

ANOTHER LOOK AT DIVORCE AND REMARRIAGE

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Contents

I. Introduction	2
II. Key Texts	2
A. Old Testament	2
1. Deuteronomy 24:1-4	2
2. Malachi 2:13-16	8
B. New Testament.....	12
1. Jesus' Teaching	12
a. Matthew 5:31-32	12
b. Matthew 19:3-9.....	15
c. Mark 10:2-12.....	17
d. Luke 16:18	19
2. Paul's Teaching	20
a. Romans 7:1-4	20
b. 1 Corinthians 7:10-11	21
c. 1 Corinthians 7:12-16.....	23
d. 1 Corinthians 7:25-28	25
e. 1 Corinthians 7:39-40.....	27
III. General Understanding Summarized	27
IV. Questions and Application Issues.....	28
A. Why think Jesus intended the exception for sexual infidelity (<i>porneia</i>) to be the only reason for which a divorce is permissible?	28
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?.....	31
C. May a Christian who has been divorced by his/her Christian spouse marry another?.....	31
Excursus: John Nolland's Argument.....	32
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?.....	34

E. Must a Christian who married another in violation of the Lord's prohibition of remarriage repent by divorcing his/her current spouse? 35

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? 37

I. Introduction

Discerning God's will for a Christian regarding divorce and remarriage is a difficult task that is fraught with controversy, 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, ² and if she goes and becomes another man's wife, ³ and the latter man hates her and writes her a certificate of divorce and puts it in her hand and sends her out of his house, or if the latter man dies, who took her to be his wife, ⁴ then her former husband, who sent her away, may not take her again to be his wife, after she has been defiled, for that is an abomination before the LORD. And you shall not bring sin upon the land that the LORD your God is giving you for an inheritance.

The divorce permitted in Deut. 24:1 was because the husband found עֲרוֹת דָּבָר (*erwat dābār*) in his wife. The noun *erwā* occurs 55 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."¹ It is defined in *The Hebrew and Aramaic Lexicon of the Old Testament* as "nakedness, genital area of a man or of a woman"² and in *The New Brown-Driver-Briggs-Gesenius Hebrew-English Lexicon* as "nakedness, pudenda" (i.e., the sexual organs).³

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."⁴ 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."⁵

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.⁶ 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 עֲרוֹת דָּבָר (*‘ervat davar*) involves a genitive of specification, something characterized by עֲרֻה (*‘ervah*). עֲרֻה 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 עֲרוֹת דָּבָר (*‘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).

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

² 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.

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

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

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

⁶ 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."⁷ 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."⁸ 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.*"⁹ John Goldingay states, "In Deut. 24:1, the man discovers 'the nakedness of a thing' in his wife, which likely refers to sexual misconduct."¹⁰

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) overlooks 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" (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.¹¹

Sprinkle remarks, "[A] man, out of compassion, might choose not to press capital charges but divorce instead (cf. Joseph and Mary, Mt 1:19)."¹² 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.¹³

⁷ 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.

⁸ Davidson, 391.

⁹ 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).

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

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

¹² 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).

¹³ 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."¹⁴

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."¹⁵

There was a famous debate in the days of Jesus between two schools of rabbis, Hillel and Shammai, 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.¹⁶

Jesus authoritatively interpreted Deut. 24:1 when he was, in essence, asked by the Pharisees in Mat. 19:3 whether he agreed with the Hillelites' interpretation of the text. That this was the import of the question is suggested not only by the fact the Pharisees, the party of the disputing rabbinical schools, were the ones asking but also by its wording: "Is it lawful to divorce one's wife *for any cause*?" It was phrased in terms that precisely encapsulated the ongoing debate over whether divorce was allowable *for every cause* (the Hillelite view) or restricted to the cause of sexual unfaithfulness (the Shammaite view). Anyone in that historical context who heard that question posed by Pharisees to a religious teacher would understand that they were asking the teacher to opine on the current debate.

Jesus' answer in Mat. 19:9 goes beyond the immediate question, but it makes clear that the Shammaites' understanding of Deut. 24:1 was essentially the correct one.¹⁷ He does not

¹⁴ Davidson, 392 (fn. 53).

¹⁵ Sprinkle, 744.

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

¹⁷ "Jesus agreed with the school of Shammai on this point, making an exception to permanent monogamy only for sexual impurity." Robert H. Mounce, *Matthew*, GNC (San Francisco: Harper & Row, 1985), 44. See also, Instone-

simply say, "It is not lawful to divorce one's wife for any cause, but only for sexual immorality [as the Shammaites contend]," which response might be confined to the narrow debate over the meaning of Deut. 24:1. Rather, he universalizes his answer, declaring, "*whoever [hos an] divorces his wife, except for sexual immorality [porneia],¹⁸ and marries another, commits adultery.*" The limitation of divorce to cases of sexual infidelity, which the Shammaites rightly saw in Deut. 24:1, is said to apply in the new covenant to all divorces, to every man who divorces his wife.¹⁹

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,²⁰ 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,²¹ 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,²² 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.²³ Klaus-Peter Adam states:

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. . . .

Brewer, 158-159; W. D. Davies and Dale C. Allison, Jr., *The Gospel According to Matthew*, ICC (Edinburgh: T.&T. Clark, 1988), 1:530; R. T. France, *The Gospel of Matthew*, NICNT (Grand Rapids: Eerdmans, 2007), 209.

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

¹⁹ As the Spirit later revealed through Paul (1 Cor. 7:12-13), Jesus was not addressing marriages between believers and unbelievers, between covenant people and those outside the covenant.

²⁰ Davidson, 398-400.

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

²² 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]).

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

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.²⁴

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. In those circumstances, the wife would retain the dowry she brought into the second marriage (or the equivalent amount that she would be awarded if she had not brought a dowry into the second marriage).²⁵ "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."²⁶

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 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. The allusion to Deut. 24:1-4 includes the divorced adulteress becoming the wife of another man, not because that is what puts her off limits to her first husband but because in the Deuteronomy text it explains why the first husband might have a desire to remarry her (greed for her new dowry), which desire necessitates the prohibition that is the focus of 3:1.

Given the case law of Deut. 24:1-4 and the fact God had divorced Israel because of her adulteries (3:8),²⁷ Israel is seemingly beyond reunion with God, but Jeremiah offers a solution. 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 predicted that God and Israel would be reconciled, and so Jeremiah now seeks to discover how this can happen."²⁸ In Jer. 3:18-22:

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

²⁵ Instone-Brewer (2002), 7.

²⁶ Instone-Brewer (2002), 7.

²⁷ 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 5:1c 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).

²⁸ Instone-Brewer (2002), 42.

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 "No 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.²⁹

2. 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. ¹⁴ 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. ¹⁵ 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. ¹⁶ "For the man who does 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 2:13-16 is the rebuke of the Israelites in 2:10-12 for marrying idolatrous wives. Those verses state: ¹⁰ *Have we not all one Father? Has not one God created us? Why then are we faithless to one another, profaning the covenant of our fathers?* ¹¹ *Judah has been faithless, and abomination has been committed in Israel and in Jerusalem. For Judah has profaned the sanctuary of the LORD, which he loves, and has married the daughter of a foreign god.* ¹² *[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].*

Israelites were a family that had been created by God out of all the peoples of the earth. They were related to each other in that unique sense beyond the relationship they shared with all mankind as descendants of Adam and Eve. That family bond as God's unique people made their faithlessness to one another especially wrongful and amounted to a profaning, a dishonoring, of the holy covenant the people of Israel had entered into with God at Mount Sinai.

The people of Judah had been faithless to God and one another, having committed an abomination. Specifically, they profaned the temple God loves *by* (see NIV) marrying the

²⁹ Instone-Brewer (2002), 42.

daughter of a foreign god. What this most likely means is that many of them had married women from local communities of non-Israelites in which foreign gods were worshiped.³⁰ 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.³¹ 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."³²

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." (I have substituted this literal rendering for the ESV's v. 12, which is why it is in brackets.) The English versions disagree over how to understand and thus to render "him who wakes and him who answers." It is obscure, but with many I think the clause functions as a merism, an expression of totality, in that it refers to both the one who calls people to wake up and the one who answers.³³ If that is correct, it yields something like "every last person who does this" (NET) or "the one who does this, whoever he may be" (NIV).

Whatever the obscurity, the point seems to be 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.

³⁰ 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.

³¹ Douglas Stuart, "Malachi" in Thomas Edward McComiskey, ed., *The Minor Prophets: An Exegetical and Expository Commentary* (Grand Rapids: Baker, 1998), 3:1332-1333.

³² Andrew E. Hill, *Haggai, Zechariah and Malachi*, TOTC (Downers Grove, IL: InterVarsity Press, 2012), 322.

³³ E.g., Allen P. Ross, *Malachi Then and Now* (Wooster, OH: Weaver Book Company, 2016), 107.

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. 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 famously difficult to translate and understand. Following the ESV, the idea seems to be that God created the institution of marriage as summarized in the phrase in Gen. 2:24 that the man and woman shall become one flesh. Having established that institution, there is a sense in which he approves and blesses the marriage union of a man and woman (there being a portion of his Spirit in it). His desire is that through the 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."

Despite its fame, Mal. 2:16 is another difficult text to translate. The first clause is often rendered, "For I hate divorce," 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.³⁴

³⁴ 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.

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."³⁵ He is guilty of a grave offense.

The common translation "I hate divorce"³⁶ 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,³⁷ here serving as the object of the verb hates ("he hates divorce"). The first person ("I") in the translation stands in for the implied third-person subject "The One," which refers to Yahweh. Even if one thinks that is not the best translation, it certainly is an option.

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."³⁸ 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, that they not be led to divorcing their wives. Andrew Hill sums up this section of Malachi 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

Biddle (Peabody, MA: Hendrickson Publishers, 1997), 3:1332, it has the meaning "of divorcing a wife." C. John Collins states in "שלה" 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 "שלה" 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."

³⁵ Stuart, 3:1343.

³⁶ 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."

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

³⁸ 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).³⁹

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." ³²But 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.

The people had been taught, pursuant to Deut. 24:1, that a man divorcing his wife must give her a certificate of divorce. In a culture dominated by the Hillelite understanding that divorce was permissible for any reason,⁴⁰ attention was focused on the formalities of divorce, on the technical requirements for a valid certificate of divorce.⁴¹ Jesus redirects the focus to the sanctity of marriage, which according to its original purpose was a relationship of permanence (Mat. 19:4-6, 8), by explaining that divorce⁴² 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. In the Matthew texts (5:32, 19:9), it probably is best understood "as any sort of sexual infidelity against the marriage."⁴³ 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, not specific; but at least it narrows the offense to *sexual* immorality, thereby excluding other transgressions."⁴⁴ With specific reference to Mat. 5:32 and 19:9, BDAG states, "Of the sexual unfaithfulness of a married woman."⁴⁵ 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

³⁹ Hill, 327-328.

⁴⁰ Instone-Brewer (2002), 114-117.

⁴¹ According to *Mishnah Gittin* 8.5, even mistakes about things like dates or locations would invalidate the certificate. See, Instone-Brewer (2002), 127-129.

⁴² "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](#).

⁴³ 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.

⁴⁴ Betz, 250.

⁴⁵ Bauer, Danker, Arndt, and Gingrich, *A Greek-English Lexicon of the New Testament and Other Early Christian Literature*, 3rd ed. (Chicago: University of Chicago Press, 2000), 854.

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.⁴⁶

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.⁴⁷

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.⁴⁸

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 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 . . .⁴⁹

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. Jesus says that a woman who

⁴⁶ D. A. Carson, "Matthew" in *The Expositor's Bible Commentary*, rev. ed. (Grand Rapids: Zondervan, 2010), 9:468.

⁴⁷ 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.

⁴⁸ Richard B. Hays, *The Moral Vision of the New Testament* (San Francisco: HarperCollins, 1996), 355.

⁴⁹ Craig Keener, *And Marries Another: Divorce and Remarriage in the Teaching of the New Testament* (Peabody, MA: Hendrickson, 1991), 31-32.

has been divorced by her husband for any reason commits adultery by remarriage. (He is not here addressing the situation of a woman who divorces her husband. That is dealt with in Mk. 10:12.) In other words, despite having been divorced, having been given a certificate that frees her *legally* to remarry, she is *morally* prohibited from doing so. Why that offense is called "adultery," despite the valid divorce, is discussed below, but the word implies it is a violation of a surviving obligation that is rooted in the marriage. It is an offense against a continuing duty to the husband who divorced her.

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 presumed remarriage. The husband shares responsibility for that foreseeable breach of her continuing duty 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 presumed remarriage. In that case, she was responsible for the divorce and therefore her husband is not accountable for the wrong of her remarriage.

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

I do not believe Jesus is referring in these verses 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 and thus left the parties married, but rather he speaks of "whoever *divorces* his wife" and "whoever marries a *divorced* woman." Just as sinful marriages can result in valid marital unions, the marriages in Ezra 9-10 being a case in point,⁵⁰ so Paul makes clear in 1 Cor. 7:10-11 that even a divorce that is contrary to God's will effectively dissolves a marriage rendering the parties "unmarried" (*agamos*).

In Mat. 19:6 and Mk. 10:9 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, so he is implying 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 cannot do in the first place? As Keener points out,

⁵⁰ 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, Ezra 9:10-12 identifies the commandment the people had violated as the commandment in Deut. 7:1-4 not to *intermarry* (*hātan*) with foreigners residing in the land they were receiving (see also, Josh. 23:12). If they had not in fact married them, they would not have been in violation of that commandment. Second, the covenant that is made in Ezra 10:3 is 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 (*nāšā*) for themselves the daughters of foreigners in the land (Ezra 9:2, 12, 10:44; Neh. 13:25) is used elsewhere of genuine 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 (*lāqah*) the neighboring peoples' daughters in marriage for their sons – are used elsewhere for taking and giving daughters in genuine marriages (*nātan* – e.g., Gen. 29:28, Josh. 15:16-17; Judg. 1:12-13; *lāqah* – e.g., Ezra 2:61; Neh. 6:18, 7:63). And fifth, Ezra 10:3 specifies that the divorcing of these foreign wives is to be done in accordance with Jewish law, meaning by providing them a certificate of divorce.

"There is little point in forbidding a separation that cannot occur in any case. Jesus forbids it because it *can* but *should not occur*."⁵¹

We recognize that an impermissible divorce still dissolves the marital union in that we disapprove of sexual relations between the divorced parties. They no longer are married and therefore lack the divine basis for sexual intimacy. The notion that such couples are still married leads to conclusions that virtually all consider unacceptable. Lewis Smedes gives the following example: "After a few years, [the sinfully divorced and remarried Christian] visits his former wife who herself had remarried. He sleeps with her one night, but of course he is not committing adultery with her because he is still morally married to her. He is committing adultery, rather, when he sleeps with his own wife."⁵²

Literal adultery occurs when: (a) a married person (b) has sexual relations (c) with one to whom he/she is not married. Given that a divorce, even one contrary to God's will, effectively dissolves a marriage rendering the parties unmarried, a divorced wife who remarries cannot commit literal adultery by having sexual relations with her new husband because she is no longer married to the first husband. This indicates that Jesus is using "adultery" in a metaphorical sense. Remarriage by the divorced woman is analogous to literal adultery in that it is a violation of a maritally created duty of exclusive commitment to the spouse, a duty not to marry another, that Jesus informs us survives the dissolution of the marriage.

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 remarrying (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.

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. 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 norms of first-century rhetoric.

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?"⁴ He answered, "Have you not read that he who created them from the beginning made them male and female,⁵ and said, 'Therefore a man shall leave his father and his mother and hold fast to his wife, and the two shall become one flesh'?⁶ So they are no longer two but one flesh. What therefore God has joined together, let not man

⁵¹ Keener (2006), 107.

⁵² Lewis B. Smedes, *Mere Morality: What God Expects from Ordinary People* (Grand Rapids: Eerdmans, 1983), 179.

separate." ⁷ They said to him, "Why then did Moses command one to give a certificate of divorce and to send her away?" ⁸ He said to them, "Because of your hardness of heart Moses allowed you to divorce your wives, but from the beginning it was not so. ⁹ And I say to you: whoever divorces his wife, except for sexual immorality, and marries another, commits adultery."

As explained above, Jesus was, in essence, asked by the Pharisees whether he agreed with the Hillelites' interpretation of Deut. 24:1 that it permitted divorce for any reason. They did so to "test" (*peirazō*) him in that they asked the question to solicit 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 him 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]?"⁵³ 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 is a *concession* God made because of the hardness of their hearts, a concession that goes contrary to his desire and ideal. He makes clear in 19:9 that the Shammaites' understanding of Deut. 24:1 is 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*],"⁵⁴ he makes clear that no divorces in the new covenant are beyond the restriction.⁵⁵ 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 . . ."⁵⁶

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 of exclusive commitment to his wife, a duty not to marry another, that Jesus indicates survives the

⁵³ Taking *kai* as "and thus" per BDAG, 495. See, Donald Hagner, *Matthew 14-28*, WBC (Nashville: Thomas Nelson, 1995), 545.

⁵⁴ See the comments on *porneia* in the discussion of Mat. 5:31-32.

⁵⁵ As noted above, 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.

⁵⁶ Wayne Grudem, *Christian Ethics: An Introduction to Biblical Moral Reasoning* (Wheaton, IL: Crossway, 2018), 820.

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."¹¹ But he said to them, "Not everyone can receive this saying, but only those to whom it is given.¹² For there are eunuchs who have been so from birth, and there are eunuchs who have been made eunuchs by men, and there are eunuchs who have made themselves eunuchs for the sake of the kingdom of heaven. Let the one who is able to receive this receive it."*

The disciples in Mat. 19:10 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 Hillelite view, that the only morally permissible basis for a husband to divorce was a wife's sexual unfaithfulness. He thus raised the marriage stakes for his disciples. It was a permanent relationship, in keeping with God's intention from creation, with a narrow exception as a continuing concession to human fallenness.

Divorce always involves evil, but as Moses permitted divorce because their hearts were hard, so Jesus permits it among those with new but not yet fully transformed hearts, but only for some significant sexual activity with a person other than the spouse. And he went further than the Shammaites in disallowing remarriage after a divorce on impermissible grounds. As Carson notes, the school of Shammai "permitted remarriage when the divorce was not in accordance with its own halakah (rules of conduct) (*m. 'Ed. 4:7-10*)."⁵⁷ In other words, the Shammaites permitted remarriage after a Hillelite "any-matter divorce" even though they would never have granted such a divorce.

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." In other words, the disciples swerved into something true – "it is better not to marry" – but it is true only for those who can handle a life of celibacy, only those to whom that statement is uniquely applicable. 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.) 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?"³ He answered them, "What did Moses command you?"⁴ They said, "Moses allowed a man to write a certificate of divorce and to send her away."⁵ And Jesus said to

⁵⁷ Carson, 466; see also, Instone-Brewer (2002), 166-167, 182-183.

them, "Because of your hardness of heart he wrote you this commandment. ⁶ But from the beginning of creation, 'God made them male and female.' ⁷ 'Therefore a man shall leave his father and mother and hold fast to his wife, ⁸ and the two shall become one flesh.' So they are no longer two but one flesh. ⁹ What therefore God has joined together, let not man separate." ¹⁰ And in the house the disciples asked him again about this matter. ¹¹ And he said to them, "Whoever divorces his wife and marries another commits adultery against her, ¹² 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 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.⁵⁸ Jesus stated the exception because he was answering in 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.⁵⁹ Matthew may have included it to make it more difficult for any nitpickers in his Jewish audience to accuse Jesus of contradicting Moses.

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. According to Instone-Brewer, "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."⁶⁰ 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.⁶¹ Moreover, Jewish wives could engineer divorces less formally

⁵⁸ 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 [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.

⁵⁹ 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.

⁶⁰ Instone-Brewer (2002), 85; see generally, pp. 85-90.

⁶¹ 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.

by acting to drive their husbands to divorce them. Jesus may be addressing those situations and perhaps speaking with 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 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

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.

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? ²For 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. ³Now, 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. ⁴So, 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 legally valid divorce. He is not speaking of Christ's teaching on divorce and remarriage but is providing an illustration of the effect of death under the Mosaic law. And under that law, it was agreed that remarriage was permissible and expected after a divorce.⁶² A married divorcee was not considered an adulteress. It was Jesus who morally prohibited remarriage after most legally valid divorces. His doing so was part of the disciples' reaction in Mat. 19:10. In that light, Paul

⁶² Instone-Brewer (2002), 28-29, 117-125.

simply is saying that a woman who joins with another man while she is still married to a living husband is an adulteress,⁶³ whereas the same conduct would not warrant that label if her husband had died.

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 – ¹¹ but if she does indeed separate, let her remain unmarried or be reconciled to the husband – and the husband not to divorce his wife.

As a variation on the idea that participation in the new age of the Spirit ("being like the angels") justified abstaining from sex within marriage (7:1-5), some in Corinth were contending that it also justified dissolving their marriages altogether. Paul here 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."⁶⁴

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."⁶⁵ 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.

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.⁶⁶ It was used for divorce in Greek

⁶³ One way this could happen is by a remarriage after a legally invalid divorce. See, Instone-Brewer (2002), 125-132.

⁶⁴ Gordon D. Fee, *The First Epistle to the Corinthians*, NICNT, rev. ed. (Grand Rapids: Eerdmans, 2014), 323.

⁶⁵ E. P. Sanders, *Jesus and Judaism* (Philadelphia: Fortress Press, 1985), 256.

⁶⁶ "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*, 2nd ed. (Grand Rapids: Zondervan, 2014), 4:715.

literature and marriage contracts,⁶⁷ and it unquestionably has that meaning in these verses because it rendered the parties "unmarried" (7:11).⁶⁸ 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."⁶⁹ *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."⁷⁰

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."⁷¹ 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."⁷² 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."⁷³ William Loader remarks, "The two verbs should not be differentiated, as if one refers to separation and the other to formal divorce."⁷⁴ 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, Moulton and Milligan state that *chōrizō* "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 "*chōrizō*-separate" and "*aphiēmi*-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 "*chōrizō*-separate" and "*aphiēmi*-divorce" is unwarranted. Such a

⁶⁷ 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)."

⁶⁸ BDAG, 5, says in the entry for *agamos*, "of divorced women 1 Cor 7:11."

⁶⁹ 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.

⁷⁰ Thomas R. Schreiner, *1 Corinthians*, TNTC (Downers Grove, IL: InterVarsity Press, 2018), 140.

⁷¹ Meier, 4:101.

⁷² Instone-Brewer (2002), 199.

⁷³ David E. Garland, *1 Corinthians*, BECNT (Grand Rapids: Baker, 2003), 281.

⁷⁴ William Loader, *Sexuality and the Jesus Tradition* (Grand Rapids: Eerdmans, 2005), 88 (fn. 85).

distinction is artificial and not supported by contemporary linguistic usage and is clearly forced insofar as 1 Cor 7:10-16 is concerned.⁷⁵

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? 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; ¹³ and if any woman has an unbelieving husband, and he consents to live with her, let her not divorce the husband. ¹⁴ 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. ¹⁵ 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; ¹⁶ for how do you know, wife, whether you will save your husband? or how do you know, husband, whether you will save your wife?

In this section Paul addresses the matter of divorce when one partner is an unbeliever and the other is a Christian. Just like today, when one spouse became a Christian, the other did not always 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 but on the additional basis that the pagan partner was unclean and defiling. You can see how this argument would flow from the 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).⁷⁶ He means that during his earthly ministry Jesus did

⁷⁵ Raymond F. Collins, *Divorce in the New Testament* (Collegeville, MN: The Liturgical Press, 1992), 21.

⁷⁶ As Craig Blomberg notes in *1 Corinthians*, NIVAC (Grand Rapids: Zondervan, 1994), 139: "Too often readers have inappropriately questioned the authority of Paul's instructions in verses 12-16 on the grounds that these are

not address divorce and remarriage in the case of mixed marriages, marriages between disciples and unbelievers.⁷⁷ 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.

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 is facilitated by the fact the believer who is divorced has not been enslaved (*dedoulōtai*) in such circumstances, meaning the divorce has not brought the believer under obligation to the divorcing unbeliever. Whatever was owed to the non-Christian spouse within the marriage was owed in the capacity as a spouse; it has not been transformed into an obligation to him/her as the divorcing spouse.

The text does not speak expressly to whether the divorced believer is free to remarry, but it does so implicitly. As Instone-Brewer writes:

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.⁷⁸

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 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.

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."

⁷⁷ "[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." Schreiner (2018), 141.

⁷⁸ David Instone-Brewer, "1 Corinthians 7 in the Light of the Jewish Greek and Aramaic Marriage and Divorce Papyri," *Tyndale Bulletin* 52 (2001), 241.

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 by conduct of the non-Christian spouse which is essentially equivalent to the conduct addressed in 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 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."⁷⁹ 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. ²⁶ Therefore, I consider this to be good because of the present distress, [namely] that what is so is good for a man. ²⁷ Are you bound to a woman? Do not seek release. Are you free from a woman? Do not seek a wife. ²⁸ 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. 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

⁷⁹ Wayne Grudem, [Grounds for Divorce: Why I Now Believe There Are More Than Two](#) (accessed on 8/29/22).

undergoing. Suggestions include persecution or a famine,⁸⁰ 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."⁸¹ 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 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."⁸²

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.⁸³ But as I explained, v. 27 refers to one who has been freed (or simply is free)⁸⁴ from a betrothal rather than a marriage. This is recognized by most modern commentators.⁸⁵ Though a betrothal was a binding arrangement, there is a material difference

⁸⁰ See, Garland, 324.

⁸¹ Fee, 368.

⁸² Fee, 369.

⁸³ 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.

⁸⁴ According to Frederick William Danker, ed., *A Greek-English Lexicon of the New Testament and Other Early Christian Literature*, 3rd rev. ed. (Chicago: University of Chicago Press, 2000) 607, "a previous state of being 'bound' need not be assumed."

⁸⁵ 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.

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. ⁴⁰ 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.

With the large majority of interpreters, I take the restriction "only in the Lord" to mean that her new husband must be a Christian.⁸⁶ Paul uses "in the Lord" to mean Christians in Rom. 16:11. 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 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.⁸⁷

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.⁸⁸ 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.

⁸⁶ Modern commentators who recognize that Paul here limits the widow's marriage pool to Christians include Oster, 187; Thiselton, 604; Garland, 343-44; Verlyn D. Verbrugge, "1 Corinthians" in Tremper Longman III and David E. Garland, *The Expositor's Bible Commentary*, rev. ed. (Grand Rapids: Zondervan, 2008), 11:328; Fee, 392; Schreiner (2018), 162; Paul Gardner, *1 Corinthians*, ZECNT (Grand Rapids: Zondervan, 2018), 358.

⁸⁷ Fee, 392.

⁸⁸ But see the excursus on John Nolland's argument.

Regarding the concept of metaphorical adultery, it was believed by Jews, Greeks, and Romans in the first century that divorce frees one to remarry, prevents the remarriage from being adulterous, because divorce dissolves the former marriage.⁸⁹ 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.

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. 21:10-11.⁹⁰ 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

⁸⁹ Thus, the Shammaites accepted the validity of remarriage even after a divorce on Hillelite grounds that they judged impermissible. See, e.g., Instone-Brewer (2002), 130-131, 166-167; Keener (1991), 39. Gordon J. Wenham writes in "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: "Now no one would dispute that Jews, Greeks, and Romans in the first century assumed that a divorce entitled one to remarry."

⁹⁰ E.g., Instone-Brewer (2002), 117. See fn. 61 for an explanation of the dubiousness of this interpretation of Ex. 21:10-11.

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 Shammaites believed that "something indecent" in Deuteronomy 24:1 included neglect of food, clothing, or marital rights.⁹¹

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 was referring 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

⁹¹ Grudem, 820.

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.⁹²

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.⁹³

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 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.

⁹² Loader (2005), 119-120.

⁹³ 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*, 2nd ed. (Grand Rapids: Baker, 2001), 348.

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?⁹⁴

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."⁹⁵ 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."⁹⁶ It seems likely that they distorted Jesus' teaching because of their increasing distance from its Jewish context and the rising tide of sexual asceticism.⁹⁷ 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."⁹⁸

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.⁹⁹

⁹⁴ The Church Fathers are not authoritative, but the fact so many of them shared an interpretation with which one disagrees requires an explanation.

⁹⁵ Instone-Brewer (2002), 257.

⁹⁶ Keener (2006), 50.

⁹⁷ 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.

⁹⁸ Keener (2006), 50-51.

⁹⁹ 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*

If this understanding is correct, 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).¹⁰⁰

Issues arise under this interpretation, such as the effect of the divorcing spouse's subsequent remarriage or immorality (see below), but it seems to be the correct understanding of the verses. 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.

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."¹⁰¹ The NIV concurs, rendering the clause "makes her *the victim* of adultery."

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.

¹⁰⁰ Robert Stein, *Luke*, NAC (Nashville: Broadman Press, 1992), 420.

¹⁰¹ John Nolland, *The Gospel of Matthew*, NIGTC (Grand Rapids: Eerdmans, 2005), 244.

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."¹⁰²

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.¹⁰³

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.¹⁰⁴

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,¹⁰⁵ it seems reasonable to assume that in not prohibiting a divorced wife from

¹⁰² Nolland, 244.

¹⁰³ Nolland, 246-247.

¹⁰⁴ See, e.g., Instone-Brewer (2002) 85-90.

¹⁰⁵ See, e.g., Wenham, 33.

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,¹⁰⁶ but it is also has its difficulties, which may explain why it has not attracted much scholarly attention.¹⁰⁷ 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.

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 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 immorality. Some believe it does 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.¹⁰⁸

But this is an overly literal reading of what the Lord meant by "adultery" in his teaching on divorce and remarriage. As explained above, the marriage itself does not survive the divorce, as though it were a metaphysical union incapable of human severance (1 Cor. 7:10-11; Mat.

¹⁰⁶ It avoids the harshness of penalizing an innocent spouse and eliminates the seeming inconsistency of allowing a Christian to remarry when divorced by an unbeliever (1 Cor. 7:15) but not allowing him/her to remarry when divorced by a believer.

¹⁰⁷ 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.

¹⁰⁸ Cornes, 207.

19:6; Mk. 10:9). That is why the adultery is metaphorical. It is a violation of the maritally created duty of exclusive commitment that is owed to the spouse, which Jesus teaches survives dissolution of the marriage, except for a spouse who divorces for sexual infidelity. 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 says, 'You were married five times but are just living with someone now.'"¹⁰⁹

The question is not whether adultery by a married person excuses adultery by his/her spouse, which is how Cornes frames it, but whether the violation by an *unmarried person* of a surviving duty of exclusive commitment frees that person's former spouse to remarry. I find no clear answer in the Bible to that question, but I reason that remarriage is not wrong in that case. Since the only remaining marital obligation after the divorce was the obligation of exclusive commitment and since a violation of that obligation during the marriage, in the form of sexual infidelity, can free the other spouse from that obligation (and does so if he/she divorces), it seems likely that a violation after a divorce would have the same effect.

Even John Murray, who viewed divorced parties as still married, believed that remarriage is permitted in the situation under discussion. He writes: "Mr. D. divorces Mrs. D. without adequate cause. Mrs. D. remarries . . . May Mr. D. now remarry? If the question were, may Mrs. D. remarry on the remarriage of Mr. D. the answer would be very simple. On the remarriage of Mr. D., Mrs. D. could secure divorce on a proper ground and then remarry without fault."¹¹⁰

E. Must a Christian who married another in violation of the Lord's prohibition of remarriage repent by divorcing his/her current spouse?¹¹¹

As I have contended above, 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 fn. 50). The adultery was completed *in the act of remarriage*;¹¹² it is not an ongoing literal adultery of having sexual relations with a faux second husband while still being married to the first husband.¹¹³

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

¹⁰⁹ Keener (2006), 107. If a marriage can be dissolved only by a divorce for sexual infidelity, it is very unlikely one would have five husbands.

¹¹⁰ Murray, 115.

¹¹¹ 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.

¹¹² 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.

¹¹³ 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.

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 remarries 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*.¹¹⁴ 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 remarries must destroy his/her new marital union to demonstrate repentance.

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 remarry 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 required to divorce that spouse as proof of repentance of that sin, why was not David 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),¹¹⁵ there is no indication that Solomon was required to dissolve the marriages he entered into contrary to that command.

Ezra 10 does not prove that every forbidden marriage must be split apart. The separation was required in that case not because the marriages were sinful but because the pagan wives would pull the Israelites from God. Separation was necessary to preserve the spiritual life of the nation. This was more important in terms of salvation history than honoring the sinfully given marital commitments. Paul, on the other hand, makes clear that Christians are not to divorce their non-Christian spouses.

Paul's insistence that Christians not divorce their non-Christian spouses is more significant than often is appreciated. It is apparent from 1 Cor. 7:39 that Paul considered it sinful for a Christian to marry a non-Christian. (If a Christian widow must marry a Christian, it seems inescapable that a never-married Christian must marry a Christian.)¹¹⁶ If that is correct, then Paul's command that Christians not divorce their non-Christian spouses (1 Cor. 7:12-13) shows that marriages entered into sinfully need not be broken up. One can avoid this conclusion by claiming that Paul's command not to divorce a non-Christian spouse referred only to situations where the couple *already was married* when one of them became a Christian. But if that is the

¹¹⁴ 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.

¹¹⁵ 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.

¹¹⁶ See fn. 86.

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 (sinful mixed marriages), something few consider necessary.

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).

There is no evidence that Jesus called for the dissolution of adulterous remarriages. 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.¹¹⁷

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.

¹¹⁷ 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.