no advantage in getting married!”¹¹ He said to them, “Not everyone can accept this teaching, except those to whom it has been given; ¹² because there are some eunuchs who were that way from birth, and some who were made eunuchs by others. There are some who became eunuchs for the sake of the kingdom of the heavens. Let anyone who can accept this accept it.”

NOTE: The added words in the KJV: “And whoso marrieth her which is put away doth commit adultery” after verse 9 are **not in the Greek text**.

- Mark 10:2-12:

❖ “Then some Pharisees approached, and to test him they asked, “Is it lawful for a man to **dismiss** (*Gk apoluō*) his wife?”³ He answered them, “What did Moses command you?”⁴ They said, “Moses allowed a man to write a certificate of divorce (*Gk apostasion*) and to **dismiss** his wife.”⁵ But Jesus

said to them, “It was **because of your hard heartedness** that he wrote **this commandment** for you. ⁶But from the beginning of creation, *‘He made them male and female. ⁷For this reason a man will leave his father and mother, ⁸and the two will become one flesh.* So they are no longer two, but one flesh. ⁹Therefore what God has joined together, let no one separate.’”

¹⁰ Then in the house again, the disciples asked him about this. ¹¹So he said to them, “Whoever **dismisses** his wife and **marries another**; commits adultery (*Gk moicheuo*) **against her**. ¹²And if she, having **dismissed** her husband, marries another, she commits adultery.”

The main factors involved and the key issues to be resolved concern the following words, phrases and thoughts in this confrontation:

1. The Pharisees’ stated purpose was to trap Jesus in his words. How did they propose to do this?
2. How does the Pharisees question: “*Is it lawful for a man to dismiss (Gk apoluō) a wife for any cause?*” from Deuteronomy 24:1 relate to the Hillelite/Shammaite debate?
3. Why does Mark not provide the “*any cause*” clause that is recorded in Matthew 19?
4. Why were the grounds for divorce stated in Exodus 21:10, 11 not discussed in the confrontation?
5. Does Jesus’ quotation from Genesis, which he summarizes in verse 6 as: “*So they are no longer two, but one flesh. Therefore what God has joined together, let no one separate*” refer to the polygamy of the Pharisees (2 only in a marriage) or that marriage should be life-long or both?
6. Why is there a reversal of the verbs “command” and “allowed” in the Matthew 19 and Mark 10 accounts regarding the giving of the **certificate of divorce** and dismissing the wife?
7. Was the “**dismissal**” spoken of by the Pharisees a just divorce in Jesus’ view? Also what bearing does Malachi 2:14-16 have on such dismissal?
8. Why do Mark 10 and Luke 16 not have the exception clause of “whoever dismisses his wife, except in the case of *porneia*,”?
9. In the exception clause what does *porneia* mean in this context?

1. HOW DID THE PHARISEES PROPOSE TO TRAP JESUS?

According to the statements in Matthew 19:1 and Mark 10:1, the confrontation Jesus had with the Pharisees over the issue of divorce occurred in Perea - the territory governed by Herod Antipas. So it is possible that the Pharisees hoped to trick Jesus into commenting negatively on the **incestuous marriage** of Herod Antipas who had dismissed his wife so that he could marry his brother Philip’s wife (Matt. 14:4).

Earlier John the Baptizer had said to him “*It is not lawful for you to be having her*” because of the Mosaic Law which said “*You shall not uncover the nakedness of your brother’s wife; it is your brother’s nakedness*” (Lev. 18:16 and 20:21). For this he was thrown into prison. However, Jesus did not fall into this trap, but made statements which showed the faultiness of the Pharisees views and the wrongness of their conduct.

If this was the Pharisees plan then it may give further background to the meaning of the term “*porneia*” which Jesus used in the Matthew 19 account, by referencing the illicit marital relationships which were prohibited by God in the Leviticus 18:6-18 passage and which we will examine a little later.

2. HOW DID THE PHARISEES QUESTION RELATE TO THE “ANY CAUSE” DEBATE?

The Pharisees first question was “*Is it lawful for a man to dismiss (Gk *apoluō*) a wife for any cause?*” Their use of the phrase “*for any cause*” relates directly to the Hillelite/Shammaite debate that is discussed in the previous study. The fact that the Pharisees raised the matter of “**the divorce certificate**” also makes it evident that this encounter concerned **Deuteronomy 24:1** which involved the *erwat dabar* – “something indecent or nakedness of a thing” that was grounds for divorce and which Jesus referred to in his reply in the phrase “**except in the case of *porneia*.**” Professor James Dunn comments on this issue:

...in Mark 10:2 the question reads simply, ‘Can a man divorce his wife?’; but Matthew reformulates it, ‘Can a man divorce his wife *for any cause*?’ Thereby he transforms a general question and sets it within the rabbinic debate between the schools of Hillel and Shammai; the Matthean formulation in fact presupposes the then current practice of divorce and **asks Jesus for a verdict on the then dominant Hillelite position** (divorce permissible for any cause). With the same effect the unconditional ruling of Jesus in Mark 10:11 is amended by Matthew to allow the possibility of divorce in cases of unchastity - the more rigorous position of Shammai (19:9; so 5:32). Jesus is thus shown as engaging in a current rabbinic debate and as favouring the stricter viewpoint of the Shammaites.

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So because of the terms and phrases used in this encounter it is clear that it concerned the debate between the Hillelites and the Shammaites over Deuteronomy 24:1-4. In the question put to Jesus the Pharisees used the phrase: “*for any cause*” (or “any matter”) which came from the Hillelite School. ***So Jesus’ response mainly concerns the “any cause” position of the Hillelites.***

3. WHY WERE THE GROUNDS FOR DIVORCE IN EXODUS 21:10, 11 NOT DISCUSSED IN THIS CONFRONTATION?

Jesus’ encounter with the Pharisees entirely concerned the interpretation of Deuteronomy 24:1-4 as a grounds for divorce and did not take into account the known other valid reasons for a divorce that are detailed in Exodus 21:10, 11, namely **material neglect** (food and clothing) and **emotional neglect**. None of the Gospel accounts inform us about Jesus’ thoughts concerning those grounds for divorce.

WOULD JESUS HAVE RECOGNIZED THE STATEMENTS IN EXODUS 21 AS GROUNDS FOR DIVORCE?

It has been assumed that because Jesus named only the single exception of *porneia* as a ground for divorce and was silent about any other grounds that he did not recognize the grounds for divorce detailed in Exodus 21:10, 11. This is a faulty assumption because if we made the same assumption about the Shammaites we would conclude that they, thought that adultery was the only ground for divorce; whereas the Shammaites recognized the factors in the law of Exodus 21:10, 11, namely: material/emotional neglect, as grounds for divorce.

However, because Jesus’ focus had been narrowed by the Pharisees question to the Deuteronomy 24:1-4 issue the most natural conclusion is that he still would have agreed with the Mosaic Law and unanimous opinion of the rest of Judaism regarding the other grounds for divorce noted in Exodus 21. After all he was a Jew under the Law of Moses and such grounds would be clearly understood.

FACTORS ABOUT THE ARGUMENT FROM SILENCE

a. JESUS DID NOT MENTION THESE OTHER GROUNDS

In this encounter with the Pharisees Jesus spoke about matters that he was not asked about i.e. polygamy and lifelong marriage. This was because to him, these were vital issues. So it would seem strange for him to raise these issues and yet fail to discuss the Exodus 21 grounds ***if he wanted to reject them*** as grounds for divorce.

**b. EVERYONE WOULD ASSUME THAT JESUS RECOGNIZED THAT
THERE WERE OTHER GROUNDS FOR DIVORCE**

No school of thought on divorce, of the time, rejected the Exodus 21 grounds for divorce of *material neglect* and *emotional neglect*. If Jesus had wanted to teach a rejection of these grounds he would have had **to say so very definitely**. For him to have said nothing about this universally held belief of the Jews would certainly indicate his agreement with it. Examples of Jesus' beliefs that are never commented on could be that:

- a) He never said anything condemning sexual acts before marriage. Yet no one believes he was in favour of such things.
- b) He never explicitly allowed remarriage after the death of a spouse. Yet no one would assume that he forbade such an arrangement.

**c. THE ALMOST PERFECT PARALLEL BETWEEN THE WORDING OF JESUS'
EXCEPTION CLAUSE AND THE SHAMMAITE RULING
CONCERNING ERWAT DABAR**

THE RABBINIC LITERATURE

Sifré Deut.269 says: "The School of Shammai says: A man should not divorce his wife except if he found **indecenty** in her." And m.Git. 9.10 says: "A man should not divorce his wife except if he found in her **a matter of indecenty**."

These are semantically identical to the two versions of the exception clause in Matthew 19:9 and 5:32. So Jesus used the same terminology as the Shammaites and in the same context. Just as the Shammaites said that **Deuteronomy 24:1** allows no divorce except for indecenty and did not mean that **all of Scripture** allows for no divorce except for indecenty, similarly with Jesus.

4. WHY DOES MARK NOT PROVIDE THE "ANY CAUSE" CLAUSE?

Matthew writes in 19:3: "And Pharisees came up to him and tested him by asking, 'Is it lawful to dismiss one's wife **for any cause?**'" whereas, in the parallel account of Mark 10:2, the phrase "**any cause**" is omitted. So why is this?

The phrase "**for any cause**" in Matthew is a reference to the earlier described teaching on divorce of the School of the Hillelites which said: "Even if she spoiled his dish, since it says: [**Any**] **matter**." This concerns the phrase from Deuteronomy 24:1-4 that the Hillelites split into two. During this confrontation between the Pharisees and Jesus, the Jews would have *mentally inserted* the phrase "**for any cause**" because the question would have made no sense to them without it. To ask the question in the form that Mark gives it, and without any background understanding, could be answered only by a 'yes' because there was no body of rabbis, scribes, Pharisees, the Qumran community or anyone else who did not allow for divorce **under any circumstances**. **All groups taught that divorce was permissible** even though the grounds for it might vary. A modern-day example might be: If someone asked 'should women have equality?' it would be unnecessary to add the phrase 'in the work-place or in education' because it would be understood. However, Matthew inserts the phrase for later readers who would be unaware of the implied thought of invalid divorces.

**5. DOES JESUS' REFERENCE TO GENESIS INVOLVE BOTH THE ISSUE OF
LIFE-LONG MARRIAGE AND THE ISSUE OF POLYGAMY?**

- ❖ "[Jesus] answered [the Pharisees], 'Have you not read that he who created them from the beginning made them **male and female**, and said, "*Therefore a man shall leave his father and his mother and hold fast to his wife, and they shall become one flesh*"? So they are no longer two but **one flesh**. What therefore God has joined together **let not man separate**.'" (Matt. 19:4-6 *ESV*).

Jesus' quotation was from Genesis 2:24. In the context of his making his summary statement of: "So they are no longer two but **one flesh**. What therefore God has joined together **let not man separate**" Jesus combines the two issues of the polygamy of the Pharisees and that marriage should be life-long.

Polygamy was still practiced in Judea but was becoming increasingly frowned upon. Many rabbis used Genesis as the basis for condemning polygamy even though some Pharisees were still polygamists. Jesus was simply showing where he stood on this vital issue. The term "*the two*" is not in the Masoretic text of Genesis 2:24 but only in a variant Hebrew text and *in the Septuagint*. Nevertheless Jesus' phrase draws upon Genesis 1:27 ("male and female he created him") as well as the fact that even the animals were gathered "two by two (Gen. 7:9)." So Jesus was saying what other rabbis were also saying, namely: **God's standard was of yoking only two people together** in marriage. In doing this Jesus showed that polygamy was not God's standard. Yet, by his adding the phrase "*what God has joined together let no man separate* (divorce)" Jesus is also teaching the very important fact that marriage should be lifelong.

HOW THEY ARE JOINED TOGETHER BY GOD

God only *yokes or joins* the couple together because he is a witness to their marriage vows. It is the couple themselves who *bind* themselves to each other by their making of contractual marriage vows. So Jesus is not saying that divorce would never happen, but because the phrase "**let no man separate**" is in the imperative Jesus is really commanding couples to keep their marriage vows and not to act in a way that would break up the marriage.

6. WHY IS THERE A REVERSAL OF THE VERBS "COMMAND" AND "ALLOWED" IN THE PARALLEL ACCOUNTS?

The two accounts read:

- ❖ "[Jesus] answered them, "What did Moses **command** you?" ⁴[The Pharisees] said, "Moses **allowed** a man to write *a certificate of divorce* (*Gk apostasion*) and to **dismiss** his wife.⁵ But Jesus said to them, "It was *because of your hard heartedness* that he wrote **this commandment** for you" (*Mark 10:3-5*).
- ❖ "[The Pharisees] said to him, "Why then did Moses **command** us to give *a certificate of divorce* (*Gk apostasion*) and to **dismiss** her? ⁸Jesus said to them, "Moses **allowed** you to **dismiss** your wives because of your *hard hearts*, but from the beginning it wasn't this way" (*Matt. 19:7, 8*).

This apparent discrepancy over the reversal of the verbs "command" and "allowed" in these parallel accounts is quickly resolved when one analyzes them carefully to see that:

1. In Mark's account Jesus showed that God, through Moses, gave the 'command' to give *a certificate of divorce* and an 'allowance' or concession of a *just dismissal* of a wife. Then Mark reveals that the **Pharisees weakened the "command" to give a certificate of divorce to being only an 'allowance,'** but Jesus fully recognized that it was a "commandment" to give *a certificate of divorce* because of Jewish hard-heartedness and yet the dismissing of a wife was only an "allowance" by God.
2. In Matthew's account it is not revealed that the Pharisees weakened the "command" to give *a certificate of divorce* to being only an 'allowance.' But this time Jesus views the Jewish hard-heartedness as God's reason to allow them to dismiss a wife. The phrase "*dismisses his wife and marries another*" may indicate that there was an improper motive for the dismissing, with no legitimate grounds, of the wife, namely so that the husband could marry someone for whom he already had feelings i.e. he dismisses his wife so that he can marry another.

7. WAS THE DISMISSAL SPOKEN OF BY THE PHARISEES A JUST DIVORCE IN JESUS' VIEW?

From the previous study it is evident that the Hebrew noun *k'rithuth* and its Greek equivalent *apostasion* meant “divorce,” but *shalach* and its Greek equivalent *apoluo* meant “dismissal;” and that “dismissal” either was another term for divorce, depending on the context, or was not a completed divorce if the certificate of divorce had not been given. Furthermore, in the context of Jesus’ dealing with **the Hillelite position** on divorce such “dismissal” was not a scriptural divorce because of lack of genuine grounds and was therefore unjust. In the male dominated world of the time such dismissal was often unjust as in the case of God’s condemnation of the cruelty of unfaithful husbands in the time of Malachi:

- ❖ “If **he** hates and **dismisses** [his wife],’ says Yahweh the God of Israel, ‘he overwhelms her with injustice,’ says Yahweh of Armies. Therefore, watch yourselves carefully, and do not act treacherously” (*Mal. 2:14-16 adapted*).

So here, in defiance of the law, the husband cruelly, treacherously, and unfaithfully dismisses his wife without adequate grounds (even on some minor pretext), and so making it an unjust dismissal resulting in an unscriptural divorce. The certificate of divorce was supposed to deter any hasty action by the husband, but clearly didn’t do so in the case of those in Malachi’s time. This situation seems to have been just as bad in Jesus’ time as in the time of Malachi, because Jesus describes the Jews as hard-hearted.

8. WHY DO MARK 10 AND LUKE 16 NOT HAVE THE EXCEPTION CLAUSE?

The fact that in neither Luke 16 nor Mark 10 is there mention of the exception that is noted in the other two passages does not nullify the exception clause because exceptions are not stated every time a general rule is mentioned. Furthermore, as shown above it is only when these dismissals are viewed as unjust and therefore unscriptural as divorce that Jesus’ statements in Luke 16 and Mark 10 become logical and make sense. Secondly, it is because of **the exception clause** in both Matthew 5 and 19 that we can tell that the Mark and Luke accounts must have been abbreviated with the invalidity of such unjust dismissals as divorce as being **implied only**, but readily understood by the Jewish Christian audience which made up the majority of Christians in the early days. An example of an implied thought would be:

- ❖ “...everyone who looks at a woman with lustful intent has already committed adultery with her in his heart.” (*Matt. 5:28 ESV*)

It would be unnecessary to add the words ‘except for his wife’ because one cannot commit adultery with one’s wife. Such a thought is implied and would be mentally acknowledged by the listeners. Many other examples could be given to show that in daily conversation there are many unsaid things that are understood by each one in a conversation.

9. WHAT DID PORNEIA REFER TO IN THE EXCEPTION CLAUSE CONTEXT?

“PORNEIA” IN THE SEPTUAGINT AS A TRANSLATION FROM THE HEBREW

The translators of the Greek Septuagint rendered the following Hebrew words using the *porne* word group: *taznut*, *zanah*, *zenut*, with a total of 49 occurrences and generally translated into English as a reference to **prostitution or unfaithfulness**. However, *erwat dabar*, translated in the LXX as *aschemon pragma* and with the meaning of something shameful or indecent and applied to sexual matters, seems to be the reference in Jesus’ encounter with the Pharisees.

BIBLE DICTIONARY DEFINITION OF PORNEIA

“...any type of illicit sexual activity. Included in the realm of sexual misconduct in the OT are seduction, rape, sodomy, bestiality, certain forms of incest, prostitution (male or female), and homosexual relations (cf. Lev. 18; 19:20-22, 29; 20:10-21). ... In the NT, almost **any form of sexual misconduct** (that is, sexual activity outside the marriage relationship) could be designated as fornication or ‘immorality’ (cf. 1 Cor. 6:9; 2 Cor. 12:21; Eph. 5:5; Col. 3:5; 1 Thess. 4:3; 1 Tim. 1:10; Heb. 13:4; Jude 7)”

WHY “PORNEIA” DOES NOT REFER TO FORNICATION WITH ANOTHER PARTY DURING BETROTHAL

It has been proposed that *porneia* might refer to ‘fornication’ committed by a betrothed woman i.e. one not yet fully a wife (as with Mary and Joseph). When such a woman is discovered to have engaged in “fornication” she could be dismissed before the actual wedding and therefore no certificate of divorce was required because they were not actually married in the complete sense i.e. there was no binding marriage contract in the first place. However, this understanding does not fit for the following reasons:

1. Although not an actual marriage, the Jewish betrothal was a verbal legal contract just as binding as marriage (Deut 20:7; 22:24) and legal action could be taken to dismiss the sexually immoral party. Yet Jesus could not be referring to this situation because the Hillelite/Shammaite encounter between himself and the Pharisees was about *marriage* and not about betrothal. So Jesus would not have brought in something foreign to the Mosaic provision or changed to a different subject to that which was under discussion.
2. Also such immorality would technically bring the death penalty (Deut 22:20-23) just as with adultery; however, as with adultery, such seems to never have been applied for this crime by Jesus’ time.

WHY “PORNEIA” DOES NOT REFER TO “ADULTERY”

Matthew 19:9:

“I say to you: whoever dismisses his wife, **except in the case of *porneia***, and marries another, commits adultery (Gk *moicheuo*).”

Many commentators and readers assume that the term *porneia* means “adultery” as did the Shammaites. Although this may appear to fit the situation, we must first recognize that Jesus did not actually say “except in the case of adultery (*moicheuo*).” Also in Matthew 5 and 19 Jesus stated that the penalty for *porneia* was a legitimate dismissal i.e. divorce and not death. Death was technically the punishment for adultery although not carried out during the time of the Roman occupation. So *Porneia* seems to have a different and broader meaning than *moicheuo*. Also, the case of the adulterous woman shows that “stoning” was still the recognized penalty for adultery (John 8:3-11).

“PORNEIA” IN 1 CORINTHIANS 5 AND ACTS 15 AND 21 MEANS “THE FORBIDDEN SEXUAL RELATIONSHIPS”

Because the Greek word *porneia* is taken as encompassing the activities described by the Hebrew phrase *erwat dabar* in Deuteronomy 24:1, its literal meaning being “**the nakedness of a thing**,” and is used far more in Leviticus 18:6-18 and 20:11-21 than any other part of the OT, it appears that *porneia* can also be a reference to those forbidden sexual relations i.e. with close blood relatives or women connected through marriage, and with some being actual incestuous marriages (Lev. 18:17, 18; 20:17, 21; Deut. 22:13). Accordingly, *porneia* can be limited to being a reference to the forbidden sexual relations described in Leviticus 18:6-18 in:

1. 1 Corinthians 5:1 where *porneia* must mean “*an incestuous sexual relationship*” according to the context whereby a Christian had married his stepmother and so was in clear violation of Leviticus 18:8.
2. Acts 15:20, 29 and 21:25 where the meaning of *porneia* also must be “*the forbidden sexual relationships*.” This is in the context of the meeting in Jerusalem where it was recommended by

James that Gentile Christians should be required to abstain from things polluted by idols, *porneia*, what has been strangled, and blood. Here James was applying the prohibitions of Leviticus 17-18, even though he expresses them in the wrong order (Acts 15:20). However, when the letter was actually written these requirements were expressed in the exact order as set out in Leviticus 17-18 i.e. from (1) things sacrificed to idols, (2) blood, (3) what has been strangled, and (4) *porneia* (Acts 15:29). Since the first three are clearly in the correct order from Leviticus 17-18 it is logical that the last of these is what is stated in Leviticus 18:1-6 i.e. the various “*forbidden sexual relationships*,” and so does not, in this context, refer to sexual immorality in general which all Christians should abstain from anyway. James’ holy spirit promoted arrangement was in deference to the sensibilities of the general Jewish community and in particular to newly converted Jewish Christians. This deference is recognized by almost all scholars.

WHY “PORNEIA” DOES NOT MEAN “THE FORBIDDEN SEXUAL RELATIONSHIPS” IN JESUS’ USAGE

Because Jesus was criticizing those who use the divorce certificate too freely i.e. the Hillelite type of divorce and therefore unjust, the “incestuous marriages” definition of *porneia* would not fit because a divorce certificate was not required – these being invalid as marriage from the start and not recognized as marriage by the rabbis and so this seems to make the two Catholic renderings of the exception clause of, “unless the marriage is unlawful” (NAB) and “except for the case of an illicit marriage” (NJB) incorrect. Also the definition of “the forbidden sexual relations,” as occurring in a legitimate marriage, although contextually correct in Acts 15 and 1 Corinthians 5 is too limited a definition to fit with the context of Jesus’ teaching.

THE MOST LIKELY MEANING OF “PORNEIA” IN JESUS’ USAGE

So what do Jesus’ words “**except for *porneia***” mean? The facts that the Hebrew term *erwat dabar* is rendered as “**some indecency**” in Deuteronomy 24:1, and its definition of “nakedness of a thing” shows the sexual content of it, demonstrate that it clearly has the meaning of “some sexual indecency.” This originally meant any **sexual misconduct** on the part of a wife in Deuteronomy 24:1.

So from the terms used by the Pharisees in their Hillelite/Shammaite confrontation with Jesus it is evident that **sexual misconduct** (*erwat dabar*) was also the meaning of the Greek term *porneia* as used by Jesus. This seems to be understood as **any conduct which would encourage adultery by one’s being provocative in dress, speech, actions, or manner; or if there was a purposeful engaging in sexual practices with someone who was not one’s marriage partner and that could lead to adultery – especially involving “the nakedness of a thing” i.e. the use of the sex organs**, all of which would be shameful or indecent.

However, Jesus’ reference to such **sexual misconduct** would not have meant actual sexual intercourse with a person who was not one’s spouse (adultery), the penalty for which was death. So taking into account the fact that “dismissal” is the correct term, Jesus’ statements read as:

- ❖ “But I say to you that everyone who **dismisses** his wife, **except in a case of *sexual misconduct***, is setting her up for committing adultery (*Gk moicheuo*), and whoever marries a **dismissed** woman commits adultery” (*Matt. 5:32*).
- ❖ “Now I say to you that whoever **dismisses** his wife, **except in a case of *sexual misconduct***, and marries another, commits adultery” (*Matt. 19:9*).

SUMMARIZING THE REASONS THAT THESE “DIMISSALS” ARE TO BE CONSIDERED INVALID AS DIVORCE

If all of these texts concerning dismissal were referring to a scripturally valid divorce then the statements would be illogical. It would be comparable to saying: “Everyone who leaves the army and

joins the navy commits an illegal act.” But when the implied thought is added i.e. that they left the army without a **valid discharge**, it makes sense. So when we recognize that Jesus was referring to the popular but **invalid Hillelite type of easy dismissal of a wife** then his statements make sense. Because of Jesus’ earlier focus on monogamy as God’s standard, Jesus was now showing that polygamy was immoral and illegal and that adultery was no longer a crime only against a husband, but also against a wife as shown in his words: “**commits adultery against her**” (Mark 10:11).

Certainly, in Jesus’ teaching, the above mentioned types of extra-marital sexual activity by a wife or a husband would indeed be grounds for divorce. So the person who simply dismissed his wife or dismissed her husband when there were no legitimate grounds for it was still legally married and so would be committing adultery if he or she married another.

SHOULD DIVORCE HAVE BEEN COMPULSORY FOR SEXUAL MISCONDUCT?

- ❖ “They said to him: “Why, then, did Moses **command** one to give *a certificate of divorce* and to send her away?” He said to them, “Because of your hardness of heart [“*stubbornness*” *REB*] Moses **allowed** you to divorce your wives, but from the beginning it was not so.” (*Matt. 19:7-8 ESV*).

In Deuteronomy 24:1 the Septuagint says “he **shall** write,” rather than “and he writes” which is in the Hebrew Masoretic Text. So these rabbis misinterpreted Moses’ command as if, in the case of *some indecency (erwat dabar)*, divorce of one’s wife was to be **compulsory**. Both the schools of Hillel and Shammai would have required divorce; whereas Jesus only permits it. So in this respect Jesus was more conservative in his viewpoint than both these schools.

The Pharisees introduced this thought of a “**command...to give a certificate of divorce**” into the confrontation with Jesus in order to counter Jesus’ teaching on lifelong marriage, but Jesus responds that God, through Moses, did *not command any dismissal or divorce but only allowed it* because of their hardheartedness (“*stubbornness*” in *Jer. 4:4 LXX, therefore not sinfulness*). What were they stubborn about? The only possibility that fits the context seems to be that the men were **stubbornly refusing to live up to their marriage vows** and their sexually immoral wives were **stubbornly refusing to repent** and give up their sexual misconduct. So from Moses the ‘command’ was to give *a certificate of divorce* and the ‘concession’ was that of *divorce* which should only be initiated if the guilty partner was unrepentant.

JESUS INDIRECTLY SHOWS THAT INFERTILITY IS NO LONGER GROUNDS FOR DIVORCE

- ❖ “The disciples said to him [*Jesus*]: “If such is the case of a man with his wife, it is better not to marry. But he said to them...there are eunuchs who have **made themselves eunuchs** for the sake of the kingdom of the heavens. Let the one who is able to receive this receive it.” (*Matt; 19:10-12*).

This self-imposed state of being a eunuch meant that marriage and therefore childbearing were not compulsory. So this would take infertility in either partner out of the equation and remove it as grounds for divorce.

THE REVOLUTIONARY IMPLICATIONS OF JESUS’ TEACHING

1. **HILLELITE DISMISSAL for any cause IS UNSCRIPTURAL AND INVALID AS DIVORCE**

Jesus’ teaching meant that **remarriage** after the Hillelite kind of dismissal constituted adultery. Jesus’ position was similar to the position of the Shammaites who were, nevertheless, willing to accept the legal validity of this Hillelite type of dismissal. Jesus, however, was not willing to do so. Also because the vast majority of divorces were of the easy Hillelite type, Jesus was effectively

stating that all such people who dismissed their wives in this way and remarried were adulterers and that the children of their second marriages were really illegitimate. This also applied to those who were wrongly dismissed. However, there is nothing in Jesus' teachings to suggest that he expected anyone to separate from the second wife or husband. So Jesus' areas of agreement with others were:

1. Monogamy as taught by the Qumran Community.
2. Being against the **for any cause** divorce as were the Shammaites.

The reaction of the disciples indirectly supports the fact that Jesus showed that the Hillelite position was invalid as divorce when they say: "If this is the case of a husband with a wife, there's no advantage in getting married!" (Matt 19:10). In other words Jesus stopped the easy divorce situation that they had all wrongly come to recognize as normal.

2. *MARRIAGE IS IDEALLY TO BE LIFELONG*

This was God's original standard and so it was against God's will for either party *to break their marriage vows* and thus precipitate divorce proceedings. This would now **save many marriages**.

3. *EQUAL MARITAL RIGHTS FOR WOMEN*

Women could now divorce a husband if he was polygamous or engaged in sexual misconduct. Although polygamy was becoming rare it was still practiced by the rich and by the Pharisees (*Note the earlier criticism of them by the Qumran Community in the previous study*). The main consequence of Jesus' condemnation of polygamy was that **women gained the right to use a husband's sexual misconduct as grounds for divorce**. As Andreas Köstenberger stated:

Despite regulations in the Mosaic Law that stipulated equal testament of men and women with regard to divorce (Lev. 20:10-12), in Old Testament times a double standard prevailed according to which women were required to be faithful to their husbands (or punishment ensued) while the standards for men were seen considerably more lenient. In Jesus' teaching, however, conjugal rights were set on an equal footing.

4. *DIVORCE IS ALLOWABLE BUT NOT COMPULSORY*

However, divorce should be avoided unless the erring partner stubbornly refuses to repent. It should be the course of last resort. So the false teaching that a husband must divorce his wife if she was guilty of sexual misconduct or was even suspected of it was corrected by Jesus to show that if the wife was repentant the husband could show forgiveness. This would also now **save many marriages**.

JESUS' ATTITUDE TO THOSE WHO ARE REMARRIED AFTER DIVORCING

Many teachers propose that the passages concerning dismissal of a wife refer to a scriptural divorce and so prove that remarriage after divorce is adultery. Certainly if these passages were referring to legitimate divorce, and with a **certificate of divorce** provided, and taken without reference to other factors in the Scriptures, indeed, any remarriage would make the parties adulterers. However, as shown earlier the rendering of *apoluō* means that Jesus was referring to dismissal as invalid and unscriptural Hillelite type divorce i.e. without genuine grounds for legitimate divorce.

So clearly God's provision for divorce, the rectifying of abusive dismissals, and remarriage still had full force in Jesus' time; and in Matthew 5:31 Jesus is referring to that law in Deuteronomy 24:1, where God stated that husbands must give their wives a *certificate of divorce* for the divorce to be complete. If they did not do so they would still be married to that wife and would be guilty of adultery if they married some other woman.

Furthermore, the wife would have grounds for divorce if the husband failed to provide materially or

emotionally (Ex. 21:10, 11). And now after Jesus' statements a wife would have grounds for divorce if the husband was polygamous. So after the certificate of divorce was placed in her hand the woman was no longer married and logically was completely free to remarry.

SUMMARY OF JESUS' VIEW

Jesus did not create any new legislation regarding divorce and remarriage any different to what was set down in the Hebrew Scriptures which allowed for divorce and remarriage. His statements corrected both the Hillelite and Shammaite views and showed them the necessity of returning to God's ideal standard of life-long monogamous marriage as set out in Genesis unless there were valid grounds for divorce. So summarizing from Matthew 5:31, 32:

❖ “It was said, ‘Whoever **dismisses** his wife must give her a certificate of divorce’. But I say to you that everyone who **dismisses** his wife [on Hillelite grounds], **except in the case of sexual misconduct**, is setting her up for committing adultery, and whoever marries an **dismissed** woman [on Hillelite grounds] commits adultery.”

And Mark 10:11, 12 adds:

❖ “So he said to them, “Whoever **dismisses** his wife [on Hillelite grounds] and **marries another**; commits adultery **against her**. ¹²And if she, having **dismissed** her husband [on Hillelite grounds], marries another, she commits adultery.””

So the invalidity of the “for any cause” dismissal in the Pharisees question, “Is it lawful to dismiss one's wife **for any cause**?” in Matthew 19:3 was the prime issue in these accounts. However, Jesus introduced further related factors so that all of his prime condemnations of the religious views of the day concerning marriage and divorce were:

- Polygamy
- The failure to promote life-long marriage
- Divorce for “any cause” was an injustice to the dismissed party.

Furthermore, the Exodus 21:10-11 legitimate grounds for divorce, namely **material neglect** (food and clothing) and **emotional neglect** were not part of this discussion and Jesus didn't change them, but he recognized “sexual misconduct” as also legitimate grounds for divorce. In regard to adultery the marriage ends because the law of Leviticus 20:10 shows that “the adulterer and the adulteress shall surely be put to death.”

APPENDIX

WHAT WAS THE SITUATION BETWEEN JOSEPH AND MARY?

Matthew 1:19

❖ “Because Joseph, her future husband, was a man approved of by God, and because he didn't want to disgrace her, he intended to **dismiss** her privately.”

*Here the majority of translations render it to mean that Joseph “intended to **divorce** her privately” as if this concerned a marriage.* However, as shown earlier the Jewish betrothal was a legal contract just as binding as marriage (Deut 20:7; 22:24) and legal action could be taken to dismiss a sexually immoral party prior to the wedding. So following this custom, Joseph's discovery that Mary was expecting a child while betrothed to him, led him, out of kindness to her, to dismiss her privately rather than exposing her to public shame (Matt 1:18, 19). So this was not a marital divorce but a betrothal dismissal. Because Joseph was intending this privately it seems that there was no public documentation required.

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SUGGESTED READING

Divorce and Remarriage in the Bible by David Instone-Brewer.

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