

# ANOTHER LOOK AT DIVORCE AND REMARRIAGE

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## I. Introduction

Discerning God's will for a Christian regarding divorce and remarriage is a difficult task that is fraught with controversy and laden with pastoral implications, but it is one that spiritual leaders cannot avoid. This paper is a consolidation, revision, expansion, and replacement of two previous papers I wrote on the topic. My understanding has developed and sharpened over the years but remains essentially the same.

There are so many angles and facets to the discussion, it is difficult to know how to present the material most effectively. What follows is my best attempt at it. This is the understanding that makes the most sense to me. I think it is coherent and consistent with the relevant texts, but I realize that many of my judgments are debatable. I am not crusading for my understanding but offering it for consideration. I hope it will benefit even those who disagree with me.

## II. Key Texts

### A. Old Testament

#### 1. 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, <sup>2</sup> and if she goes and becomes another man's wife, <sup>3</sup> 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, <sup>4</sup> 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.**

The divorce permitted in Deut. 24:1 was because the husband found עָרוֹת דָּבָר (*erwat dābār*) in his wife. The noun *erwâ* occurs 54 times in the OT, and apart from Leviticus, where in conjunction with the word "uncover" it stands for sexual intercourse, "it is used of

nakedness/genitals or the closely related shame, or related figurative meanings."<sup>1</sup> It is defined in *The Hebrew and Aramaic Lexicon of the Old Testament* as "nakedness, genital area of a man or of a woman"<sup>2</sup> and in *The New Brown-Driver-Briggs-Gesenius Hebrew-English Lexicon* as "nakedness, pudenda" (i.e., the sexual organs).<sup>3</sup>

The phrase *‘erwat dābār* appears in the OT only in Deut. 24:1 and 23:14[15]. It literally means "nakedness of a thing," which refers generally to "something that is uncovered that should have been covered, something that is indecent, repulsive, disgusting, or shameful when left exposed."<sup>4</sup> It is commonly translated as something indecent (RSV, NAB, NAS, NASU, NIV, CSB, ESV) or unseemly (ERV, ASV) or improper (HCSB, NJB). In Deut. 23:14[15] it refers to uncovered human excrement in the Israelite camp, but because nakedness and sexual organs have sexual connotations, it is recognized by many that, with reference to a woman, the phrase implies a sexual offense, a shameful exposure of the woman's private parts. Eugene Merrill, for example, states, "The noun *‘erwa* bears the meaning of both 'nakedness' and 'pudenda' (i.e., the sexual organs), meanings no doubt to be combined here to suggest the improper uncovering of the private parts."<sup>5</sup>

The sexual understanding of the offense is reflected in the LXX, which rendered *‘erwat dābār* in Deut. 24:1 as *aschēmon pragma*, meaning an indecent or shameful deed. The only other use of *aschēmon pragma* in the LXX is Susanna 1:63 (Theodotian revision), where it clearly refers to adultery.<sup>6</sup> The allusion to Deut. 24:1 in Susanna 1:63 is unmistakable:

Deut. 24:1 – ὄτι εὔρεν ἐν αὐτῇ ἄσχημον πρᾶγμα  
Sus. 1:63 (TH) – ὄτι οὐχ εὐρέθη ἐν αὐτῇ ἄσχημον πρᾶγμα

The note on Deut. 24:1 in NET (2019) states, "The Hebrew phrase עֲרֹוֹת דָבָר (*‘ervat davar*) involves a genitive of specification, something characterized by עֲרֹוֹה (*‘ervah*). עֲרֹוֹה means 'nakedness,' and by extension means 'shame, sexual impropriety, sexual organs, indecency.'" The note in NET (2006) states:

*Heb* "nakedness of a thing." The Hebrew phrase עֲרֹוֹת דָבָר (*‘ervat davar*) refers here to some gross sexual impropriety (see note on "indecent" in Deut 23:14). Though the term usually has to do only with indecent exposure of the genitals, it can also include such behavior as adultery (cf. Lev 18:6–18; 20:11, 17, 20–21; Ezek 22:10; 23:29; Hos 2:10).

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<sup>1</sup> Boyd V. Seevers, "ערה," in Willem A. VanGemeren, ed., *New International Dictionary of Old Testament Theology and Exegesis* (Grand Rapids: Zondervan, 1997), 3:528.

<sup>2</sup> Ludwig Koehler and Walter Baumgartner, *The Hebrew and Aramaic Lexicon of the Old Testament*, ed. and trans. M. E. J. Richardson (New York: E. J. Brill, 2001), 1:882.

<sup>3</sup> *The New Brown-Driver-Briggs-Gesenius Hebrew-English Lexicon* (Peabody, MA: Hendrickson, 1979), 788.

<sup>4</sup> Richard M. Davidson, *Flame of Yahweh: Sexuality on the Old Testament* (Peabody, MA: Hendrickson Publishers, 2007), 391.

<sup>5</sup> Eugene H. Merrill, *Deuteronomy*, NAC (Nashville: Broadman & Holman Publishers, 1994), 317.

<sup>6</sup> The phrase in Deut. 23:14[15] is translated with *aschēmosunēn* rather than *aschēmon*.

Joe Sprinkle says of the phrase *‘erwat dābār*, "The word 'nakedness' (*‘erwâ*) is used frequently in an idiom for sexual intercourse, so sexual connotations seem likely."<sup>7</sup> Richard Davidson states, "It seems probable, given the preceding context and the usual sexual overtones of the term *‘erwâ* when referring to a woman, that the phrase in 24:1 describes a situation of indecent exposure (of private parts) by the woman."<sup>8</sup> Richard Averbeck concludes that the phrase "involves sexually inappropriate behavior of some kind that involved nudity, perhaps anywhere from lewd behavior to adultery. *She has somehow broken faith with her husband sexually.*"<sup>9</sup> John Goldingay states, "In Deut. 24:1, the man discovers 'the nakedness of a thing' in his wife, which likely refers to sexual misconduct."<sup>10</sup>

The claim of some that the phrase must refer to sexual misconduct short of adultery because adultery required the death penalty (Lev. 20:10; Deut. 22:22-24) not only clashes with the evidence of the LXX but ignores the possibility that, except for premeditated murder, perpetrators of capital crimes under the Mosaic law could have their death sentences commuted by offering a "ransom" or "substitute," as implied in Num. 35:30-32. Paul Copan writes:

Walter Kaiser points out the general observation of Old Testament scholars: There were some sixteen crimes that called for the death penalty in the Old Testament. Only in the case of premeditated murder did the text say that the officials in Israel were forbidden to take a "ransom" or "substitute." This has widely been interpreted to imply that in all other fifteen cases the judges could commute the crimes deserving capital punishment by designating a "ransom" or "substitute." In that case, the death penalty served to mark the seriousness of the crime. One could cite other scholars such as Raymond Westbrook, Jacob Finkelstein, and Joseph Sprinkle, who readily concur with this assessment.<sup>11</sup>

Sprinkle remarks, "[A] man, out of compassion, might choose not to press capital charges but divorce instead (cf. Joseph and Mary, Mt 1:19)."<sup>12</sup> Phillip Long points out:

While adultery is punishable by stoning (Deut 22:22-23; Lev 20:10), there are no narratives in the Hebrew Bible which illustrate the application of this law. The story of David and Bathsheba is the only example of an adultery story and there is no punishment given to the woman in that case. In Gen 38 Tamar is presumably caught in adultery since she is found to be pregnant while waiting for a levirate marriage arrangement. While the punishment ought to have been death, she is not executed when she proves that Judah her father-in-law was in fact the father of her children.<sup>13</sup>

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<sup>7</sup> Joe M. Sprinkle, "Sexuality, Sexual Ethics" in T. Desmond Alexander and David W. Baker, eds., *Dictionary of the Old Testament: Pentateuch* (Downers Grove, IL: InterVarsity Press, 2003), 744.

<sup>8</sup> Davidson, 391.

<sup>9</sup> Richard E. Averbeck, "The Law and the Gospels" in Pamela Barmash, ed., *The Oxford Handbook of Biblical Law* (New York: Oxford University Press, 2019), 415 (emphasis supplied).

<sup>10</sup> John Goldingay, *The Book of Jeremiah*, NICOT (Grand Rapids: Eerdmans, 2021), 143.

<sup>11</sup> Paul Copan, *Is God a Moral Monster?* (Grand Rapids: Baker Books, 2011), 95-96.

<sup>12</sup> Sprinkle, 744. He adds the additional possibility that divorce could be had for cases of adultery for which there were not two or three witnesses as required for capital offenses (Deut. 17:6-7).

<sup>13</sup> Phillip Long, *Jesus the Bridegroom* (Eugene, OR: Wipf and Stock, 2013), 110-111.

Even Davidson, who thinks adultery is beyond the scope of the conduct described, acknowledges: "In light of the conclusion reached in ch. 8, above, however, that the pentateuchal law may have implicitly given a husband the right to commute the death sentence of his adulterous wife, the possibility is not eliminated that in practice the 'nakedness of a thing' may have included adultery."<sup>14</sup>

Jeremiah apparently understood *'erwat dābār* in Deut. 24:1 to encompass adultery. As Sprinkle explains: "Jeremiah 3:1-8 cites the law of Deuteronomy 24:1-4 and applies it by analogy to the relationship between God and Israel. Rather than executing Israel for her adulteries, God sent her away into Assyrian exile with a 'certificate of divorce' (Jer. 3:8). Hence, Jeremiah understood 'nakedness of a thing' in Deuteronomy 24:1 to be applicable to cases of adultery."<sup>15</sup>

Moreover, Jesus interpreted Deut. 24:1 as being applicable to cases of adultery, when he was drawn into a famous rabbinic debate of his day. Two schools of Pharisee rabbis, Hillel and Shammai, disagreed over the meaning of the "indecent thing" that is specified in Deut. 24:1 as the grounds for divorce. David Instone-Brewer explains:

The Hillelites concluded that the strangeness of the phrase [*'erwat dābār*] suggested that there was an extra meaning hidden in it. This was a common technique in early rabbinic exegesis. They therefore concluded that the two words referred to two different grounds for divorce – "indecency" and "a matter." This meant one could base a divorce on an act of "indecency" or on "a matter," which meant "any matter." Because "any matter" encompassed all other grounds for divorce, this single ground could be used by anyone seeking a divorce.

The Shammaites took the two words to mean "a matter of indecency," by which they understood the phrase to mean adultery.<sup>16</sup>

When the Pharisees asked Jesus in Mat. 19:3, "Is it lawful to divorce one's wife *for any cause?*" they were asking him to opine on that current debate. Anyone in that historical context who heard Pharisees pose that question to a religious teacher would recognize that. After all, the dispute was between two schools of *Pharisees*, and the question was phrased in terms of that dispute. In asking Jesus if it was lawful to divorce one's wife for *any cause*, meaning any cause *whatsoever*, they were asking him whether Deut. 24:1 should be interpreted as the Hillelites contended. According to Instone-Brewer, "it is generally agreed that Jesus was being invited to express his opinion concerning a debate between the Hillelite and Shammaite Pharisees in the first century."<sup>17</sup>

In answering in 19:9 that "whoever divorces his wife, *except for sexual immorality*, and marries another, commits adultery," Jesus made clear that the Hillelites' interpretation of Deut.

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<sup>14</sup> Davidson, 392 (fn. 53).

<sup>15</sup> Sprinkle, 744.

<sup>16</sup> David Instone-Brewer, *Divorce and Remarriage in the Bible: The Social and Literary Context* (Grand Rapids: Eerdmans, 2002), 111.

<sup>17</sup> Instone-Brewer (2002), 293.

24:1 was wrong. Contrary to their claim, that verse did not authorize divorce for reasons other than sexual immorality. He thereby agreed implicitly with the Shammaites that the divorce in Deut. 24:1 for *'erwat dābār* was a divorce for sexual immorality [*porneia*],<sup>18</sup> a category that includes adultery. Instone-Brewer notes, "Most commentators . . . point out that Jesus' reply reflects the Shammaite position."<sup>19</sup> So Jesus, like Jeremiah, agreed that *'erwat dābār* encompassed adultery.

The overall purpose of the legislation in Deut. 24:1-4 is a matter of longstanding scholarly disagreement. Davidson lists eight major views on the question,<sup>20</sup> so one must tread this ground with extra humility. As I understand this example of biblical case law, a husband divorces his wife for sexual infidelity (*'erwat dābār*). She marries another man and is then divorced by that second husband or left a widow by his death. The first husband is prohibited from remarrying her; he is the one to whom the command of v. 4 is directed. To do so would be to take her after she had been defiled,<sup>21</sup> which would be an abomination before the LORD and bring sin on the land.

It is often assumed that the wife's marriage to the second husband is what defiles her and therefore precludes the first husband from marrying her again, but the cause of her defilement is not stated. I suspect she was "defiled" in relation to her first husband, off limits to him as a wife, by his divorcing her for sexual infidelity. He had declared publicly, probably with an oath,<sup>22</sup> that she was disqualified to be his wife because of her shameful conduct and as a result had prevailed against her financially (retained her dowry). It would be an outrage, an abomination, for him later to renege on that sworn declaration of unfitness, that pronouncement of her defilement, by remarrying her.

Michael Graves says, "Was she 'defiled' simply because she married twice? There is no reason why this would be so. What the law seems to avoid is her first husband marrying her again. The sense, therefore, seems to be that her first husband cannot marry her again after she has already been deemed 'unclean' by him. In other words, after he has rejected her once, he cannot get her back."<sup>23</sup> Klaus-Peter Adam concurs:

The major intention of the case law is to secure the fact that the woman has been declared "impure" and therefore may no longer be seen as marriageable. The former husband may not rescind his decision about the wife that he had taken. . . .

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<sup>18</sup> See the comments on *porneia* in the discussion of Mat. 5:31-32.

<sup>19</sup> Instone-Brewer (2002), 293.

<sup>20</sup> Davidson, 398-400.

<sup>21</sup> As Paul Joüon and T. Muraoka note in *A Grammar of Biblical Hebrew*, 2<sup>nd</sup> ed. (third reprint with corrections) (Rome: Gregorian & Biblical Press, 2011), 147, though *הִשְׁחַדְתָּ* properly means "one made her defile herself," in Deut.24:4 it may mean simply "she was defiled," which accords with most English versions.

<sup>22</sup> William Loader states in *The Septuagint, Sexuality, and the New Testament* (Grand Rapids: Eerdmans, 2004), 74, "The abomination consists in the fact that the husband would be going back on what he then instituted, probably with an oath." Instone-Brewer states in "Deuteronomy 24:1-4 and the Origin of the Jewish Divorce Certificate," *Journal of Jewish Studies* 49 (1998), 234, "An oath would be expected because the financial security of the woman depended on this document, and oaths were normal practice in matters of financial probity throughout the ANE, including the OT" (citing Ex. 22:10-11 [MT 22:9-10]).

<sup>23</sup> Michael Graves, *How Scripture Interprets Scripture: What Biblical Writers Can Teach Us About Reading the Bible* (Grand Rapids: Baker Academic, 2021), 92.

He is not allowed to re-marry the wife he has dismissed. . . . This law gives one decisive reason for this: "she has been declared unclean (אָמֵט, *hothpa 'el*)." The first husband's public accusation of his former wife of a "shameful thing," i.e., of a sexual or intimate activity, affects her honor and her marriageability and the husband may not reverse his former judgment. . . . The law thus seeks to limit the husband's ability to remarry a woman he has not considered marriageable.<sup>24</sup>

The relevance of her marriage to the second husband is not that it defiles her in terms of her first husband – that had already occurred – but that it has the potential to tempt the first husband to remarry her out of greed and thus to join himself to one, who by his own oath, is defiled, disqualified for marriage to him. The interim marriage could provide that temptation if it ended by the husband's death or his divorcing the wife without wrong on her part. Instone-Brewer explains:

The first marriage ended when the man cited a valid ground for divorce, namely "a matter of indecency" [*erwat dābār*]. The fact that he had a valid ground for the divorce meant that she lost her right to her dowry [money she brought into the marriage]. The second marriage ended without any valid grounds for divorce, either because the man 'hated/disliked' her (which was a technical term for a groundless divorce), or because he died. In either case the woman would have kept her dowry. If she had not brought a dowry into the second marriage, she would nevertheless have been awarded an equivalent amount. Westbrook thus noted that this would give the first husband a financial motive for remarrying the wife, because he would then have both her new dowry and her old one.<sup>25</sup>

In Jer. 3:1 God alludes to Deut. 24:1-4 as a warning to Judah not to continue in her unfaithfulness. The reference is abbreviated, there being no mention of the grounds for the first divorce or the ending of the second marriage, but it is sufficient to bring the full text to the mind of his Jewish audience. God thus reminds Judah that remarriage to a former husband is impossible after a divorce for adultery (3:1) and that he previously had divorced the northern kingdom of Israel for that very offense (3:8). (Note that Israel is nowhere said to have married another after that divorce.) The point is that Judah is in danger of the same thing happening to her.

Given the case law of Deut. 24:1-4 and the fact God had divorced Israel because of her adulteries (3:8),<sup>26</sup> it seems Israel is beyond reunion with God, and yet Hosea had predicted that God and Israel would be reconciled. Jeremiah reveals a solution to this theological conundrum. As Instone-Brewer observes, "The law of Deuteronomy 24 and the action of Israel appear to mean that it will be impossible for Israel to be reconciled to God. If God were to remarry Israel, not only would he break his own law, but the land would be polluted. However, Hosea has

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<sup>24</sup> Klaus-Peter Adam, *Hate and Enmity in Biblical Law* (New York: T&T Clark, 2022), 118.

<sup>25</sup> Instone-Brewer (2002), 7.

<sup>26</sup> The point of Isa. 50:1 seems to be that God did *not* divorce Judah, which is why there is no divorce certificate. The reference in 50:1c to his having "divorced" (NET, CEV) her is ironic, using the Judeans' false characterization of his disciplinary action. See, e.g., Paul R. House, *Isaiah*, Mentor (Geanies House, Fearn, Tain, Ross-shire, Great Britain: Christian Focus Publication, 2019), 2:447; Barry G. Webb, *The Message of Isaiah*, BST (Downers Grove, IL: InterVarsity Press, 1996), 198 (fn. 134).

predicted that God and Israel would be reconciled, and so Jeremiah now seeks to discover how this can happen."<sup>27</sup> He continues:

[In Jer. 3:18-22] Jeremiah manages to distance the reconciled Israel as far as possible from the Israel who was unfaithful to her husband. It is not Israel who is reconciled, but Israel-Judah as a united nation. Furthermore, it is not the original Israel but her "sons" who will make up part of the new nation. When Jeremiah finally reveals the new covenant, he speaks of this new bride as "the virgin Israel" (31:3-5). Jeremiah has presumably found hints for all this in Hosea. Hosea not only spoke of the new nation of united Israel and Judah, but he also introduced the idea of "sons" of Israel. Hosea said that the curse "Not my people" would be reversed to "Sons of the living God," and that these "sons of Israel" would be gathered together with Judah (Hos. 1:10-11[MT 2:1-2]). In this way the law of Deuteronomy 24 is not broken because God does not remarry exactly the same former wife, and yet the prophecy of Hosea is also fulfilled because the future Israel will be reconciled when she becomes a new wife in unification with Judah.<sup>28</sup>

## 2. Ezra 9:1-12, 10:1-5

**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. <sup>2</sup> 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." <sup>3</sup> As soon as I heard this, I tore my garment and my cloak and pulled hair from my head and beard and sat appalled. <sup>4</sup> Then all who trembled at the words of the God of Israel, because of the faithlessness of the returned exiles, gathered around me while I sat appalled until the evening sacrifice. <sup>5</sup> And at the evening sacrifice I rose from my fasting, with my garment and my cloak torn, and fell upon my knees and spread out my hands to the LORD my God, <sup>6</sup> saying: "O my God, I am ashamed and blush to lift my face to you, my God, for our iniquities have risen higher than our heads, and our guilt has mounted up to the heavens. <sup>7</sup> From the days of our fathers to this day we have been in great guilt. And for our iniquities we, our kings, and our priests have been given into the hand of the kings of the lands, to the sword, to captivity, to plundering, and to utter shame, as it is today. <sup>8</sup> But now for a brief moment favor has been shown by the LORD our God, to leave us a remnant and to give us a secure hold within his holy place, that our God may brighten our eyes and grant us a little reviving in our slavery. <sup>9</sup> For we are slaves. Yet our God has not forsaken us in our slavery, but has extended to us his steadfast love before the kings of Persia, to grant us some reviving to set up the house of our God, to repair its ruins, and to give us protection in Judea and Jerusalem. <sup>10</sup> "And now, O our God, what shall we say after this? For we have forsaken your commandments, <sup>11</sup> which you commanded by your servants the prophets, saying, "The land that you are**

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<sup>27</sup> Instone-Brewer (2002), 42.

<sup>28</sup> Instone-Brewer (2002), 42.

**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.**

**While Ezra prayed and made confession, weeping and casting himself down before the house of God, a very great assembly of men, women, and children, gathered to him out of Israel, for the people wept bitterly. <sup>2</sup> 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. <sup>3</sup> 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. <sup>4</sup> Arise, for it is your task, and we are with you; be strong and do it." <sup>5</sup> 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.**

In Ezra 9:1-12 we see that some of the Israelites who returned to Judah from Babylonian exile had violated the commandment in Deut. 7:1-4 not to intermarry with foreigners from communities in the promise land.<sup>29</sup> The fact those marriages still were marriages, despite having been entered into contrary to the will of God, is indicated by multiple lines of evidence.

First, the commandment in Deut. 7:1-4 that they not *intermarry* (*ḥātan*) with foreigners residing in the land (see also, Josh. 23:12) would not have been violated if they had not in fact married them. Second, the covenant the people made in Ezra 10:3 was to *cast out* (*yāšā*) their wives, which is the word used for the wife's leaving the house in the divorce context of Deut. 24:2. Third, the word used to describe their having *taken* (*nāsā*) for themselves the daughters of foreigners in the land (Ezra 9:2, 12, 10:44; Neh. 13:25) is used elsewhere of undisputed marriages (2 Chron. 11:21, 13:21, 24:3; Ruth 1:4). Fourth, the words used in the pledge by the Israelites (Neh. 10:30) not to do what they had been doing – that is, not to *give* (*nātan*) their daughters in marriage to the neighboring peoples or *take* (*lāqaḥ*) the neighboring peoples' daughters in marriage for their sons – are used elsewhere for *taking* and *giving* daughters in undisputed marriages (*nātan* – e.g., Gen. 29:28, Josh. 15:16-17; Judg. 1:12-13; *lāqaḥ* – e.g., Ezra 2:61; Neh. 6:18, 7:63). And fifth, Ezra 10:3 specifies that the divorcing of these foreign wives was to be done in accordance with Jewish law, meaning by providing them a certificate of divorce.

It would be a mistake to conclude that because divorce was required in the case of the sinful marriages to foreign wives in the salvation-historical context of Israel's return from exile that God requires divorce in *all* cases of sinful marriages. Divorce was required in that case because of the unique spiritual threat those pagan wives posed to God's continuing plan

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<sup>29</sup> The Jews were expressly forbidden in Ex. 34:11-16 and Deut. 7:1-4 (see also Josh. 23:12-13) from marrying people *from the nations they were dispossessing* in Canaan, not from all foreign nations. Indeed, Deut. 21:10-14 provides for marrying foreign women who were taken in wars against distant enemies, so there was no absolute ban on having foreign wives. Presumably, the rationale was that foreign women with local communities that would anchor them to their idolatrous culture would pose a greater threat by being more resistant to conversion. When Israel returned to Palestine after the exile, the principle of not marrying *indigenous* foreigners applied to those of other nations who were *then* in the land. So marrying those women was in defiance of God.

involving the nation of Israel. That concern was more important to God than honoring the sinfully given marital commitments. But divorce is not mandated for all sinful marriages.

In his book *Flame of Yahweh*, Richard Davidson makes a good case that God *prohibited* polygamy in the Old Testament, and though it occurred among his people, those occurrences were in fact contrary to his will. But at the very least, God specifically forbid Israelite kings from taking "many wives" (Deut. 17:17). King Solomon certainly violated that prohibition in taking 700 wives (1 Ki. 11:3), and yet there is no indication that he was required to dissolve any of those marriages. David had eight wives who are named in the Bible and others who are not (1 Sam. 18:27, 25:42-43; 2 Sam. 3:2-5, 5:13-16, 12:24; 1 Chron. 3:1-9, 14:3-5), and he was not required to divorce any of them. He was not even required to divorce Bathsheba despite the fact, as emphasized by Nathan in his rebuke of David (2 Sam. 12:9), he had gained her as a wife by having her husband murdered. So it seems the mandated divorces of Ezra 9-10 were specific to that situation.

In that same vein, when Paul says that a Christian widow is free to remarry but "only in the Lord," I agree with the large majority of interpreters that he means her new husband must be a Christian.<sup>30</sup> Indeed, Paul uses "in the Lord" to mean Christians in Rom. 16:11. And if a Christian widow can only marry a Christian, the implication is that a never-married Christian can only marry a Christian. And yet, in 1 Cor. 7:12-13, Paul prohibits Christians from divorcing a spouse because the spouse was not a Christian. On its face, Paul says that divorce is not only not required but is not even allowed where one has sinfully married a non-Christian.

It is possible, however, that Paul was referring only to situations where the couple *already was married* when one of them became a Christian. But if that is the case, then those who claim that all sinful marriages must be dissolved are compelled by logic to demand dissolution of marital unions created by a Christian marrying a non-Christian. The fact that few make such a demand suggests that we generally recognize that divorce is not required in the case of all sinful marriages.

### 3. Malachi 2:13-16

**And this second thing you do. You cover the LORD's altar with tears, with weeping and groaning because he no longer regards the offering or accepts it with favor from your hand. <sup>14</sup> But you say, "Why does he not?" Because the LORD was witness between you and the wife of your youth, to whom you have been faithless, though she is your companion and your wife by covenant. <sup>15</sup> Did he not make them one, with a portion of the Spirit in their union? And what was the one God seeking? Godly offspring. So guard yourselves in your spirit, and let none of you be faithless to the wife of your youth. <sup>16</sup> "For the man who does**

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<sup>30</sup> Modern commentators who recognize that Paul here limits the widow's marriage pool to Christians include W. Harold Mare (*The Expositor's Bible Commentary*), Gordon D. Fee (*New International Commentary on the New Testament*), Richard E. Oster (*College Press NIV Commentary*), Bruce Winter (*New Bible Commentary 21<sup>st</sup> Century Edition*), Anthony C. Thiselton (*New International Greek Testament Commentary*), David E. Garland (*Baker Exegetical Commentary on the New Testament*), and Thomas R. Schreiner (*Tyndale New Testament Commentaries*).

**not love his wife but divorces her, says the LORD, the God of Israel, covers his garment with violence, says the LORD of hosts. So guard yourselves in your spirit, and do not be faithless."**

The context of Mal. 2:13-16 is the immediately preceding rebuke of the Israelites for marrying idolatrous wives. In v. 11, he condemns Judah for profaning God's temple, and it is probably best to understand the following clause "*and has married the daughter of a foreign god*" as describing the way in which Judah profaned the temple. That is how the NIV and NEB take it: they profaned the temple *by* marrying the daughter of a foreign god. This most likely means that, as in Ezra and Nehemiah, many of them had married women from local communities of non-Israelites in which foreign gods were worshiped.<sup>31</sup> The women in question were practicing idolaters. The phrase "daughter of a foreign god" implies they were devoted to that god. And as so often happens (e.g., 1 Ki. 11:1-8), this led to a compromised worship of God and a profaning of his temple, perhaps including bringing their idolatrous wives to the temple.

There was probably a significant financial motive behind such marriages. As Douglas Stuart points out, Judah had taken the full hammer from the Babylonians, and those who returned from exile returned to an impoverished territory. The pagans who had remained in the region were relatively better off, so allying oneself with pagans via marriage was a way to get ahead.<sup>32</sup> Andrew Hill similarly comments: "Malachi's speech censuring divorce was likely prompted by the actions of men divorcing their wives and marrying foreign women in order to gain access to local commerce by marrying into the trade guilds and business cartels."<sup>33</sup>

Verse 12 says literally: "May the LORD cut off from the tents of Jacob the man who does this, him who wakes and him who answers, though he brings an offering to the LORD of hosts." The phrase "him who wakes and him who answers," probably is a merism, an expression of totality, which is why the NET translates it "every last person who does this," and the NIV translates it "the one who does this, whoever he may be." The point is that whoever has engaged in such sinful marriages is under condemnation. Their being "cut off" from the people may refer to an unspecified punishment administered directly by God in his own way and in his own time, perhaps including the extinction of their lineage.

The fact the person brings an offering to God will not benefit him because his heart is in rebellion as exemplified in his having married an idol-worshiper in defiance of the Lord's will. A surrendered heart is the indispensable predicate for all acceptable worship. One cannot play God for a sap, cannot live in rebellion and then attempt to appease him with tokens of devotion. One's worship must be the fruit of a consecrated life, or it is a charade.

Then in 2:13-16 God rebukes his people for their faithlessness in divorcing their original wives. In addition to marrying idolatrous wives, which led to the abominable profaning of God's temple (2:10-12), the priests, on behalf of the people, were trying to induce God's favor by emotional displays in the face of his having rejected their sacrifices because of the people's sin.

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<sup>31</sup> See fn. 29.

<sup>32</sup> Douglas Stuart, "Malachi" in Thomas Edward McComiskey, ed., *The Minor Prophets: An Exegetical and Expository Commentary* (Grand Rapids: Baker, 1998), 3:1332-1333.

<sup>33</sup> Andrew E. Hill, *Haggai, Zechariah and Malachi*, TOTC (Downers Grove, IL: InterVarsity Press, 2012), 322.

As with pagan gods, they hoped to manipulate God with tears, weeping, and groaning, as though that would counteract their unfaithfulness. God wants a surrendered heart; that is the indispensable predicate of all acceptable worship.

Feigning ignorance, they ask accusingly in v. 14 why God does not regard their offerings or accept them with favor. And the answer is that the LORD was witness to their original marriages to their Jewish wives, meaning that he was the enforcer or guarantor of their marriage covenant, and they were faithless to their wives in that they divorced them, presumably to marry their new pagan wives. They broke the covenant they had made with their wives before God! How dare they!

Verse 15 is difficult to translate and understand. Following the ESV, the thrust of the rhetorical question, which echoes Gen. 2:24, is that God created the institution of marriage, the basis of man and woman uniting in a one-flesh relationship. And having created marriage, he approved and blessed their original marriages to their Jewish wives, there being a portion of his Spirit in their marriage. His desire is that through that marital union children would be born who would be taught to revere him.

Given the foundational significance of marriage, even apart from the fact it serves as a model of Christ and the church (Eph. 5:31-32), he commands that they guard themselves in their spirit, meaning that they watch their hearts closely to keep them from rationalizing the sin of divorce. Thus, he commands in v. 15c, "Let none of you be faithless to the wife of your youth," meaning their first wives whom some were dumping for what they thought were "greener pastures."

Malachi 2:16 is another difficult text to translate. The first clause is often rendered, "For I hate divorce, says the LORD," but in the Masoretic text the verb "hates" is a third-person singular form ("he hates"). There are various ways to understand this, one of which is reflected in the ESV: "For the man who does not love [hates] his wife but divorces her, says the LORD." This is like several other modern versions:

- "The man who hates and divorces his wife," says the LORD (NIV)
- "If he hates and divorces his wife," says the LORD (HCSB)
- "If he hates and divorces his wife," says the LORD (CSB)

The phrasing is probably from Deut. 24:3 which speaks of a man's divorcing his wife as the man hating her and writing her a certificate of divorce. As reflected in the ESV, "hating" is a Hebrew idiom for no longer loving, no longer being committed to, as manifested in the divorce. Malachi 2:16 is referring to a man who divorces (*šālah*) his wife as the Judeans were doing.<sup>34</sup>

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<sup>34</sup> The verb *šālah* is defined as divorce in *The New Brown-Driver-Briggs-Gesenius Hebrew-English Lexicon*, 1019. Koehler and Baumgartner state (2:1514) that its meaning includes "to dismiss a woman from the state of marriage." According to Ernst Jenni and Claus Westermann, *Theological Lexicon of the Old Testament*, trans. by Mark E. Biddle (Peabody, MA: Hendrickson Publishers, 1997), 3:1332, it has the meaning "of divorcing a wife." C. John Collins states in "שָׁלַח" in *New International Dictionary of Old Testament Theology and Exegesis* (4:120), "An important use of this theme [of sending away] is in contexts of divorce (e.g., Deut 22:19, 29; 24:1, 3; Jer 3:1; Mal 2:16). *šlh* and its synonym *grš*, drive away, are alternate forms for divorce." Hossfeld-van der Velden states in "שָׁלַח"

God says that the one who does so "covers his garment with violence," meaning he has metaphorically assaulted her. The idea is like our "he has blood on his hands."<sup>35</sup> He is guilty of a grave offense.

The common translation "I hate divorce"<sup>36</sup> is possible despite the fact "divorce" is a verb and the verb "hates" is a third-person singular form because the infinitive construct *šallah* can function as a noun,<sup>37</sup> here serving as the object of the verb hates ("he hates divorce"). The first person ("I") in the translation is a way of expressing the fact Yahweh is the one who says "he hates" divorce (NKJV - "For the LORD God of Israel says That He hates divorce"). For God to say he hates divorce is tantamount to him saying "I hate" divorce. Even if one thinks that is not the best translation, it is a valid way of expressing the meaning.

In context, God is not saying there are no grounds for divorce. Indeed, in Deut. 24:1 he permitted implicitly divorce on the grounds of "some indecency," and in the salvation-historical context of the return from exile, Ezra and Nehemiah mandated divorce in the case of the sinful marriages to pagan wives (Ezra 10:3).

God is here rebuking those who were breaking faith with their original Jewish wives, many of whom were no doubt "trading them in" for the more financially or physically attractive idolaters. As E. Ray Clendenen remarks, "Although the details are less than certain, the view that accounts best for the data of the text understands the issue to be unjustifiable divorce, that is, for reasons other than 'something indecent' in the wife (Deut. 24:1). This would include divorce for personal convenience or advantage or for any other reasons related to self-satisfaction."<sup>38</sup> So there is no contradiction between God's rebuke or hatred of these divorces and his having divorced the northern kingdom of Israel for her metaphorical adultery (Jer. 3:8).

In v. 16b God renews the admonition from v. 15c. They are to guard their inner person, their hearts, so that they not be led to divorce their wives. Andrew Hill, who has written two major commentaries on Malachi (Anchor Bible and TOTC), sums up this section of book this way:

Malachi espoused a lofty view of marriage, equating it with a covenant relationship. He passionately preached a message of faithfulness and loyalty to one's marriage partner (v. 14), and warned his audience not to break faith in marriage (vv. 15, 16), because God has made marriage partners one (v. 15). Since divorce is an act of violence against a marriage partner, God hates divorce [implicitly if not explicitly] and the damage created by fractured marital relationships. The prophet recognized that loyalty to the marriage covenant both fulfilled God's creation mandate for the man-woman relationship and contributed

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*šallah*" in G. Johannes Botterweck, et al., eds., *Theological Dictionary of the Old Testament* (Grand Rapids: Eerdmans, 2006), 10:69 that its meaning includes "divorce of one's wife."

<sup>35</sup> Stuart, 3:1343.

<sup>36</sup> See, e.g., RSV, NRSV, NAB, NAS, NASU, NJB, NABRE, LEB, NET, NAS'20. NKJV has, "For the LORD God of Israel says That He hates divorce."

<sup>37</sup> Bruce K. Waltke and M. O'Connor, *An Introduction to Biblical Hebrew Syntax* (Winona Lake, IN: Eisenbrauns, 1990), 602.

<sup>38</sup> Richard A. Taylor and E. Ray Clendenen, *Haggai, Malachi*, NAC (Nashville: B&H Publishing, 2004), 368.

to the stabilization of society. Later, Jesus affirms the Genesis ideal for marriage (cf. Gen. 2:24) and offers a strict interpretation of the Mosaic laws regarding divorce (Matt. 19:1-12; cf. Deut. 24:1-4).<sup>39</sup>

## B. New Testament

### 1. Jesus' Teaching

#### a. *Matthew 5:31-32*

**And it was said, "Whoever divorces his wife, let him give her a certificate of divorce." <sup>32</sup>But I say to you that anyone who divorces his wife, except on the ground of sexual immorality, causes her to commit adultery, and whoever marries a divorced woman commits adultery.**

This is from Jesus' teaching in what is known as the Sermon on the Mount. He notes that the people had been taught, pursuant to Deut. 24:1, that a man divorcing his wife must give her a certificate of divorce; that was necessary to effect the divorce. Instone-Brewer notes that Jewish society in first-century Palestine was dominated by the Hillelite understanding that divorce was permissible for any reason.<sup>40</sup> He says, "the vast majority of first-century Jewish divorces were 'any matter' divorces in a Hillelite court."<sup>41</sup> Since there was no restriction on the grounds for divorce, it is not surprising that attention came to be focused on the formalities of divorce, on the technical requirements for a valid certificate.

According to the *Mishnah* (*Gittin* 8.5), which is a topical collection of prior Jewish interpretations of Scripture that was compiled around A.D. 200, even minor mistakes about things like dates or locations would invalidate a certificate of divorce.<sup>42</sup> Jesus redirects the focus from the technical formalities of divorce to the sanctity of marriage, which according to its original purpose was a relationship of permanence (Mat. 19:4-6, 8), by explaining that divorce<sup>43</sup> is permissible only on the ground of *porneia*.

*Porneia* certainly encompasses adultery proper, sexual intercourse with one other than one's spouse, but it is a broad term that includes other sexual sins as well. As Keener says, in the Matthew texts (5:32, 19:9) it probably is best understood "as any sort of sexual infidelity against the marriage."<sup>44</sup> Hans Dieter Betz states: "What does this term (*πορνεία*) mean? How is it related to adultery (*μοιχεία*)? The difference in terminology, I believe, indicates that the SM [Sermon on the Mount] wants to differentiate between the terms. This means that *πορνεία* must be general,

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<sup>39</sup> Hill, 327-328.

<sup>40</sup> Instone-Brewer (2002), 114-117.

<sup>41</sup> Instone-Brewer (2002), 117.

<sup>42</sup> Instone-Brewer (2002), 127-129.

<sup>43</sup> "Divorces' is the appropriate translation for the Greek, ἀπολύση, a standard technical term for divorce." William Loader, *The New Testament on Sexuality* (Grand Rapids: Eerdmans, 2012), 242. "The terminology is technical: ἀπολύω τὴν γυναῖκα in the special sense of 'divorcing one's wife' is well attested in Hellenistic literature and legal documents." Hans Dieter Betz, *The Sermon on the Mount*, Hermeneia (Minneapolis: Fortress Press, 1995), 244-245. See, Ashby L. Camp, [The Meaning of Apoluō in the Synoptic Divorce Texts](#).

<sup>44</sup> Craig S. Keener, "Remarriage for Circumstances Beyond Adultery or Desertion" in Paul E. Engle and Mark L. Strauss, eds., *Remarriage After Divorce in Today's Church: 3 Views* (Grand Rapids: Zondervan, 2006), 107.

not specific; but at least it narrows the offense to *sexual* immorality, thereby excluding other transgressions."<sup>45</sup> With specific reference to Mat. 5:32 and 19:9, BDAG states, "Of the sexual unfaithfulness of a married woman."<sup>46</sup> D. A. Carson states:

But it must be admitted that the word *porneia* itself is very broad. In unambiguous contexts it can on occasion refer to a specific kind of sexual sin. Yet even then this is possible only because the specific sexual sin belongs to the larger category of sexual immorality. *Porneia* covers the entire range of such sins (cf. TDNT, 6:579-95; BAGD, s.v.; Joseph Jensen, "Does *porneia* Mean Fornication? A Critique of Bruce Malina," *NovTest* 20 [1978]: 161-184) and should not be restricted unless the context requires it.<sup>47</sup>

Robert Stein states:

It has been pointed out that *porneia* cannot be equated with "adultery" because there is a separate Greek word for adultery – *moicheia* – and because in Mark 7:21-22 / Matthew 15:19; 1 Corinthians 6:9 and Hebrews 13:4 *porneia* is distinguished from *moicheia*. But while there is a distinction between the two words, it is one of specificity. *Moicheia* is a specific term and means adultery; *porneia* is a much more inclusive term and means any unlawful sexual act. These terms are not synonyms, but *porneia* includes *moicheia*. In other words, "adultery" is a subspecies of "unchastity" which, unless qualified, refers to sexual immorality generally.<sup>48</sup>

Richard Hays states:

[A]ny interpretation of the exception clause must do justice to the very general meaning of *porneia* in contemporary Greek usage: it is a generic term for all sorts of sexual misconduct. Unless the immediate context provides some good reason for limiting the sphere of application, it ought to be construed as a catch-all term, not as a *terminus technicus* for one specific offense.

Thus, the best interpretation of the Matthean exception clause leaves the door open for divorce on the grounds of a variety of offenses related to sexual immorality.<sup>49</sup>

Craig Keener states:

My suspicion is that Matthew used a broader term because he did indeed mean more than what is narrowly signified by "adultery." Most sexual infidelity committed by a married person can come under the heading "adultery," but

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<sup>45</sup> Betz, 250.

<sup>46</sup> Bauer, Danker, Arndt, and Gingrich, *A Greek-English Lexicon of the New Testament and Other Early Christian Literature*, 3<sup>rd</sup> ed. (Chicago: University of Chicago Press, 2000), 854.

<sup>47</sup> D. A. Carson, "Matthew" in *The Expositor's Bible Commentary*, rev. ed. (Grand Rapids: Zondervan, 2010), 9:468.

<sup>48</sup> Robert Stein, "Divorce" in Joel B. Green, Scot McKnight, and I. Howard Marshall, eds., *Dictionary of Jesus and the Gospels* (Downers Grove, IL: InterVarsity Press, 1992), 195.

<sup>49</sup> Richard B. Hays, *The Moral Vision of the New Testament* (San Francisco: HarperCollins, 1996), 355.

Matthew probably wishes his exception to permit more than the word itself specifies. . . . Matthew's point seems to be that sexual sin within marriage need not be limited to a wife's having intercourse with another man . . .<sup>50</sup>

In the Ancient Near East of the first century, a woman who was divorced by her husband would normally be driven to remarry out of economic necessity.<sup>51</sup> Jesus says that a woman who has been divorced by her husband commits adultery by marrying another man. (He is not here addressing the situation of a woman who divorces her husband. That is dealt with in Mk. 10:12.)

This teaching would have shocked or puzzled everyone – Jews, Romans, and Greeks. They all accepted that a divorce freed one to remarry because it dissolved the former marriage; that was the purpose and effect of a divorce. If the parties were divorced, they were no longer married, and if they were no longer married, they were free to marry another, meaning there was nothing adulterous about that marriage. Gordon Wenham says, "Now no one would dispute that Jews, Greeks, and Romans in the first century assumed that a divorce entitled one to remarry."<sup>52</sup> Instone-Brewer states:

Everyone in the first century, so far as we know, agreed that a divorcee had the right to remarry. The Romans had this right enshrined in their law, and they certainly did not want to introduce any restriction to it. And as far as we know, there were no Jewish parties in the first century that prohibited remarriage after divorce.<sup>53</sup>

Even the Shammaites accepted that those who had a Hillelite, "any matter" divorce, a divorce on grounds unacceptable to the Shammaites, were free to remarry. In Carson's words, "[The Shammaites] permitted remarriage when the divorce was not in accordance with its own halakah (rules of conduct) (*m. 'Ed. 4:7-10*)."<sup>54</sup> Instone-Brewer likewise says, "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."<sup>55</sup>

In saying that a woman who had been divorced by her husband had no right to remarry, that she committed adultery if she did so, Jesus clearly was rejecting the status quo, *but in what way?* Was he saying that the woman committed *literal adultery*, meaning she remained married to the first man, despite the fact he had gone through the required legal procedures for a divorce, and therefore in having sex with the second man whom she presumed to marry she was in fact having sex with a man other than her actual husband? Or was he saying that the woman

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<sup>50</sup> Craig Keener, *And Marries Another: Divorce and Remarriage in the Teaching of the New Testament* (Peabody, MA: Hendrickson, 1991), 31-32.

<sup>51</sup> See, e.g., Douglas R. A. Hare, *Matthew*, Interpretation (Louisville, KY: Westminster John Knox Press, 2009), 221.

<sup>52</sup> Gordon J. Wenham, "No Remarriage After Divorce" in Paul E. Engle and Mark L. Strauss, eds., *Remarriage After Divorce in Today's Church: 3 Views* (Grand Rapids: Zondervan, 2006), 33.

<sup>53</sup> David Instone-Brewer, *Divorce and Remarriage in the Church* (Downers Grove, IL: InterVarsity Press, 2003), 109.

<sup>54</sup> Carson, 466; see also, Instone-Brewer (2002), 166-167, 182-183.

<sup>55</sup> Instone-Brewer (2002), 166-167; see also, 182-183.

committed *metaphorical adultery* in the act of remarrying, meaning that even though she was divorced and therefore no longer married to the first man, she violated a duty owed to him not to marry another, a duty that in the new covenant continued after dissolution of the marriage? As I will explain in a moment, I think it is the latter.

Jesus explains that a man who divorces his wife for a reason *other than* sexual immorality is *a cause* of the adultery that occurs upon her assumed remarriage. The former husband shares responsibility for that foreseeable breach of her continuing duty not to marry because he divorced her without an acceptable reason. The implication is that if he divorces her *for* sexual immorality, he is *not* a cause of the adultery that occurs upon her assumed remarriage. In that case, she was responsible for the divorce and therefore her husband is not accountable for the wrong of her remarriage.

And since a woman who has been divorced by her husband (as distinct from her having divorced her husband) violates a continuing duty to that husband when she remarries, however one understands that duty, the man who marries her, her new husband, is a party to her breach of that duty. So he too is guilty of the offense that the Lord labels "adultery."

As I said, I do not believe Jesus is referring here to literal adultery because he specifies that the parties are divorced. He does not say or suggest that the divorce was merely an *attempted* divorce, that it was for some reason invalid or ineffective and therefore left the parties married, but rather he speaks of "whoever *divorces* his wife" and "whoever marries a *divorced* woman."

Just as a marriage between a man and a woman that is contrary to God's will results in a valid marital union, the marriages in Ezra 9-10 being a case in point,<sup>56</sup> so Paul makes clear in 1 Cor. 7:10-11 that a divorce that is contrary to God's will effectively dissolves a marriage, rendering the parties "unmarried" (*agamos*). I will say more about this later, but here is the text of 1 Cor. 7:10-11: *Now to the married, I command (not I, but the Lord) the wife not to separate from her husband – <sup>11</sup> but if she does indeed separate, let her remain unmarried or be reconciled to the husband – and the husband not to divorce his wife.*

That it is possible to dissolve a marriage contrary to God's will, without divinely permissible grounds for divorce, also is indicated in Mat. 19:6 and Mk. 10:9, where Jesus commands people *not* to separate what God has joined together, referring to a marital union. He obviously is not commanding them not to dissolve marriages in cases where God permits them to do so – that would be schizophrenic, denying on one hand what is permitted on the other – so the implication is that people have the power or ability to dissolve marriages in cases where God has *not* permitted them to do so. Why command someone not to do what he or she is unable to do? As Keener points out, "There is little point in forbidding a separation that cannot occur in any case. Jesus forbids it because it *can* but *should not occur*."<sup>57</sup>

In Jn. 4:18 Jesus tells the woman at the well that she was married five times before (had five husbands) but now is just living with a man. As Keener notes: "Jesus does not say to the woman at the well, 'You were married once and have lived with five men since then.' Rather, he

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<sup>56</sup> See the discussion on pp. 9-10.

<sup>57</sup> Keener (2006), 107.

says, 'You were married five times but are just living with someone now.'<sup>58</sup> If a marriage can be dissolved only by a divorce for sexual immorality, it is very unlikely that a woman would have had five husbands. That would mean she had been divorced for sexual immorality in at least her first four marriages, which gives new meaning to the phrase "slow learner."

Insisting that Jesus is referring to literal adultery and thus that the divorced parties are still in fact married makes it very difficult to understand the seeming asymmetry regarding the parties' right to remarry in cases where the divorce was for sexual immorality. If, as is widely believed, Mat. 5:32b (or Lk. 16:18b) refers to women divorced for *any* reason, rather than to women divorced for an *impermissible* reason, then one who is divorced for sexual immorality is barred from remarriage.<sup>59</sup> If the reason a woman who was divorced for sexual immorality (or any other reason) cannot remarry is that she remains married despite the divorce and therefore would commit literal adultery by sleeping with the new man she presumed to marry, how can the husband who divorced her not likewise still be married so as to be barred from marrying another?

And yet, Mat. 19:9 implies that the party divorcing for sexual immorality is free to remarry.<sup>60</sup> This asymmetry is not a problem if the restriction on remarriage is not based on the notion that the parties are still married but is rather an obligation that survives dissolution of the marriage.

We recognize implicitly that a biblically impermissible divorce still dissolves the marital union when we disapprove of sexual relations between the divorced parties. We say by that disapproval that they are no longer married and therefore lack the divine basis for sexual intimacy. If, for example, an ex-husband had sex with his now remarried former wife, few would claim that was acceptable because the couple was still married despite their divorce and the second man was not the woman's husband despite their marriage ceremony.

The fact Jesus does not expressly relate the offense in question to sexual relations but elsewhere describes the "adultery" simply in terms of the dual action of *divorcing and remarriage* (Mat. 19:9; Mk. 10:11-12; Lk. 16:18) also points to a nonliteral sense. Of course, sexual relations would be presumed in the case of remarriage but given that a marriage can exist prior to sexual relations (as Joseph and Mary make clear – Mat. 1:24-25), "remarriage" is an obscure way of referring to sexual relations. If the offense was sexual relations and Jesus wanted to refer to it obliquely for the sake of modesty, the euphemism "knowing" would serve that purpose without ambiguity.

That Jesus was speaking metaphorically is further supported by the ample precedent for using "adultery" in a figurative sense. The term was regularly used in the Old Testament for spiritual disloyalty, for giving to another what rightfully belonged to Yahweh alone (e.g., Hos.

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<sup>58</sup> Keener (2006), 107.

<sup>59</sup> See also the excursus on John Nolland's argument.

<sup>60</sup> Some scholars are convinced that both parties in this situation may remarry. See, e.g., Robert L. Saucy, "The Husband of One Wife," *Bibliotheca Sacra* 131 (July 1974) 234-235; John Jefferson Davis, *Evangelical Ethics: Issues Facing the Church Today* (Philipsburg, NJ: Presbyterian and Reformed Publishing, 1985) 103; Jack Cottrell, *Tough Questions – Biblical Answers* (Joplin, MO: College Press, 1985) 47-48; Instone-Brewer (2002) 286-287.

2:2, 3:1, 4:2, 4:13-14, 7:4; Jer. 3:8-9, 5:7, 9:2, 13:27; Ezek. 16:27-32, 23:36-37). It also is used metaphorically in Mat. 5:28 (signaled by "in his heart"), 12:39, 16:4; Mk. 8:38; Jas. 4:4; and Rev. 2:22. So describing a violation of a surviving duty not to marry another as "adultery" was within the bounds of first-century rhetoric.

Adultery was a suitable metaphor for the conduct Jesus is proscribing, remarriage by the divorced woman, because as literal adultery is the violation of a marital duty not to have sexual relations with another man, metaphorical adultery is the violation of a marital duty not to marry another man. The difference is that the ability to commit literal adultery ceases with a divorce because literal adultery requires that the perpetrator be married (assuming the other is not). But the ability to commit metaphorical adultery, the Lord informs us, survives dissolution of the marriage.

*b. Matthew 19:3-9*

**And Pharisees came up to him and tested him by asking, "Is it lawful to divorce one's wife for any cause?"<sup>4</sup> He answered, "Have you not read that he who created them from the beginning made them male and female,<sup>5</sup> 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'?<sup>6</sup> So they are no longer two but one flesh. What therefore God has joined together, let not man separate."<sup>7</sup> They said to him, "Why then did Moses command one to give a certificate of divorce and to send her away?"<sup>8</sup> 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.<sup>9</sup> And I say to you: whoever divorces his wife, except for sexual immorality, and marries another, commits adultery."**

As explained above, Jesus was, in essence, asked by the Pharisees whether he agreed with the Hillelites that Deut. 24:1 permitted divorce for any reason. They did so to "test" (*peirazō*) him, meaning they asked the question to elicit an answer that would somehow be detrimental to him, as when the Pharisee in Mat. 22:34-36 "tested" Jesus by asking which is the great commandment in the law. He was hoping Jesus would respond in a way that damaged his esteem as a teacher.

The Pharisees in Mat. 19:3 wanted to put Jesus' view of divorce on the record in the hope of alienating at least part of the audience. When Jesus makes clear that God intended from the beginning for marriage to be permanent (vv. 4-6, 8), they think they have caught him contradicting the Scripture, and thus challenge him with, "Why then did Moses command to give a certificate of divorce and thus to divorce [her]?"<sup>61</sup> They were suggesting that the fact God provided for divorce contradicts the claim that he intended marriage to be permanent.

Jesus explains that the permission to divorce that is implicit in Deut. 24:1 is not inconsistent with his assertion that God intended from the beginning for marriage to be permanent. Rather, it was a *concession* God made because of the hardness of their hearts, a concession that goes contrary to his desire and ideal.

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<sup>61</sup> Taking *kai* as "and thus" per BDAG, 495. See, Donald Hagner, *Matthew 14-28*, WBC (Nashville: Thomas Nelson, 1995), 545.

He makes clear in 19:9 that the Shammaites' understanding of Deut. 24:1 is essentially the correct one, but he does not confine his answer to the narrow debate over the meaning of Deut. 24:1. By universalizing his answer, declaring, "*whoever [hos an] divorces his wife, except for sexual immorality [porneia],*"<sup>62</sup> he makes clear that no divorces between Christians are beyond the restriction.<sup>63</sup> Wayne Grudem comments:

The construction, "Whoever . . . except for" explicitly rules out all the grounds for divorce other than adultery. It is not just that Jesus failed to explicitly deny that divorce was valid for failure to provide food, clothing, or marital rights. He also failed to explicitly deny that divorce was valid for a wife spoiling a meal or because a man found another woman whom he thought more beautiful than his present wife. He did not need to deny any of these explicitly because he was denying them all at once when he said, "*Whoever divorces his wife, except for sexual immorality . . .*"<sup>64</sup>

I say Jesus made clear that no divorces "between Christians" are beyond the restriction to sexual immorality because the Spirit later revealed through Paul (1 Cor. 7:12-13) that Jesus was here speaking of marriages between believers, covenant people. He was not addressing marriages between believers and unbelievers, between covenant people and those outside the covenant.

Jesus reveals in 19:9 that *the husband* who impermissibly divorces his wife, who divorces her for a reason other than her sexual infidelity, is prohibited from marrying another woman. That would be metaphorical adultery on his part, a violation of a maritally created duty not to marry another, that Jesus indicates survives the dissolution of the marriage. If he divorces her because of her sexual infidelity, he does not commit adultery in marrying another woman. A divorce for infidelity extinguishes any duty owed to that spouse not to marry another.

The disciples' reaction and Jesus' response are reported in 19:10-12: *The disciples said to him, "If such is the case of a man with his wife, it is better not to marry."*<sup>11</sup> *But he said to them, "Not everyone can receive this saying, but only those to whom it is given."*<sup>12</sup> *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."*

The disciples in v. 10 react to Jesus' teaching in v. 9 with the statement, "If such is the case of a man with his wife, it is better not to marry." They do so because Jesus taught, contrary to the dominant Jewish understanding of the day, that a husband could divorce his wife *only* for sexual unfaithfulness, *and* if he divorced her for some other reason, he was not free to marry someone else. He thus raised the marriage stakes for his disciples. They were to treat the marriage relationship not in keeping with current Jewish understanding and practices but

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<sup>62</sup> See the comments on *porneia* in the discussion of Mat. 5:31-32.

<sup>63</sup> The Spirit later revealed through Paul (1 Cor. 7:12-13) that Jesus was not addressing marriages between believers and unbelievers, between covenant people and those outside the covenant.

<sup>64</sup> Wayne Grudem, *Christian Ethics: An Introduction to Biblical Moral Reasoning* (Wheaton, IL: Crossway, 2018), 820.

according to the demands of the new covenant, which were more in line with God's original elevation of marriage.

In Mat. 19:11 Jesus picks up on the disciples' comment in v. 10 that "it is better not to marry" and tells them, "Not everyone can receive this saying, but only those to whom it is given." There is an element of truth in what the disciples had just uttered. It *is* better not to marry if one will not treat the marriage covenant in accordance with its sanctity, as expressed by what Jesus just said about it. But as an abstract or blanket statement, it fails to recognize that it is true only regarding those to whom it is uniquely applicable, those who by God's grace can handle a life of celibacy.

He explains in v. 12 that some cannot experience sexual relations because of some birth defect (those born eunuchs), some cannot because they have been castrated (made eunuchs by men), and some cannot because they have chosen not to marry to devote themselves to ministry (made themselves eunuchs for the sake of the kingdom of heaven). Giving up a right to marry is not for everyone but only for those who can by God's gift handle it. (Recall Paul's remark in 1 Cor. 7:7, where he wished that all people had his gift of freedom from the need for sexual fulfillment that made it possible for him to live unmarried.) So before they casually write off marriage as something his teaching makes too difficult, they must judge whether they are among those who can live without it.

*c. Mark 10:2-12*

**And Pharisees came up and in order to test him asked, "Is it lawful for a man to divorce his wife?"<sup>3</sup> He answered them, "What did Moses command you?"<sup>4</sup> They said, "Moses allowed a man to write a certificate of divorce and to send her away."<sup>5</sup> And Jesus said to them, "Because of your hardness of heart he wrote you this commandment.<sup>6</sup> But from the beginning of creation, 'God made them male and female.'<sup>7</sup> 'Therefore a man shall leave his father and mother and hold fast to his wife,<sup>8</sup> and the two shall become one flesh.' So they are no longer two but one flesh.<sup>9</sup> What therefore God has joined together, let not man separate."<sup>10</sup> And in the house the disciples asked him again about this matter.<sup>11</sup> And he said to them, "Whoever divorces his wife and marries another commits adultery against her,<sup>12</sup> and if she divorces her husband and marries another, she commits adultery."**

Mark does not report that Jesus told the Pharisees "whoever divorces his wife, except for sexual immorality, and marries another, commits adultery" (Mat. 19:9), but he transmits the teaching in Jesus' subsequent instruction of the disciples. After Jesus' exchange with the Pharisees, the disciples asked him about the subject *again* in private, and in the course of that discussion he told them (v. 11-12), "Whoever divorces his wife and marries another commits adultery against her, and if she divorces her husband and marries another, she commits adultery."

Mark omits the Matthean exception of divorce for sexual infidelity perhaps because the exceptional nature of that offense as an assault on the marital union was universally understood and thus did not need to be mentioned.<sup>65</sup> Jesus stated the exception because he was answering in

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<sup>65</sup> It was at least expected and assumed prior to A.D. 70 that a Jewish husband would divorce his adulterous wife (Instone-Brewer [2002], 95-97). Afterward, it seems divorce for adultery became mandatory (Instone-Brewer

the context of the debate between the disciples of Hillel and Shammai about the meaning of *'erwat dābār* in Deut. 24:1, but the focus of his teaching was God's original intent that marriage be permanent. In wanting to highlight that focus, Mark may have felt that including the exception, especially given that it would be assumed, would be a distraction for his Gentile audience.<sup>66</sup> Matthew may have included it because he wanted to make it more difficult for any among his initial Jewish recipients to misrepresent Jesus.

Mark makes express what is implied in Mat. 19:9 that the adultery a man commits upon divorcing his wife (on impermissible grounds) and marrying another woman is "against her," against his divorced wife. He also records that Jesus addressed the issue of women divorcing their husbands. That is curious because divorce in first-century Israel was an action that only the husband could take. Perhaps Jesus is referring to cases in which the wife was the de facto initiator of a divorce even though the husband was the one who technically accomplished it.

Instone-Brewer states, "Divorce [in first-century Israel] was enacted by the man, though a court could persuade a man to enact a divorce when his wife demonstrated that she had sufficient grounds for a divorce."<sup>67</sup> Indeed, Ex. 21:10-11 was widely interpreted to justify a wife seeking to compel her husband to divorce her where he had failed to provide her with necessary food or clothing.<sup>68</sup> In addition, Jewish wives could engineer divorces less formally by acting to drive their husbands to divorce them. Jesus may frame those situations as a wife divorcing her husband because he had an eye on the broader world into which the church would expand.

The sum of Mk. 10:11-12, considering all that has been said, is that if the husband divorces his wife for any reason other than sexual immorality (Matthean exception assumed), the surviving, maritally created duty not to marry another remains mutual, so he commits metaphorical adultery by remarriage. If the wife divorces her husband for any reason other than sexual immorality (Matthean exception assumed for women), the surviving, maritally created

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[2002], 95-97; Keener [1991], 31). "Adultery usually mandated divorce in Greek and Roman society and was enforced with sanctions of threatened prosecution of the husband for non-compliance in the *Lex Iulia de adulteriis coercendis*." Loader (2012), 8; see also, 103-104.

<sup>66</sup> See, Grudem, 812; Darrell L. Bock, *Jesus According to Scripture: Restoring the Portrait from the Gospels* (Grand Rapids: Baker Books, 2002), 300; Thomas R. Schreiner, *New Testament Theology: Magnifying God in Christ* (Grand Rapids: Baker Books, 2008), 779.

<sup>67</sup> Instone-Brewer (2002), 85; see generally, pp. 85-90.

<sup>68</sup> Instone-Brewer (2002), 99-105. Though popular in the first century, the view that Ex. 21:10-11 justified divorce for neglect is dubious. As the *Jewish Study Bible* (New York: Oxford University Press, 2004), 153, indicates, Ex. 21:7-11 seems to involve a case in which a family makes a contract for their minor daughter to be taken by a man into his household as a servant with a commitment to marry her when she reached the age of marriage. That is why v. 7 says she shall not go out from her servitude as the male servants do. Male and female servants both are free to leave when their period of service has ended (Deut. 15:12), but unlike service, marriage is a lifelong commitment. So the wife could not leave the household like a mere servant. According to v. 8, if for some reason the man *chooses not to marry her* ("broke faith"), he must allow her to be redeemed, meaning freed from her obligations by a payment. Since he has paid the contract labor payment and the marriage gift, he is entitled to compensation for losing her even though it was his own choice to do so. According to v. 10, if the man who chose not to marry her marries someone else, he must not deprive *the woman he failed to marry* of food, clothing, and shelter ("shelter" better than "marital rights" – see, Davidson, 192-193). Presumably this refers to the case where the woman has not (yet) been redeemed and thus remains in the man's household as a servant. If the man fails to provide her this support, v. 11 specifies that she goes free without a payment. See, Davidson, 191-193; Copan, 113-115. So the text appears to have nothing to do with divorce of a spouse.

duty not to marry another remains mutual, so she commits metaphorical adultery by remarriage (as would the husband).

*d. Luke 16:18*

**Anyone who divorces his wife and marries another commits adultery, and the man who marries a woman who has been divorced from her husband commits adultery.**

In Lk. 16:9 Jesus concludes the parable of the unjust steward with a call to live in accordance with the ethics of the kingdom by being generous with one's wealth. He expands on the point in 16:10-13, ending with his famous declaration: "You cannot serve God and money." The Pharisees, who were "lovers of money" (v. 14), ridiculed him for this teaching. Jesus told them (v. 15) that though they justify themselves before men, twist the Scriptures to make their greed seem acceptable (e.g., Mat. 15:3-6), God knows their hearts. The reason they must justify themselves before men ("For"), force the Scriptures into line with their greed, is because the two do not fit together naturally. Indeed, they are opposed to one another. The riches that are exalted among men are an idolatrous abomination in the sight of God.

In Lk. 16:16-17 Jesus notes that his ministry, which was launched by the ministry of John the Baptist, is a turning point in salvation history, the dawning of the kingdom of God. But the introduction of that kingdom does not void or repudiate the Law. Rather, it brings the Law's ethical requirements to full expression. The loose divorce standards of the dominant Pharisaical school, which served the interest of greed by allowing husbands to dismiss their wives for any reason to marry women of greater wealth and standing, were contrary to the purpose and intent of the Law as expressed by Jesus, the fulfiller of that Law: "Anyone who divorces his wife and marries another commits adultery, and the man who marries a woman who has been divorced from her husband commits adultery."

As in Mat. 19:9 and Mk. 10:11, if the husband divorces his wife for any reason other than sexual infidelity (Matthean exception assumed), the surviving, maritally created duty not to marry another remains mutual, so he commits metaphorical adultery by remarriage. As in Mat. 5:32b, a man who marries a woman who has been divorced by her husband (as distinct from her having divorced the husband) is party to the breach of her continuing duty not to marry another, so he too is guilty of metaphorical adultery. The Matthean exception is not mentioned presumably for the same reason it was not mentioned in Mark's account.

2. Paul's Teaching

*a. Romans 7:1-4*

**Or do you not know, brothers – for I speak to those who know the law – that the law exercises lordship over a person for as long a time as he lives? <sup>2</sup>For the married woman has been bound to her living husband by the law, but if the husband should die, she has been released from the law of the husband. <sup>3</sup>Now, therefore, while the husband is living, she will be called an adulteress if she comes to belong to another man; but if the husband should die, she is free from the law, so that she is not an adulteress after coming to belong to another man. <sup>4</sup>So, my**

**brothers, you also were put to death to the law through the body of Christ, so that you might come to belong to another, to the one who was raised from the dead, so that we might bear fruit to God.**

Paul said in 6:14 that Christians are not "under [the] law" and then immediately (vv. 15-23) explained that this fact does not lead to sin. He now elaborates on the assertion that Christians are not "under [the] law." His real targets may be those Roman Christians who believed that the law was applicable to Christians. Though the Roman Christians generally would have been familiar with the Mosaic law, those urging its ongoing validity would have been especially identified with it. They would have been considered (and would have considered themselves) the most knowledgeable about the law.

Paul asks if those with knowledge of the law are ignorant of the fact that the Mosaic law, like law in general, applied only to the living. A rabbinic saying, which may have been known at this time, was: "if a person is dead, he is free from the Torah and the fulfilling of the commandments." He then illustrates that principle with a reference to the marriage relationship. The death of a wife's husband freed her from the law's obligation regarding her husband so that she was free to remarry (e.g., Deut. 24:3 or levirate marriage). If, however, she came to belong to another man while her husband was still alive, she would be called an adulteress, i.e., she would still be under "the law of the husband."

Paul's statement (v. 3) that a wife who came to belong to another man while her husband was still alive would be called an adulteress is not referring to remarriage to another man after a divorce. He is not speaking of Christ's teaching on divorce and remarriage, which prohibited remarriage after most divorces, but is providing an illustration of the effect of death *under the Mosaic law*. And under that law, it was uniformly agreed that a woman who remarried after a divorce was not an adulteress.<sup>69</sup> Since Paul assumes those especially knowledgeable about the Mosaic law who were urging its ongoing applicability agree the woman will be called an adulteress in the case in question, he clearly is not talking about a divorcee. Rather, he simply is saying that a woman who joins with another man while she is still married to a living husband is an adulteress,<sup>70</sup> whereas the same conduct would not warrant that label if her husband had died. Douglas Moo explains it this way:

These verses are sometimes cited to prove that remarriage on any basis other than the death of one's spouse is adulterous. Whether this is the biblical teaching or not, these verses at any rate are probably not relevant to the issue. Paul is not teaching about remarriage but citing a simple example to prove a point. In such a situation, one often generalizes to what is usually true in order to simplify the analogy. Since Paul does not mention divorce, we can assume that the remarriage of the woman has taken place without a divorce of any kind; and any such remarriage is, of course, adulterous. Further, any body of law that Paul may be citing – Roman or OT (see Deut. 25:1-4 [sic]) – allows for remarriage on grounds other than the death of the spouse. His readers, who "know the law" (v. 1), would

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<sup>69</sup> Wenham, 33; Instone-Brewer (2002), 28-29, 117-125; Instone-Brewer (2003), 109.

<sup>70</sup> One way this could happen is by a remarriage after a legally invalid divorce. See, Instone-Brewer (2002), 125-132.

certainly recognize this possibility without it in any way spoiling the effectiveness of Paul's analogy.<sup>71</sup>

The point is that just as the wife was freed to be joined to another by her husband's death, so those championing the Mosaic law had been freed to be joined to Christ by sharing (through baptism) in the death of Christ. The purpose of this union with Christ was that they might bear fruit to God. Paul is not concerned that in the illustration the wife is freed from the law by her *husband's* death rather than her own. The point is that death removes legal obligations. In addition, the fact the wife remains alive, having been freed from the law by the death of another, allows her to be used for the additional point she is free to belong to another as believers are free by their death to the law through Christ to belong to another and bear fruit to God.

*b. 1 Corinthians 7:10-11*

**Now to the married, I command (not I, but the Lord) the wife not to separate from her husband – <sup>11</sup> but if she does indeed separate, let her remain unmarried or be reconciled to the husband – and the husband not to divorce his wife.**

The Corinthian church was infected by what is known as "overrealized eschatology,"<sup>72</sup> meaning that some were reading the now too much in terms of the not yet, applying to present existence things what would not be true until the eternal state. That perspective gave rise to the claim that abstaining from sex within marriage was justified, was the right choice for life in this new age of the Spirit (7:1-5). Some took the notion so far as to contend it justified dissolving marriages altogether.

In 7:10-11, Paul addresses the situation in which both partners were Christians. As Gordon Fee states, "In speaking to 'the married,' Paul is presupposing in this first instance that both partners are believers. This is made certain by what follows next (vv. 12-16), where, in a way that balances with the present set (vv. 9-10), he addresses 'the rest,' whom that context defines as believers married to unbelievers."<sup>73</sup>

Referring expressly to the Lord's teaching, Paul declares that a Christian wife must not divorce her Christian husband and a Christian husband must not divorce his Christian wife. E. P. Sanders observes, "The historicity of Jesus' prohibiting divorce is confirmed by Paul's giving it as a commandment, not from himself but from the Lord, that neither the wife should divorce the husband nor the husband the wife."<sup>74</sup> Paul does not mention the exception for divorces for sexual immorality because it was not relevant to the divorce issue he was addressing in Corinth, which involved the propriety of divorce on spiritual or ascetic grounds.

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<sup>71</sup> Douglas J. Moo, *The Letter to the Romans*, NICNT, 2<sup>nd</sup> ed. (Grand Rapids: Eerdmans, 2018), 438 (fn. 649).

<sup>72</sup> See, e.g., C. K. Barrett, *A Commentary on the First Epistle to the Corinthians* (London: Black, 1968), 109; Anthony C. Thiselton, "Realized Eschatology at Corinth," *New Testament Studies* 24 (1978), 510-26; Philip H. Towner, "Gnosis and Realized Eschatology in Ephesus (of the Pastoral Epistles) and the Corinthian Enthusiasm," *Journal for the Study of the New Testament* 31 (1987), 98-101.

<sup>73</sup> Gordon D. Fee, *The First Epistle to the Corinthians*, NICNT, rev. ed. (Grand Rapids: Eerdmans, 2014), 323.

<sup>74</sup> E. P. Sanders, *Jesus and Judaism* (Philadelphia: Fortress Press, 1985), 256.

The word he uses for the wife divorcing her husband is *chōrizō* (in deponent form). It is the same word in Mat. 19:6 and Mk. 10:9, which undisputedly is a command not to dissolve the marriage bond, not to separate what God has joined together.<sup>75</sup> It was used for divorce in Greek literature and marriage contracts,<sup>76</sup> and it unquestionably has that meaning in these verses because it rendered the parties "unmarried" (7:11).<sup>77</sup> As J. Paul Sampley observes, "Paul counsels any woman who does 'separate' to 'remain unmarried' (ἄγαμος, *agamos*, 7:11), so Paul himself treats *chōrizō* as an actual termination of the marriage."<sup>78</sup>

*Chōrizō* also refers to dissolution of a marriage in 1 Cor. 7:15, where it frees the spouse from the bond of marriage. Thomas Schreiner states: "The word for *separate* (*chōrizō*) here is often used in the papyri (so BDAG) to signify divorce; hence English readers must beware of reading the modern Western conception of separation into the verse. Paul is not thinking of a period of separation before a divorce ensues; rather, he directs a wife not to divorce her husband."<sup>79</sup>

For the husband divorcing, Paul uses a synonymous term (*aphiēmi*; also vv. 12-13). As John Meier points out, "Various Greek verbs like *aphiēmi* and *chōrizomai* (and *apolyō* in the Synoptics) take on the technical meaning 'to divorce' when used in a specific context."<sup>80</sup> Instone-Brewer states: "There were more than fifty words used for 'divorce' in Greek marriage and divorce contracts, and it was common to use several in a single document. It is certainly not possible to say that ἀφίημι is a legal divorce and χωρίζω is just a separation."<sup>81</sup> David Garland states, "In the context of Greco-Roman practice, the verb [χωρίζω] means to divorce and is synonymous with the verb ἀφιέναι (*aphienai*) in 7:11b, which Paul uses to command the husband not to send away his wife."<sup>82</sup> William Loader remarks, "The two verbs should not be differentiated, as if one refers to separation and the other to formal divorce."<sup>83</sup> Raymond Collins states:

Both "*chōrizō*-separate" and "*aphiēmi*-divorce" used by Paul in 1 Cor 7:10-16 were, however, commonly used of divorce in the Hellenistic world. Herodotus and other ancient authors had used *aphiēmi* to mean divorce. In classical and Hellenistic Greek, the verb *chōrizō* was also often used of divorce in the strict sense – even in Greek marriage contracts. The use of *chōrizō*-separate in this way was so common that, in their lexicon of New Testament vocabulary,

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<sup>75</sup> "Of special interest are two contexts where χωρίζω is used with ref. to divorce: Matt 19:6 (par. Mark 10:9; cf. Matt 5:32; Luke 16:18) and 1 Cor. 7:10-15." Moisés Silva, ed., *New International Dictionary of New Testament Theology and Exegesis*, 2<sup>nd</sup> ed. (Grand Rapids: Zondervan, 2014), 4:715.

<sup>76</sup> E.g., BDAG, 1095. Joseph Fitzmyer states in *First Corinthians*, AB (New Haven: Yale University Press, 2008), 293: "In this verse Paul uses *chōrizō*, the verb that commonly means 'divorce' in Classical and Hellenistic Greek writers (e.g., Isaeus, *Or.* 8.36; Euripides, *Frg.* 1063.13; Polybius, *Hist.* 31.26.6), as well as in Greek marriage contracts (MM, 696; P. Rylands, 2.154:25 [LCL *Select Papyri*, 1.14-15]; Preisigke-Kiessling, *Wörterbuck*, 2.767)." <sup>77</sup> BDAG, 5, says in the entry for *agamos*, "of divorced women 1 Cor 7:11."

<sup>78</sup> J. Paul Sampley, "The First Letter to the Corinthians" in Leander E. Keck, ed., *The New Interpreter's Bible* (Nashville: Abingdon Press, 2002), 10:875.

<sup>79</sup> Thomas R. Schreiner, *1 Corinthians*, TNTC (Downers Grove, IL: InterVarsity Press, 2018), 140.

<sup>80</sup> Meier, 4:101.

<sup>81</sup> Instone-Brewer (2002), 199.

<sup>82</sup> David E. Garland, *1 Corinthians*, BECNT (Grand Rapids: Baker, 2003), 281.

<sup>83</sup> William Loader, *Sexuality and the Jesus Tradition* (Grand Rapids: Eerdmans, 2005), 88 (fn. 85).

Moulton and Milligan state that *chôrizô* "has almost become a technical term in connexion with divorce," offering papyri dating from 13 B.C., 66 A.D., 81 A.D., and 154 A.D. as their principal references and citing 1 Cor 7:10, 11, 15 as cases in point. In sum, both "*chôrizô*-separate" and "*aphiêmi*-divorce" appear to have functioned as technical terms for divorce in Paul's Hellenistic world.

Thus, the attempt to draw a sharp and fully adequate semantic distinction between "*chôrizô*-separate" and "*aphiêmi*-divorce" is unwarranted. Such a distinction is artificial and not supported by contemporary linguistic usage and is clearly forced insofar as 1 Cor 7:10-16 is concerned.<sup>84</sup>

In v. 11 Paul adds that, if despite the command against it, a Christian wife does in fact divorce her Christian husband, she must remain unmarried or else be reconciled to her husband. She cannot marry someone else. Jesus taught that divorce is permitted for Christians *only* where one's spouse has been sexually immoral. Since the Christian wife under discussion here has divorced wrongfully, meaning divorced for some reason other than her husband's sexual immorality (for some ascetic notion), she is, according to the Lord's teaching, not free to remarry. That is why Paul says her choices are to remain unmarried or reconcile with the husband she impermissibly divorced.

Now, if she *does* remarry, she clearly has sinned in doing so, has committed metaphorical adultery, but what is the status of that second marriage given her divorce? Paul does not address that directly, but it seems the second marriage is effective or valid *despite being wrongful* (just like her divorce was effective – rendered her unmarried – despite being wrongful). As such, they are bound to each other for life and are not to divorce.

#### *c. 1 Corinthians 7:12-16*

**Now to the rest, I say (not the Lord) if any brother has an unbelieving wife, and she consents to live with him, let him not divorce her;<sup>13</sup> and if any woman has an unbelieving husband, and he consents to live with her, let her not divorce the husband.<sup>14</sup> For the unbelieving husband has been sanctified in the wife, and the unbelieving wife has been sanctified in the brother. Otherwise, your children are unclean, but now they are holy.<sup>15</sup> But if the unbeliever separates, let him or her separate. The brother or the sister has not been made a slave in such circumstances. But God has called you in peace;<sup>16</sup> for how do you know, wife, whether you will save your husband? or how do you know, husband, whether you will save your wife?**

In this section Paul addresses the matter of divorce when one partner is an unbeliever and the other is a Christian. He does not specify how that circumstance came about, but he may be thinking of situations where one spouse became a Christian and the other did not follow. It seems that in the case of such "mixed marriages" some Corinthians argued for divorce not only on the basis that suspension of sexual relations was spiritual, as in 7:1-5, but on the additional basis that the pagan partner was unclean and defiling. You can see how that argument would flow from the

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<sup>84</sup> Raymond F. Collins, *Divorce in the New Testament* (Collegeville, MN: The Liturgical Press, 1992), 21.

same kind of analysis Paul used in forbidding sex with prostitutes – it amounts to making part of Christ's body part of the body of a pagan (6:15-17).

Paul flatly forbids the Christian partner in such a marriage from divorcing his or her non-Christian spouse. If the non-Christian spouse is willing to live with the Christian, the Christian must not initiate a divorce. When Paul states that *he* says this, "not the Lord," he does not mean his words are not inspired or authoritative. On the contrary, he speaks as one to be trusted (v. 25) because he has the Spirit of God (v. 40). As Craig Blomberg notes:

Too often readers have inappropriately questioned the authority of Paul's instructions in verses 12-16 on the grounds that these are merely Paul's fallible, spur-of-the-moment opinions. Paul's ironic conclusion to this chapter in verse 40 is actually a strong avowal of inspiration by the Holy Spirit for his entire letter.<sup>85</sup>

Paul means that during his earthly ministry Jesus did not address divorce and remarriage in the case of mixed marriages, marriages between disciples and unbelievers. As Schreiner observes, "[Paul] merely distinguishes between his words and the words of the historical Jesus. The Jesus of history, as we saw in verses 10-11, gave directives about divorce and remarriage, but he did not address the issue of believers married to unbelievers. Paul, as an apostle, addresses that matter here."<sup>86</sup> So, as I noted previously, Jesus' teaching in the Gospels about divorce and remarriage does not apply to such marriages. And since it does not apply to mixed marriages, marriages between a believer and an unbeliever, one should assume that it also does not apply to marriages between two unbelievers.

Paul rejects the argument that the non-Christian spouse defiles the Christian by declaring that, on the contrary, the unbeliever is sanctified in his or her marriage relationship with the believer. This does not mean they are saved, something v. 16 makes clear; it means they are not *defiling*. So it is not like having sex with a pagan to whom you are not married. If the believer in a family did not have such a sanctifying effect on the spouse, then their children, the product of their defiling sexual union, would be unclean or defiling. In that case, maintaining a family relationship with their children would be impossible, which was not something the Corinthians were willing to accept. So Paul engages in a *reductio ad absurdum*, showing that their position led logically to an absurdity, a result with which they were unwilling to live.

Though the *Christian* in a mixed marriage is forbidden from divorcing, Paul says in v. 15a that in the event the *unbeliever* divorces (*chōrizō*), the believer is to "let him or her divorce," meaning he or she is to accept the fact of the divorce, not to act contrary to that reality. Doing so, accepting the divorce, is facilitated by the fact the believer who is divorced has not been enslaved (*dedoulōtai*) in such circumstances, meaning that, unlike some divorces between Christians, the believer is under no obligation to the unbelieving ex-spouse. None of the marital duties transfers across that change in relationship from unbelieving spouse to unbelieving ex-spouse, which I think implies that the divorced believer is free to remarry. As Instone-Brewer writes:

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<sup>85</sup> Craig Blomberg, *1 Corinthians*, NIVAC (Grand Rapids: Zondervan, 1994), 139.

<sup>86</sup> Schreiner (2018), 141.

When Paul says they are "no longer enslaved," any first century reader would understand him to mean that they can remarry, because they would think of the words in both Jewish and non-Jewish divorce certificates: "You are free to marry." If Paul had meant something else, he would have had to state this very clearly, in order to avoid being misunderstood by everyone who read his epistle.<sup>87</sup>

Any uncertainty about a right of remarriage in such cases is not a major issue in the church today because in our society a divorcing unbeliever is usually quick to engage in sexual relations. That provides a less controversial basis for remarriage (see below).

The instruction given to the believer to accept a divorce by an unbeliever is an exception. The rule is that God has called the believer to peace, which in this case means to live in peace with the unbelieving spouse, to maintain the marriage bond. After all, by doing so the believing wife may eventually save her pagan husband or the believing husband may eventually save his pagan wife.

Though the desertion of which Paul speaks in 1 Cor. 7:15 was a divorce and his instruction to the divorced Christian spouse was to accept the fact of that divorce, it implies that a desertion or abandonment by a non-Christian spouse that in modern Western society is distinct from divorce justifies the Christian in divorcing that non-Christian spouse. Otherwise, the Christian spouse would be enslaved, duty-bound, to an absent non-Christian spouse, which seems contrary to the principle of 7:15.

Grudem has argued recently that Paul in 1 Cor. 7:15 not only implies that a Christian has authority to divorce an unbelieving spouse who abandoned him/her but that when he writes "the brother or the sister has not been made a slave *in such circumstances (en tois toioutois)*," he implies that a Christian is permitted to divorce "not only in cases of desertion by [an] unbeliever, but also in other circumstances *similar to* but not necessarily exactly like desertion."<sup>88</sup> Grudem includes physical abuse, incorrigible addictions, and other circumstances within the category of things sufficiently analogous to desertion to justify divorce.

Grudem's argument that the plural form "in such cases/circumstances" means Paul is authorizing divorce for all reasons that are similar to desertion or abandonment at best establishes that as a possibility. The phrase simply could mean that in all cases (plural) *of spousal abandonment* the abandoned spouse has not been made a slave, which is how it has been understood historically and is commonly understood today. I think that is more in keeping with the context of the comment.

#### *d. 1 Corinthians 7:25-28*

**Now about the virgins, I do not have a commandment of the Lord, but I give a judgment as one having been given mercy by the Lord to be faithful.<sup>26</sup> Therefore, I consider this to be good because of the present distress, [namely] that what is so is good for a man.<sup>27</sup> Are you**

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<sup>87</sup> David Instone-Brewer, "1 Corinthians 7 in the Light of the Jewish Greek and Aramaic Marriage and Divorce Papyri," *Tyndale Bulletin* 52 (2001), 241.

<sup>88</sup> Wayne Grudem, [Grounds for Divorce: Why I Now Believe There Are More Than Two](#) (accessed on 8/29/22).

**bound to a woman? Do not seek release. Are you free from a woman? Do not seek a wife. <sup>28</sup> But if indeed you marry, you have not sinned; and if the virgin marries, she has not sinned. But such people will have affliction in the flesh, and I am trying to spare you.**

Having dealt with the married people interested in altering their present situation, Paul now turns his attention to the matter of "the virgins" that they raised in their letter. "The virgins" probably refers to some young, betrothed women who, along with their fiancés, were being told by the "spiritual ones" in Corinth that it would be sinful for them to go through with their marriages. According to Roy Ciampa and Brian Rosner, "This is perhaps the most widely held view among commentators today."<sup>89</sup> Paul has no command from the Lord on this matter, but he gives a judgment as one who by the Lord's mercy has trustworthy judgment on the matter.

He agrees with the general Corinthian claim that it is good for a man to maintain the status quo regarding the virgins, but he does so not because it is unspiritual to marry but because of "the present distress." In other words, he would agree that the betrothed should not go through with their marriages but for a significantly different reason.

The "present distress" that causes Paul to counsel against getting married is some hardship the Corinthians currently are undergoing. Suggestions include persecution or a famine,<sup>90</sup> but whatever it was, the following verses (vv. 29-35) suggest that Paul sees it in the larger context of the hardships the church must face in these last days, in the time before Christ's return. He wants to spare them the increase in troubles that being married will bring during this particular spasm of distress they are experiencing in an age of distress.

In his examples of maintaining the status quo in relation to the virgins, he says that men who are betrothed should not break off the engagement (seek a release from that bond) and those who are not betrothed (or perhaps already broke their betrothal) should remain so and not hunt for a wife. Though he agreed that the betrothed should not go through with their marriages in the present situation, which would be changing the status quo, he did not include that as an example because he did not want to give any ammunition to the Corinthian's false claim that it was *sinful* to do so. As he makes clear in v. 28, this was a matter of wise advice, not a matter of sin.

Fee summarizes the argument this way: "(a) I agree, it is good for the 'virgins' to remain single, but that is because of the present crisis/distress; but (b) it certainly is no sin to marry; nonetheless (a) those who marry will experience many difficulties (because of the present crisis/distress), and I would spare them that."<sup>91</sup> He writes:

[W]hat is often heard is that Paul prefers singleness to marriage, which he does. But quite in contrast to Paul's own position over against the Corinthians, we often read into that preference that singleness is somehow a superior status. That causes some who do not wish to remain single to become anxious about God's will for their lives. Such people need to hear it again: Marriage or singleness per se lies totally outside the category of "commandments" to be obeyed or "sin" if one does

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<sup>89</sup> Roy Ciampa and Brian Rosner, *The First Letter to the Corinthians*, PNTC (Grand Rapids: Eerdmans, 2010), 332.

<sup>90</sup> See, Garland, 324.

<sup>91</sup> Fee, 368.

otherwise; and Paul's preference here is not predicated on "spiritual" grounds but on pastoral concerns. It is not only perfectly all right to marry, but for those of us who are happily married it goes beyond "all right" to "good."<sup>92</sup>

Some argue that 1 Cor. 7:27-28 allows those who have been freed (*lelusai* – perfect passive) from a wife to marry another and thus provides divine approval for remarriage after dissolution of a marriage by divorce.<sup>93</sup> But as I explained, v. 27 refers to one who has been freed (or simply is free)<sup>94</sup> from a betrothal rather than a marriage. This is recognized by most modern commentators.<sup>95</sup> Though a betrothal was a binding arrangement, there is a material difference between marriage and betrothal. Thus, one cannot infer permission to remarry after dissolution of a marriage from permission to "remarry" after dissolution of a betrothal.

*e. 1 Corinthians 7:39-40*

**A wife is bound for as long as her husband lives, but if the husband falls asleep, she is free to be married to whom she wishes, only in the Lord.<sup>40</sup> But she is happier, in my judgment, if she remains that way; and I think that I too have the Spirit of God.**

Paul concludes by reiterating for the virgins who go through with their marriages what he previously said to the married Christians. They are to remain married for life. In other words, divorce is not an option for Christians (with the exception not relevant to this context). If her husband dies, however, she is perfectly free to remarry; it is in no way sinful or unspiritual to do so.

As mentioned previously, with the large majority of interpreters, I take the restriction "only in the Lord" to mean that her new husband must be a Christian.<sup>96</sup> Even if one takes "only in the Lord" to mean she is to marry in a way fitting for a Christian, I think one winds up at the same conclusion. As Fee remarks:

To be "in the Lord" is to have one's life come under the eschatological view of existence outlined at the beginning (vv. 29-31). Such a woman lives from such a radically different perspective and value system from that of a pagan husband that a "mixed" marriage, where the "two become one," is simply unthinkable. If she becomes a believer after marriage, then she should maintain the marriage with the

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<sup>92</sup> Fee, 369.

<sup>93</sup> E.g., Keener (1991) 63; Instone-Brewer (2002) 206-207 (as a possibility); Jim McGuiggan, *The Book of 1 Corinthians* (Lubbock, TX: Montex Publishing, 1984) 113-116.

<sup>94</sup> According to Frederick William Danker, ed., *A Greek-English Lexicon of the New Testament and Other Early Christian Literature*, 3<sup>rd</sup> rev. ed. (Chicago: University of Chicago Press, 2000) 607, "a previous state of being 'bound' need not be assumed."

<sup>95</sup> E.g., Richard E. Oster, Jr., *1 Corinthians*, NIV Commentary (Joplin, MO: College Press, 1995), 178; Anthony C. Thiselton, *The First Epistle to the Corinthians*, NIGTC (Grand Rapids: Eerdmans, 2000), 576-577; Garland, 325-326; Fee, 361-362; Mark Taylor, *1 Corinthians*, NAC (Nashville: B&H Publishing Group, 2014), 185; Schreiner (2018), 154-155.

<sup>96</sup> See fn. 30.

hope of winning him to the Lord (vv. 12-16); but it makes no sense from Paul's perspective for one to engage such a marriage once one is a follower of Christ.<sup>97</sup>

### III. General Understanding Summarized

As I synthesize the NT teaching, the only permissible basis for divorce in a marriage of two Christians is sexual infidelity (*porneia*). Where one divorces one's spouse for that reason, one is free from the maritally created duty not to marry another, so remarriage by the divorcing spouse is not an act of metaphorical adultery. One who divorces one's spouse for any other reason is not free to remarry, nor is one who is divorced by one's spouse for any reason.<sup>98</sup> To remarry in those circumstances would be to commit metaphorical adultery. In a marriage of a Christian and a non-Christian, if the non-Christian divorces the Christian, the Christian is free to marry another.

Regarding the concept of metaphorical adultery, it was believed by Jews, Greeks, and Romans in the first century that divorce frees one to remarry because divorce dissolves the former marriage. Since a divorced person is an unmarried person and an unmarried person cannot by definition commit adultery, a divorced person cannot commit adultery, by remarriage or otherwise. So when Jesus said that those who divorced (except for sexual infidelity) or were divorced (for any reason) commit adultery by remarrying, he was disagreeing with the consensus. The question is the basis of his disagreement, whether he was using "divorced" or "adultery" in a sense that differed from his contemporaries. Did he challenge the notion that divorce dissolves the former marriage or the notion that adultery requires the perpetrator to be married?

Most assume the former, claiming Jesus meant that divorce does not dissolve the marriage when it was obtained for a reason other than one permitted by God (i.e., a reason other than sexual infidelity). They claim that such divorces are not merely impermissible but also ineffective or invalid. But because I am convinced Scripture teaches that divorce dissolves the marriage *even if it is for a reason God does not permit*, I opt for the latter. I think Jesus means that one whose marriage has been dissolved by a divorce commits "adultery" in a metaphorical sense by marrying another. That is, he or she violates the duty not to marry another that arose from the marriage but which in the new covenant survives the dissolution of the marriage. The offense is like literal adultery because it is a violation of a spouse-specific, maritally created obligation, but it is not literal adultery because the former marriage has been dissolved. This distinction has major implications for the validity of the new marriage and for what is required in the way of repentance for sinfully remarrying.

This summary leaves important questions unanswered. I attempt to fill in some of the blanks in the following section.

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<sup>97</sup> Fee, 392.

<sup>98</sup> But see the comments on p. 16 about divorces for sexual immorality and the excursus on John Nolland's argument.

## IV. Questions and Application Issues

A. Why think Jesus intended the exception for sexual infidelity (*porneia*) to be the only reason for which a divorce is permissible?

Hillelites allowed divorce for any reason, but Instone-Brewer insists that even Shammaites allowed divorce for grounds beyond Deut. 24:1, most notably for a failure to provide food or clothing pursuant to a popular interpretation of Ex. 21:10-11.<sup>99</sup> He argues from this claim that Jesus' endorsement of the Shammaites' understanding of the grounds for divorce in Deut. 24:1 should not be read as excluding grounds for divorce rooted in other texts. Jesus was not speaking about those texts, and if the Shammaites could read Deut. 24:1 as restricting divorce to cases of sexual immorality and leave room for divorce on other grounds based on other texts, then so could Jesus. In other words, he claims that Jesus' silence about other grounds for divorce that were widely accepted in first-century Judaism should be construed as his acceptance of them. There are problems with this argument.

First, the assertion that the Shammaites' accepted divorce for neglect based on Ex. 21:10-11 is questionable. Grudem objects:

1. While he provides evidence that many Jewish interpreters referred to Exodus 21:10-11 to teach about *the responsibilities of a husband and wife in marriage*, I could not find evidence on pages 100-109 of Instone-Brewer's book that *all* Jewish interpreters agreed that the neglect of food, clothing, or marital rights were *grounds for divorce*.

2. I could find no evidence in his discussion on pages 100-109 that specifically demonstrated that the followers of Shammai held that neglect of food, clothing, or marital rights was grounds for divorce, or that the Shammities believed that "something indecent" in Deuteronomy 24:1 included neglect of food, clothing, or marital rights.<sup>100</sup>

But even if one grants that Shammaites accepted divorce for neglect based on Ex. 21:10-11, Jesus never approved of those grounds. On the contrary, as explained above, Jesus speaks universally in Mat. 5:32, as in 19:9 ("*everyone [pas] who divorces his wife, except on the ground of sexual immorality, makes her commit adultery*"), leaving no room for divorce on other grounds.

That Jesus intended the exception to be the only basis for any divorce is supported by the fact his prior statement in Mat. 5:32 is not in response to a question from the Pharisees couched in terms of the rabbinic debate. It is his teaching in the Sermon on the Mount, a sermon in which he intensifies or radicalizes God's will under the old covenant for the life of disciples. As a *sua sponte* declaration made with no reference to the rabbinic controversy, one cannot assume he

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<sup>99</sup> E.g., Instone-Brewer (2002), 117. See fn. 68 for an explanation of the dubiousness of this interpretation of Ex. 21:10-11.

<sup>100</sup> Grudem, 820.

was restricted to that debate, that he was speaking only of the grounds for divorce specified in Deut. 24:1.

Even if one denies that the universal language with which Jesus repeatedly expresses the exception means that sexual infidelity is the only acceptable basis for any divorce, there is still no adequate reason to insist that Jesus accepted other grounds for divorce. In that case, one is left to claim that Jesus' silence about other grounds for divorce should be taken as his acceptance of them. That is not persuasive. As Loader explains:

The problem is the claim that the silence on the matters of material and emotional support, based in Exod 21:10-11, should be taken as an indication that they continue to be assumed as legitimate grounds for divorce. . . .

The fact remains that nowhere in the New Testament do we find any hint that breach of obligations (except for sexual infidelity) is ground for divorce. . . . How do we interpret the silence? Instone-Brewer must assume that hearers would assume the legitimacy of divorce on all these other grounds when hearing Jesus' prohibition of divorce and in their minds gloss the latter with that insight (i.e. Jesus was not speaking about normal divorce and only meant that it cannot be based on trivial grounds). Is this likely? It seems even less likely to be the case in the part of the sayings which refer to marrying divorced people. Would one really expect people to hear that as referring only to those divorced on trivial grounds?

As Instone-Brewer shows, the early writers beyond the New Testament interpreted the prohibition of divorce strictly, allowing an exception only in cases of adultery, and although they, too, would have affirmed the vows of material and emotional support, they did not see breach of these as grounds for divorce. One can argue, as Instone-Brewer does, that this was because the early church "lost touch with its Jewish roots in or before 70 CE". Is such discontinuity credible? On balance, it seems to me more likely that the silence about the breach of marital and emotional support in the context of determining grounds for divorce in the New Testament stems not from the assumption that they are still valid, but from the assumption that they are not.<sup>101</sup>

Other Evangelicals argue that the stated exception for divorce was not intended to be exhaustive but rather represents a *principle* that divorce is permissible for egregious violations of the marriage covenant *as exemplified by* sexual immorality. In other words, the claim is that one can extrapolate from the express exception for sexual infidelity to exceptions for comparable assaults on the marriage covenant (e.g., physical abuse or abandonment). This is the position argued by Craig Keener, Craig Blomberg, and David Atkinson.<sup>102</sup>

The general concept is a familiar one. We understand, for example, that the Bible's specific condemnation of drunkenness expresses a principle by which we condemn modern forms of nonalcoholic intoxication. The question is whether it is appropriate to apply that

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<sup>101</sup> Loader (2005), 119-120.

<sup>102</sup> Keener (2006), 111-115; Craig Blomberg in "Marriage, Divorce, Remarriage, and Celibacy: An Exegesis of Matthew 19:3-12," *Trinity Journal* 11:2 (Fall 1990), 188-194; David J. Atkinson in "Divorce" in Walter A. Elwell, ed., *Evangelical Dictionary of Theology*, 2<sup>nd</sup> ed. (Grand Rapids: Baker, 2001), 348.

concept to the exception in the Lord's teaching about divorce. Doing so admittedly increases the uncertainty in applying the teaching because one must determine what assaults on the marriage covenant are comparable to that of sexual infidelity, but I am not sure that is a sufficient basis for rejecting the view.

My resistance to this claim stems mainly from the fact an exception clause serves to identify matters exempted from a general statement, so it seems more natural to read it specifically unless there is some contextual indicator to the contrary. For example, in exempting close relatives from a priest's duty not to make himself ceremonially unclean for people who die, Lev. 21:2-3 says, "except for a close relative, such as his mother or father, his son or daughter, his brother, or an unmarried sister who is dependent on him." If the text simply stated, "except for his mother or father," I do not think one would be reading it correctly to assume it represented a principle by which all close relatives were exempted.

B. Why think a Christian who divorced his/her Christian spouse for sexual infidelity is free to marry another when the Church Fathers overwhelmingly rejected remarriage after a divorce for any reason?<sup>103</sup>

It is true that early Christian writers (the "Church Fathers") overwhelmingly rejected remarriage after divorce for any reason, but "[t]here were a few dissenting voices."<sup>104</sup> The right of remarriage for one who divorces for sexual infidelity seems implicit in the Lord's declaration that "whoever divorces his wife, *except for sexual immorality*, and marries another, commits adultery" (Mat. 19:9). If the divorce was for *porneia*, it is an exception, and thus the characterization of the subsequent remarriage as committing adultery does not apply.

Keener rightly notes that "this is one of the cases where an appeal to [the Church Fathers] is vulnerable."<sup>105</sup> It seems likely that they distorted Jesus' teaching because of their increasing distance from its Jewish context and the rising tide of sexual asceticism.<sup>106</sup> As Keener observes, "When the Reformers revisited the biblical texts in question, respectful of but no longer dependent on intervening centuries of tradition, most concluded in favor of remarriage in the case of divorce for adultery."<sup>107</sup>

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<sup>103</sup> The Church Fathers are not authoritative, but the fact so many of them shared an interpretation with which one disagrees requires an explanation.

<sup>104</sup> Instone-Brewer (2002), 257.

<sup>105</sup> Keener (2006), 50.

<sup>106</sup> See Keener (2006) 50-51; William A. Heth, "A Response to Gordon J. Wenham" in Paul E. Engle and Mark L. Strauss, eds., *Remarriage After Divorce in Today's Church: 3 Views* (Grand Rapids: Zondervan, 2006), 44-45. Instone-Brewer (2002), 257, remarks:

Ascetic beliefs, which characterize almost all the Fathers, minimized the problems with this "plain" reading of the texts. Many of the Fathers regarded singleness or celibacy as preferable to the married state, though they acknowledged that marriage did not involve sin. The Fathers had little incentive to help divorcés to remarry, and they were happy to recommend the separation of marriage partners rather than divorce. Some, like Athenagoras and Tertullian, even used Jesus' teaching on divorce to encourage celibacy.

<sup>107</sup> Keener (2006), 50-51.

C. May a Christian who has been divorced by his/her Christian spouse marry another?

Jesus states in Mat. 5:32b, "whoever marries *a divorced woman* commits adultery" and in Lk. 16:18b, "the man who marries *a woman who has been divorced* from her husband commits adultery." He does not exempt a woman (or by analogy, a man) who was divorced for no wrong on her part, who was a victim of her husband's rejection of the marriage vows. Rather, he indicates that a man who marries a woman who was divorced for *any reason* (as distinct from her having divorced the husband) is party to the breach of her continuing duty not to marry another, so he too is guilty of metaphorical adultery. (Analogously, a woman who marries a man who was divorced for any reason is party to the breach of his continuing duty not to marry another.) It is only the husband or wife who divorces for sexual infidelity (as distinct from being divorced for that reason) who is free to remarry. This is the usual understanding of these verses.<sup>108</sup>

If this understanding is correct, and I think it probably is, it is a hard teaching indeed. Stein comments regarding Lk. 16:18b:

*The man who marries a divorced woman.* This is a most difficult statement because it penalizes the woman divorced by her husband. In other words, it seems to penalize the "innocent" party.

Through the centuries the church has struggled with the meaning of Jesus' sayings on divorce. The proper framework for understanding them may be that we take seriously such teachings on discipleship as [Lk.] 9:57-62; 13:24; 14:25-35. If we approach the divorce sayings believing in a "cheap grace," they will seem unusually harsh and out of step with the "modern day." But we must remember that the world's thinking on such matters is an abomination to God (16:15) and that such teaching as found in 16:18 is addressed to those who seek first the kingdom of God, who build their attitude toward marriage around their faith commitment and not their faith commitment around their attitude toward marriage. Clearly Jesus' statement indicates that God hates divorce (Mal. 2:16).<sup>109</sup>

Issues arise under this interpretation, such as the effect of the divorcing spouse's subsequent remarriage or immorality (see below), but as I say, it seems to be the correct understanding. In my opinion, the most credible challenge to this interpretation is that of John Nolland, which I explain in the following excursus. If he is correct, Jesus does not address whether a divorced wife (or by analogy, a divorced husband) is free to marry another.

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<sup>108</sup> See, e.g., W. F. Albright and C. S. Mann, *Matthew*, AB (Garden City, NY: Doubleday, 1971) 65; John Murray, *Divorce* (Grand Rapids: Baker Book House, 1972), 24-26, 98-99; Jack P. Lewis, *The Gospel According to Matthew Part I*, LWC (Austin, TX: Sweet Publishing, 1976) 92-93; I. Howard Marshall, *The Gospel of Luke*, NIGTC (Grand Rapids: Eerdmans, 1978) 632; William A. Heth and Gordon J. Wenham, *Jesus and Divorce* (Nashville: Thomas Nelson, 1984) 47-48; Mounce, 44-45; Davies and Allison, 1:532; John S. Feinberg and Paul D. Feinberg, *Ethics for a Brave New World* (Wheaton, IL: Crossway, 1993) 321, 333; Andrew Cornes, *Divorce & Remarriage: Biblical Principles and Pastoral Practice* (Grand Rapids: Eerdmans, 1993), 196-197, 206-207; Hays, 356-357.

<sup>109</sup> Robert Stein, *Luke*, NAC (Nashville: Broadman Press, 1992), 420.

## Excursus: John Nolland's Argument

Nolland, a highly respected New Testament scholar who has written major commentaries on the Greek text of both Matthew (NIGTC) and Luke (WBC), argues that the conclusion in question is based on an incorrect translation of Mat. 5:32 and Lk. 16:18b. Regarding Mat. 5:32, he translates the phrase *poiei autēn moicheuthēnai*, which normally is rendered "causes her to commit adultery," as "causes her to have adultery committed against her." In other words, by divorcing his wife on invalid grounds and (presumably) marrying another, the husband commits adultery *against her*. This is in line with the other accounts of Jesus' teaching on the subject (Mat. 19:9a; Mk. 10:11; Lk. 16:18a). Though the verb "to commit adultery" (*moicheuō*) normally is used in the passive of a woman *committing adultery*, Nolland proposes that it might also be used to express the novel idea of a woman *being the victim of adultery* through the action of her husband. The notion of a husband being guilty of adultery against his own wife was novel in the first-century world, "and neither the Hebrew nor Greek language was receptive to its expression."<sup>110</sup> The NIV concurs, rendering the clause "makes her *the victim* of adultery."

Nolland explains the absence in Mat. 5:32 of any mention of the husband's subsequent marriage as a consequence of the wording of v. 31: "the remarriage is assumed, but the focus is on the divorce; the structural correspondence would have been disturbed by a specific mention of remarriage. What is being asserted, then, is that, in divorcing, the man is not creating a clean slate with freedom to remarry; on the contrary, his establishment of a new relationship will be an act of adultery against his spurned wife."<sup>111</sup>

Regarding Mat. 5:32b and Lk. 16:18b, he argues that the passive participle *apolelumenēn* should be translated as "has *gained* a divorce" rather than "has *been* divorced." He writes:

I have argued elsewhere that *apolelumenēn* here [Mat. 5:32] and in Lk. 16:18 carries the sense of 'a woman who has gained a divorce' rather than the normal passive force 'a woman who has been divorced', and has in mind the situation of a woman who has manipulated her situation so as to gain a divorce. It is not possible to be certain of this, but it makes the most coherent account of the origins of our present Gospel forms as well as for a good match between the two assertions of Mt. 5:32. . . .

It is, therefore, likely that the intention of the present Gospel text is to challenge easy divorce, whether initiated by the husband or provoked by the wife, in each case by labeling the subsequently formed relationship as adulterous. In each instance the challenge is addressed to the man: whether he be the one contemplating divorce or the one planning to collude with the stratagems of a woman who has found her way out of a marriage in pursuit of something better. Marriage is not a contract to be cancelled when no longer convenient but rather, as testified to in Mal. 2:14-16, a covenant relationship that calls for sustained faithfulness.<sup>112</sup>

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<sup>110</sup> John Nolland, *The Gospel of Matthew*, NIGTC (Grand Rapids: Eerdmans, 2005), 244.

<sup>111</sup> Nolland, 244.

<sup>112</sup> Nolland, 246-247.

So, in Nolland's view, neither Mat. 5:32 nor Lk. 16:18 addresses the freedom to remarry of a wife who was divorced. Jesus says only that a man who divorces his wife for a reason other than sexual infidelity commits adultery against her by marrying another and that a man who marries a woman who *engineered a divorce* by her husband (and thus was the de facto divorcing party) likewise commits adultery, as would, of course, the woman he married. The woman who engineered a divorce and married another would be the Jewish equivalent of a Gentile who impermissibly divorced her husband and remarried (Mk. 10:12), as a Jewish woman had no legal right to divorce her husband.<sup>113</sup>

If Nolland is correct that Jesus did not address whether a divorced wife (or by analogy, a divorced husband) is free to marry another, what is one to conclude about the matter? Given the general understanding in the first century that a wife who was divorced by her husband had a right to remarry,<sup>114</sup> it seems reasonable to assume that in not prohibiting a divorced wife from marrying another Jesus was assuming the status quo, accepting that they would be free to remarry.

This assumption may not apply, however, in the case of one who was divorced for sexual infidelity. A prohibition of remarriage in that case may be implied by the fact Jesus prohibits from remarriage one who divorces one's spouse for a reason other than sexual infidelity. Since divorcing one's spouse for a reason other than sexual infidelity bars one from remarriage, it seems reasonable to assume that wrongfully causing a divorce by being sexually unfaithful also would bar one from remarriage. They appear to be equally culpable destructions of a marriage.

Nolland's proposal has some advantages,<sup>115</sup> but it is also has its difficulties, which may explain why it has not attracted much scholarly attention.<sup>116</sup> I nevertheless find it interesting and possibly correct. It is weakened by its grammatical uncertainties, and its novelty also is a strike against it. If this is the correct understanding of the Greek, one would expect to see some evidence of it in church history. It is possible that this understanding was lost early and did not survive in any existing documents, but its absence does not inspire confidence.

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D. Does the prohibition against remarriage by a Christian who has been divorced by his/her Christian spouse continue even after the divorcing spouse remarries or engages in sexual immorality?

If, per the traditional understanding and contrary to Nolland's contention, a Christian who has been divorced by his/her Christian spouse is not free to remarry, it raises the question of whether that prohibition continues even after the divorcing spouse remarries or engages in sexual

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<sup>113</sup> See, e.g., Instone-Brewer (2002) 85-90.

<sup>114</sup> See, e.g., Wenham, 33.

<sup>115</sup> It avoids the harshness of penalizing an innocent spouse and brings the treatment of a Christian divorced by a believer into line with that of a Christian divorced by an unbeliever (1 Cor. 7:15) in terms of a right to remarry.

<sup>116</sup> Loader (2012), 243 (fn. 9, 12), 259-260, 264, acknowledges that Nolland's proposed translations are possible; see also, Robert Gagnon, *The Bible and Homosexual Practice* (Nashville: Abingdon Press, 2001), 199 (fn. 17); Instone-Brewer (2002), 160-161.

immorality. Some believe it does continue based on the notion that a divorce for any reason other than sexual infidelity is ineffectual in dissolving the marriage bond and therefore leaves the parties married. For example, Andrew Cornes writes:

Could an exception be made if her husband had divorced her for any reason other than adultery on her part and then himself remarried? It is hard to see how. If his remarriage in this situation is adultery, that is because the original marriage still exists. If then the woman is still, in God's eyes, married to her (original) husband, her remarriage would also be adultery. It would simply, in God's eyes, be one adultery on top of another.<sup>117</sup>

But as I have said repeatedly, I believe this is an overly literal reading of what the Lord meant by "adultery" in his teaching on divorce and remarriage. The marriage does not survive the divorce, as though it is a metaphysical union incapable of human severance (1 Cor. 7:10-11; Mat. 19:6; Mk. 10:9). The marriage is dissolved, but what survives, except for a spouse who divorced for sexual immorality, is the obligation to the now ex-spouse not to marry another, presumably to leave open the possibility of reconciliation.

Scripture does not address what happens to that obligation if one of the ex-spouses violates it by marrying another, but since the divinely prescribed mutuality of the obligation is thereby destroyed, it is possible, even reasonable, to conclude that the obligation of the non-marrying ex-spouse is extinguished. As there is no biblical basis for insisting otherwise, a contrary opinion should not be bound as the will of the Lord.

Scripture likewise does not address what happens to the surviving obligation not to marry another if one of the ex-spouses engages in sexual immorality, but since it was agreed by all that sexual relations are permissible only in a marriage, an obligation not to marry another implied an obligation not to have sexual relations with another. Since doing so breaks the intended mutuality of the surviving obligation, it is possible, even reasonable, to conclude that sexual immorality likewise extinguishes the obligation of the uninvolved ex-spouse not to marry. Again, in the absence of a biblical basis for insisting otherwise, a contrary opinion should not be bound as the will of the Lord.

E. Must a Christian who married another in violation of the Lord's prohibition of remarriage repent by divorcing his/her current spouse?<sup>118</sup>

As I have contended, the adultery of which Jesus spoke was metaphorical. It is the one-time act of *taking* a new spouse in violation of the surviving duty to the former spouse not to marry another. The first marriage was dissolved, even though the divorce was contrary to God's will (1 Cor. 7:10-11), and the sinful remarriage resulted in a valid marriage, as did the sinful marriages referred to in Ezra 9-10 (see p. 9). The adultery was completed *in the act of*

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<sup>117</sup> Cornes, 207.

<sup>118</sup> The situation under consideration here is where the divorce and sinful remarriage both occurred after the person was a Christian. If I am correct in thinking that Jesus' teaching regulated Christian couples (see 1 Cor. 7:12-13), divorce and remarriage by non-Christians raises additional issues.

*remarriage*;<sup>119</sup> it is not an ongoing literal adultery of having sexual relations with a faux second husband while still being married to the first husband.<sup>120</sup>

If that is correct, I do not believe repentance requires dissolution of the new valid marriage. Indeed, I think one would compound one's sin in doing so. Those who insist otherwise often argue by analogy from the case of a thief. As a thief is required to prove his repentance by making restitution, they claim that one who sinfully marries must prove one's repentance by surrendering "the fruit of one's sin." Putting aside the fact the analogy is dubious in that divorce does not constitute restitution, 1 Cor. 7:10-11 indicates that repentance does not always require trying to "undo" one's sin. In those verses, Paul says that if a woman divorces her husband contrary to the Lord's command, "let her remain unmarried *or* be reconciled to the husband." He does not demand that the sinfully divorcing wife relinquish the fruit of her sin (her unmarried state) as proof of her repentance but gives her the option of remaining *unmarried*.<sup>121</sup> If a sinfully divorcing spouse is not obligated to remarry the divorced spouse as proof of repentance, I am hard pressed to imagine why one who sinfully marries must destroy his/her new marital union to demonstrate repentance.

As I noted earlier, David had Uriah killed in order to take Bathsheba as his wife, so his marriage to her was the fruit of his sin of murder. Yet, David was not required to manifest his repentance by divorcing Bathsheba, by surrendering the benefit of his sin. The fact Bathsheba was a widow at the time of her marriage to David and thus legally free to marry does not alter the fact David gained her as the result of a sinful act. Indeed, Nathan's rebuke emphasizes David's taking of Uriah's wife to be his own (2 Sam. 12:1-10). If one who gains a spouse through sin is always required to divorce that spouse as proof of repentance of that sin, then David would have been required to do so.

Solomon's taking of many wives is another case in point. Despite the fact God specifically forbid Israelite kings from taking "many wives" (Deut. 17:17),<sup>122</sup> there is no indication that Solomon was required to dissolve the marriages he entered into contrary to that command.

As I explained in the discussion of Ezra 9-10, divorce was required in the case of the sinful marriages to foreign wives in the salvation-historical context of Israel's return from exile because of the unique spiritual threat those pagan wives posed to God's continuing plan involving the nation of Israel. That concern was more important to God than honoring the

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<sup>119</sup> Peter F. Lockery, *Divorce and Remarriage in the NT and Its Implication for the Church Today* (Th.M. Thesis, Fuller Theological Seminary 1987), 127-129.

<sup>120</sup> Lockery, 128. As Carroll Osburn shows in "The Present Indicative in Matthew 19:9," *Restoration Quarterly* 24 (1981): 193-203, the fact "commits adultery" is a present indicative verb does not rule out the possibility of the adultery being a one-time act.

<sup>121</sup> Oster states (p. 167): "For the Christian woman who disobeys the instruction of 7:10 (don't divorce your Christian husband) Paul allows only two alternatives. This Christian woman can either remain unmarried or she can return to her Christian husband and be reconciled to him." See also, Fee, 326-327.

<sup>122</sup> The command in Deut. 17:17 is literally that the king shall not *increase* or *add* wives for himself, which can mean that he shall not engage in polygamy at all, not that he shall not engage in an *excessive level* of polygamy. The Qumran community interpreted the passage as prohibiting the king from polygamy. See, Davidson, 198-201.

sinfully given marital commitments. One should not generalize from that situation to a claim that divorce is not mandated for all sinful marriages. The counter examples indicate otherwise.

John's declaration that it was not lawful for Herod to have his brother's wife does not prove that every forbidden marriage must be split apart. John did not say that Herod was required to divorce Herodias. He simply may have been calling Herod to acknowledge his sin. But if he was calling for a divorce, note that Herod's remarriage to Herodias was unusual because of the relationship of the parties. Having sexual relations with the former wife of a living brother was considered incestuous under the Law (Lev. 18:16, 20:21), which raises a different issue.

The fact there is no evidence that Jesus called for the dissolution of adulterous remarriages is telling. Instone-Brewer remarks:

There is nothing to suggest that Jesus asked anyone to separate from the second husband or wife if one had remarried after an invalid divorce. Technically the marriage was adulterous, but if this was applied literally, then there would be huge confusion and disruption to people's lives and families. This is presumably why the divorce saying found its way into [or was included in] the Sermon on the Mount. Just as someone who hates his brother is not to be prosecuted for murder, so one who has remarried is not to be accused in court of committing adultery.<sup>123</sup>

So, in my opinion, those who have sinfully remarried should be accepted into the fellowship upon confession of their sin. I think wisdom dictates that the confession be made publicly to ease concerns the members may have about the couples' submission to Christ. The confession should be along the lines of:

Though the Lord in his mercy has blessed me in my marriage, it was sinful for me to have married X. I chose self over the Lord, and hereby repent publicly of that sin. I am convinced the Lord has forgiven me, and I ask that you receive me into your fellowship as a penitent sinner who is devoted to honoring the Lord Jesus in every aspect of his/her life. I ask for your prayers that I may have the strength to live out that commitment.

F. Must a person who as a non-Christian remarried after being divorced or after divorcing for some reason other than sexual infidelity divorce his/her current spouse when he/she becomes a Christian?

As I explained in the discussion of 1 Cor. 7:12-16, when Paul states in 1 Cor. 7:12 that the instruction is from him "not the Lord," he means that during his earthly ministry Jesus did not address divorce and remarriage in the case of "mixed marriages," marriages between disciples and unbelievers. Therefore, Jesus' teaching in the Gospels about divorce and remarriage does not apply to such marriages. And since it does not apply to mixed marriages, one should assume that it also does not apply to marriages between two unbelievers.

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<sup>123</sup> Instone-Brewer (2002), 183.

In this light, there is no basis for insisting that non-Christians who remarried after being divorced or after divorcing for some reason other than sexual infidelity thereby committed metaphorical adultery. This is supported by the absence of any reference in the NT to forced divorces following conversion. Given the prevalence of divorce, there certainly were many Jewish and Gentile converts who had been divorced or had divorced for some reason other than sexual infidelity and remarried prior to conversion. And if the early church was forcing people to divorce upon conversion, especially if women were divorcing their husbands, that charge would have featured prominently in the accusations of early opponents of Christianity, but that is not the case.

The idea that becoming a Christian compels one to divorce one's present spouse also seems contrary to Paul's point in 1 Cor. 7:17-24. Paul there gives the basic principle that the Christian should not use the fact he has been called into fellowship with Christ as a basis for changing his social relationships (in that case, his or her marital status). As far as a person's being a Christian is concerned, as far as that is the determining factor in the decision, he is to continue in the setting he was in at the time of his conversion.