

# THE MEANING OF *APOLUŌ* IN THE SYNOPTIC DIVORCE TEXTS

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## Contents

Introduction.....	1
Scholarly Consensus.....	2
Ancient Sources Demonstrating Meaning .....	3
Excursus: Divorce and the Indissolubility of Marriage in Church History.....	4
No-Divorce Translation Not Demanded by the Context .....	9
Consensus Translation Is Coherent .....	9
No-Divorce Translation Creates Problems .....	9
1. Assumes woman will remarry but destroys any realistic possibility of that occurring.....	10
2. Reduces Jesus to stating the obvious .....	10
3. Requires an unduly restrictive meaning of <i>porneia</i> in the exception clause .....	11
4. Contradicts Paul's teaching.....	13
5. Lacks an historical basis.....	14
6. Misunderstands the Pharisees' question in Mat. 19:3.....	14
7. Conflicts with Jesus' use of <i>apoluō</i> in Mat. 19:8 .....	15
8. Does not fit with disciples' reaction in Mat. 19:10 .....	15
9. Denies betrothals were dissolved by divorce.....	16
Consensus Translation Does Not Run Afoul of Mat. 5:17-20.....	18
Consensus Translation Does Not Run Afoul of 1 Tim. 4:3 .....	19
Conclusion .....	19

## Introduction

I have had presented to me and have read in various places on the internet the novel argument that *apoluō* in the synoptic "divorce texts" (Mat. 5:31-32, 19:3-9; Mk. 10:2-12; Lk. 16:18) does not mean "divorces" but rather means "sends away *without divorcing*," that is, sends away without providing the certificate that was necessary to effect a divorce under the Mosaic Law (Deut. 24:1-4). The alleged incentive for a husband withholding the certificate of divorce was to avoid certain financial obligations attendant to divorce while jettisoning the responsibilities of cohabitation. Since the woman was merely sent away and not divorced, she was still married to the first man, so when she married the second man she and the second man

both were committing adultery because they were having sexual relations while she was still married to the first man. In this paper, I explain why I am not persuaded by the argument.

### Scholarly Consensus

It should be noted at the start that all the standard English translations of the last 70 years render *apoluō* in the relevant texts as "divorces." See, RSV, JB, NEB, NAS, NIV'84, NKJV, NJB, REB, NRSV, NASU, NET, TNIV, CSB, NAB, NIV'11, ESV.<sup>1</sup> And even the earlier English translations that render the word "put away" (KJV, ERV, ASV) intend that phrase as a synonym for divorce. That is evident from the fact the KJV (like the Tyndale Bible, Coverdale Bible, Matthew's Bible, Geneva Bible, and Bishop's Bible before it) renders the participial form of *apoluō* in Mat. 5:32b as "divorced." Thus, the "put away" woman of Mat. 5:31-32a is "her that is divorced" in v. 32b. Clearly the translators of the earlier English versions were not suggesting that "put away" was distinct from divorce. It was a way of referring to divorce, just as "cast out" (*ekballō*) and "send away" (*exapostellō*) often refer to divorce in the LXX (e.g., Lev. 21:7, 14, 22:13; Num. 30:9; Deut. 22:19, 29; Jer. 3:1; and Ezek. 44:22).<sup>2</sup>

This is confirmed by the fact the shift from "put away" to "divorces" in modern English translations (and from "divorced" in Mat. 5:32b of the KJV to "put away" in the ERV and ASV) was not considered a substantive change, something that altered the Lord's teaching from proscribing expulsion without divorce to proscribing divorce. If the shift had been perceived as a change of meaning rather than an alternate way of expressing the same meaning, it would have been debated and dissected *ad nauseam* in the scholarly literature. That did not happen because the change was rightly understood to be a matter of style rather than substance.<sup>3</sup>

In addition, the standard lexicons and theological dictionaries give "divorce" as a meaning of *apoluō*. The lexicons include Thayer's *Greek-English Lexicon of the New Testament*; Liddell and Scott's *A Greek-English Lexicon*; Abbott-Smith's *A Manual Greek Lexicon of the New Testament*; Lampe's *Patristic Lexicon*; Friberg's *Analytical Greek Lexicon*; Newman's *A Concise Greek-English Dictionary of the New Testament*; Louw and Nida's *Greek-English Lexicon of the New Testament*; and Bauer, Danker, Arndt, and Gingrich's *A Greek-English Lexicon of the New Testament*.<sup>4</sup> The theological dictionaries include Balz and Schneider's *Exegetical Dictionary of the New Testament*; Brown's *New International Dictionary of New Testament Theology*; Mounce's *Complete Expository Dictionary of Old and New Testament Words*; and Silva's *New International Dictionary of New Testament Theology and Exegesis*.<sup>5</sup>

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<sup>1</sup> NAS and NASU use "sends away" in Mat. 5:31; all the other cited translations use "divorces" in that verse. Most of the cited translations use "put away" or "send away" in Mat. 19:7 and Mk. 10:4, but they all use "divorces" or "divorce" in Mat. 5:32, 19:3, 8-9; Mk. 10:2, 11-12; and Lk. 16:18.

<sup>2</sup> Thus, William Lane in *The Gospel of Mark*, *The New International Commentary on the New Testament* (Grand Rapids: Eerdmans, 1974), 351-358 recognizes the discussion in 10:2-12 is about divorce despite citing the ASV which uses "put away." Norval Geldenhuys in *The Gospel of Luke*, *The New International Commentary on the New Testament* (Grand Rapids: Eerdmans, 1951), 420-423 does the same.

<sup>3</sup> For example, those changes are not noted as bones of contention in Jack P. Lewis, *The English Bible from KJV to NIV* (Grand Rapids: Baker Book House, 1981).

<sup>4</sup> The *Brill Dictionary of Ancient Greek* gives "to repudiate" for Mat. 5:31 etc. That is a synonym for divorce (see, e.g., Merriam-Webster.com), but since it is not the precise word, I do not include it.

<sup>5</sup> The word is not addressed in Kittel's *Theological Dictionary of the New Testament*.

It also should be noted that all the leading commentators on the synoptic Gospels understand *apoluō* to mean "divorces" in the relevant texts. These include the following:

- **Matthew:** Tasker, Albright and Mann, Gundry, Bruner, Mounce, Hill, Morris, Betz,<sup>6</sup> Keener, Blomberg, Osborne, France, Nolland, Hagner, Wilkins, Turner, Davies and Allison, and Carson
- **Mark:** Cranfield, Lane,<sup>7</sup> Mann, Anderson, Wessel, Witherington, Hurtado, Gundry, Hooker, Garland, France, Stein, Edwards, Collins, Marcus, Brooks, Strauss, and Bock
- **Luke:** Geldenhuys, Marshall, Fitzmyer, Morris, Evans, Stein, Johnson, Bock, Nolland, Green, Liefeld and Pao, Garland, Carroll, and Edwards

### Ancient Sources Demonstrating Meaning

Undaunted by this overwhelming consensus of translators, lexicographers, and commentators, proponents of the mistranslation view insist that all these scholars have erred in concluding *apoluō* meant "divorces" when used in a marital context in the first century. They claim the ancient texts on which that conclusion is based do not support it. That is a bold charge indeed, one that is disproven by the sources.

Ancient writings outside the New Testament make clear that *apoluō* was used for divorce in a marital context. The *Shepherd of Hermas* is a Christian writing from the first half of the second century. The section Mandate 4:1 includes the following (translated by F. Crombie):

<sup>4</sup> I said to him, "Sir, permit me to ask you a few questions." "Say on," said he. And I said to him, "Sir, if any one has a wife who trusts in the Lord, and if he detect her in adultery, does the man sin if he continue to live with her?" <sup>5</sup> And he said to me, "As long as he remains ignorant of her sin, the husband commits no transgression in living with her. But if the husband know that his wife has gone astray, and if the woman does not repent, but persists in her fornication, and yet the husband continues to live with her, he also is guilty of her crime, and a sharer in her adultery." <sup>6</sup> And I said to him, "What then, sir, is the husband to do, if his wife continue in her vicious practices?" And he said, "The husband should put her away [*apoluō*], and remain by himself. But if he put his wife away [*apoluō*] and marry another, he also commits adultery." <sup>7</sup> And I said to him, "What if the woman put away [*apoluō*] should repent, and wish to return to her husband: shall she not be taken back by her husband?" <sup>8</sup> And he said to me, "Assuredly. If the husband do not take her back, he sins, and brings a great sin upon himself; for he ought to take back the sinner who has repented. But not frequently. For there is but one repentance to the servants of God. In case, therefore, that the divorced wife may repent, the husband ought

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<sup>6</sup> Betz's commentary is limited to the Sermon on the Mount.

<sup>7</sup> Lane notes (p. 358), "If the reading supported by the Western and Caesarean families of texts is correct, Jesus did not speak of divorce in verse 12, but of desertion and remarriage." That reading substitutes *exerchomai* for *apoluō*. See, Philip W. Comfort, *New Testament Text and Translation Commentary* (Carol Stream, IL: Tyndale House Publishers, 2008), 136.

not to marry another, when his wife has been put away [not in Greek text; added by translator for clarification]. In this matter man and woman are to be treated exactly in the same way.

As indicated, the word translated "put away" in v. 6 (2x) and v. 7 is *apoluō*. It clearly means "divorces" because no Christian leader would advocate dismissing a Christian wife without divorcing her and thus depriving her of both the benefits of cohabitation and the rights of divorce. That is the very cruelty proponents of the mistranslation view claim the Jews were practicing and Jesus prohibited. But if Jesus prohibited it, then certainly the Shepherd was not advocating it.<sup>8</sup>

### *Excursus: Divorce and the Indissolubility of Marriage in Church History*

The Shepherd was influential in establishing the near universal view in the early church "that remarriage following *divorce* for any reason is adulterous."<sup>9</sup> The exception clause in Mat. 5:32 and 19:9 was understood to permit divorce in the case of adultery but *not remarriage*.<sup>10</sup> And since remarriage after any divorce was considered literally adulterous, it was inferred that the marriage bond is metaphysically indissoluble, something that remains in effect despite a divorce as required by the Shepherd. In other words, no legal (*de jure*) divorce was considered a true (*de facto*) divorce in that it did not, indeed could not, dissolve the true marriage bond. If it could, then remarriage would not be adulterous in all cases.

When Heth and Wenham say that under the early church's view "put away" meant "separate" rather than "dissolve the marriage bond" (e.g., Heth and Wenham, 52), this is what

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<sup>8</sup> One cannot escape this conclusion by arguing the Shepherd was applying the exception given by the Lord. Under the mistranslation view, the exception clause in the Lord's teaching on divorce relates only to void marriages (e.g., for premarital unchastity) not to cases of adultery during a valid marriage. That is what allows proponents to claim sending the "wife" away *without divorcing her* does not result in her or the husband committing adultery upon their subsequent marriage – that act is *excepted* from that result because they were not married in the first place. If the exception clause applies to a case in which the parties were validly married, as in the circumstance the Shepherd addresses, *apoluō* cannot mean expelling without a divorce because that leaves the parties still married regardless of the reason the wife was expelled, and thus a subsequent marriage by either would be adulterous. In other words, expelling a wife for sexual immorality would no longer be an exception from the result of adultery, which renders the exception clause nonsensical.

<sup>9</sup> William A. Heth and Gordon J. Wenham, *Jesus and Divorce* (Nashville: Thomas Nelson, 1984), 22 (emphasis supplied). Note Heth no longer holds the position he argued in this book.

<sup>10</sup> See, e.g., Heth and Wenham, 19-38; David Instone-Brewer, *Divorce and Remarriage in the Bible* (Grand Rapids: Eerdmans, 2002), 238-267. Regarding the Church Fathers' denial of remarriage after even a divorce for adultery, Keener rightly notes in "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), 50, "this is one of the cases where an appeal to them is vulnerable." It seems likely that they distorted Jesus' teaching because of their increasing distance from its Jewish context and the rising tide of sexual asceticism. See Keener (2006) 50-51; Instone-Brewer, 238-267; 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. As Keener notes (2006) 50-51, "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." It certainly is easier to argue the early church misapplied the exception clause than to argue it completely reversed Christ's teaching by turning his alleged prohibition of expelling a wife without a divorce into a prohibition of divorce.

they mean. They are not denying that the Lord referred to a legal act of separation, a *de jure* divorce. They are saying one cannot impute to that act the dissolution of the true marriage bond thus making it a *de facto* divorce. They recognize *apoluō* means "divorces" in all the synoptic texts. Regarding the Shepherd's instruction, they quote (p. 24) Bevilacqua's statement that the Shepherd's prescription of dismissal was in accord with the *Lex Julia de adulteriis*, a Roman law that compelled the husband to divorce his adulterous wife.<sup>11</sup> Their claim is that Jesus taught "the legal procedure [of divorce] does not work. Remarriage *despite the legal form of divorce* is adultery."<sup>12</sup>

Heth and Wenham certainly are not suggesting that by "put away" the early church meant "send away without divorcing" in a *de jure* sense.<sup>13</sup> That would have Jesus teaching that the validity of a remarriage depended on compliance with the legal procedures for the divorce, the giving of the necessary certificate in the case of Jews. That is the opposite of the no-remarriage view held by the early church and by Heth and Wenham.

Of course, where the church gained control of civil law, *de jure* divorce would be proscribed in keeping with its understanding of indissolubility, leaving only separation "from bed and hearth" in cases of adultery. But that was not the world in which Jesus spoke. Divorce was a common occurrence in Judaism and the Greco-Roman world of the first century. And even in that later situation, there is a difference between separating without a *de jure* divorce where that option has been removed and separating without a *de jure* divorce where that option is available. The latter involves depriving the divorced spouse of whatever rights are attendant to divorce, whereas in the former there are no such rights.

Contrary to the early church's assumption, the fact the duty not to marry another continues after a divorce need not mean the parties are still married. Indeed, Paul makes clear in 1 Cor. 7:10-11 that a divorce, even one contrary to the Lord's will, renders the parties "unmarried" (*agamos*), and yet they still are prohibited from marrying another (see discussion on pp. 13-14). The inability to take another spouse is not because the marriage itself survives the divorce but because the Lord taught that the marital-created right of exclusive commitment remains after a divorce (except for a divorce for sexual immorality, which was not relevant to grounds on which the Corinthians were considering divorce). It is that surviving right, not the marriage proper, that is violated by its wrongful (but effective) transfer to the second spouse in the act of remarriage. The "adultery" of which Jesus speaks is not a literal adultery, as though the parties were still married, but a metaphorical description of the violation through the act of remarriage of the surviving, marital-created right of exclusive commitment.

The Reformation scholar Desiderius Erasmus, freed from the bonds of authoritative church tradition, read the exception clause of Mat. 5:32 and 19:9 as permitting not only divorce, which the church had recognized at least from the time of the Shepherd, but remarriage as well.

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<sup>11</sup> Paul du Plessis, *Borowski's Textbook on Roman Law* (New York: Oxford University Press, 2015), 130.

<sup>12</sup> Heth and Wenham, 47 (emphasis supplied).

<sup>13</sup> On the contrary, they state (p. 37-38) (emphasis supplied), "To list those who hold that remarriage after *divorce* is contrary to the gospel teaching is to call a roll of the best-known early Christian theologians" and "In all, twenty-five individual writers and two early councils forbid remarriage after *divorce*."

This is the so-called "Erasmian view," which is accepted widely among Protestants, including Evangelicals. In so doing, he rejected the notion that the marriage bond is indissoluble.<sup>14</sup>

Arguing in favor of the traditional view that disallows remarriage after any divorce, Heth and Wenham criticize the Erasmian view as requiring an inconsistent use of *apoluō*. They state:

In contrast, the Erasmian interpretation makes Jesus use the word 'put away' (*apolyō*) in two different senses. This makes Jesus enunciate two propositions in one sentence: (1) Putting away for unchastity plus remarriage does not equal adultery; (2) Putting away for other reasons plus remarriage equals adultery. In the first case, since remarriage does not constitute adultery, putting away obviously dissolves the marriage completely as traditional Jewish divorce always did. But in the second case 'putting away' cannot have this significance, for the marriage bond must still exist since remarriage involves adultery. The result is semantic confusion about the meaning of 'put away' when the Erasmian view is adopted.<sup>15</sup>

This criticism has nothing to do with the mistranslation view. Rather, it accepts "putting away" in the sense of a *de jure* divorce but alleges the Erasmian view, allowing remarriage after a divorce for unchastity, forces "putting away" to be used in two different senses. That is, it means a divorce that is both *de jure* and *de facto* in the case of unchastity but is only a *de jure* in all other cases. The flaw in this criticism is that it assumes the marriage must be intact for the remarriage to qualify as adulterous. As I explained above, that mistakenly assumes the Lord was speaking of literal adultery.

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In the same time period as the Shepherd, *apoluō* appears in a Greek document of remarriage from Palestine found at Wadi Murabba'at Cave II. Joseph Fitzmyer says of this text:

[It] should put to rest any hesitation about whether the Greek verb *apolyein* could have meant "divorce" in the Greek of Palestine in the period in question. The document attests the remarriage of the same two persons, who had been divorced, and it is dated to A.D. 124. The crucial lines read (Mur 115:3-4): . . . *Ep < ei > pro tou synebē tō autō Elaiō Simónos apallagēnai hai apolyein Salomen Iōanou Galgoula*, "since it happened earlier to the same Elaios (son) of Simon to become estranged and to divorce Salome (daughter) of John Galgoula " The two verbs, *apallagēnai kai apolyein*, are probably an attempt to

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<sup>14</sup> The fact Erasmus in his Latin translation of Mat. 5:32 rendered *apoluō* with *repudiō* (to reject, repudiate) instead of *dimitto* (to send away) as in the Vulgate was not some sinister "altering" of the Vulgate, as though the Vulgate was inspired. It simply reflects his judgment as a scholar of Greek and Latin that *repudiō* better captured the sense of *apoluō* for the audience of his day. It was not a substantive shift from the meaning "send away without divorcing" to the meaning "divorces" because, as I noted, the early church understood the translation "send away" to refer to a *de jure* divorce. In any event, the modern translators, lexicographers, and commentators who render *apoluō* as "divorces" do so in their scholarly judgment based upon all the information currently available not because of Erasmus.

<sup>15</sup> Heth and Wenham, 52.

render into Greek the two Aramaic verbs customarily used in Jewish writs of divorce; these are attested in another Murabba'at document (Mur 19:2-4, dated A.D. III).<sup>16</sup>

That Elaios and Salome's prior marriage had ended in divorce is certain from the fact they entered into a new contract of marriage complete with a new dowry of 200 denarii.<sup>17</sup> The word used for that action of divorce is *apoluō*.

The Jewish historian Josephus wrote in *Antiquities of the Jews* (15:259) in the late first century A.D. that Salome, after a quarrel with Costobarus, "immediately sent him a document dissolving [*apoluō*] the marriage" (πέμπει μὲν εὐθὺς αὐτῷ γραμμάτιον ἀπολυομένη τὸν γάμον). Josephus notes it was contrary to Jewish law for a wife to carry out the divorce, but as Instone-Brewer explains, Salome acted under Roman law by issuing Costobarus a *repudium*, a Roman divorce certificate.<sup>18</sup> Josephus uses *apoluō* to describe the intended purpose of the document without conceding its effect. It was a document to dissolve (or free herself from) the marriage, to effect a divorce, not merely an announcement of separation while remaining married. The word here does not strictly mean "divorces," because the object is the marriage rather than the spouse, but the fact it refers to dissolving a marriage rather than remaining married supports the meaning "divorces" when the object is a spouse. It is by divorcing a spouse that one dissolves a marriage.

Dionysius of Halicarnassus was a Greek historian who wrote in the latter part of the first century B.C. In his work *Roman Antiquities* (2.25.7), he wrote (translated by Earnest Cary):

The wisdom of this law concerning wives is attested by the length of time it was in force; for it is agreed that during the space of five hundred and twenty years no marriage was ever dissolved at Rome. But it is said that in the one hundred and thirty-seventh Olympiad, in the consulship of Marcus Pomponius and Gaius Papirius, Spurius Carvilius, a man of distinction, was the first to divorce [*apoluō*] his wife, and that he was obliged by the censors to swear that he had married for the purpose of having children (his wife, it seems, was barren); yet because of his action, though it was based on necessity, he was ever afterwards hated by the people.

*Apoluō* is clearly used for a divorce, the dissolving of a marriage. That is certain from the fact it is used in contrast to the centuries in which marriages allegedly had not been dissolved.

Diodorus Siculus wrote in the mid-first century B.C. in *Libr. hist.* 12.18.1 (translation by C. H. Oldfather):

A second law, which gave a wife the right to divorce [*apoluō*] her husband and marry whomever she chose, was also revised. A certain man, who was well advanced in years and had a wife who was younger than he and had left him,

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<sup>16</sup> Joseph A. Fitzmyer, *To Advance the Gospel*, 2<sup>nd</sup> ed. (Grand Rapids: Eerdmans, 1998), 90-91.

<sup>17</sup> Lines 3-5 of the text read: "Since it happened earlier to the same Eleaios (son of) Simon to become estranged and divorce {*appallagenai kai apolyein*} Salome (daughter) of John Galgoula [. . .] for the sake of living together (?), now the same Eleaios agrees anew (*ex ananeōseōs*) to reconcile and to take to himself (*katallaxai k[ai] proslabesthai*) the same Salome (daughter of) John Galgoula as wedded wi[fe] with dowry of 200 denarii, which make 50 Tyrian (shekels)." See Fitzmyer (1998), 181 (n. 18).

<sup>18</sup> Instone-Brewer, 89 (n. 12).

proposed to the Thurians that they revise the law by the added provision that the wife who leaves a husband may marry whomever she chooses, provided the man is not younger than her former husband; and that likewise, if a man sends his wife away [*ekballō*] he may not marry a woman younger than the wife whom he had sent away [*ekballō*].

*Apoluō* clearly means divorce because it freed the woman to marry whomever she chose. It is paralleled to the sending away [*ekballō*], the divorce, that entitled the husband to remarry.

1 Esdras probably was written in the late second century B.C. Speaking of the divorces of foreign wives mandated by Ezra when he came to Jerusalem from Persia in the fifth century B.C., 9:36 states (RSV): "All these had married foreign women, and they put them away [*apoluō*] with their children." This was a divinely ordered divorcing, based on the salvation-historical circumstance of the Jewish return from exile, which was to be conducted according to the Law (Ezra 10:3). So it would include the certificate of divorce prescribed by the Law. God was not directing the Israelites to dismiss these wives without the protection of a divorce certificate. In that case, he would be mandating the very thing he proscribes.<sup>19</sup> In saying they divorced their foreign wives "with their children," the writer simply is indicating that the children of the marriage remained with the wife who had been sent from her home pursuant to the divorce.

In contrast to these texts establishing the meaning "divorces," I have found no ancient texts in which *apoluō* clearly means "send away a spouse without divorcing." That is why that meaning is not included in the lexicons and theological dictionaries and is not reflected in English translations. It is not because of ignorance, tradition, or lack of concern for the divorced. The question is not whether *apoluō* has a broad range of meaning – it certainly does. The question is whether it carries the specific meaning "divorces" when used in the context of marriages.<sup>20</sup> Translators, lexicographers, and commentators are unanimous in concluding that it does.

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<sup>19</sup> The occasional allegation that these marriages were void and thus did not require a divorce cannot be established. First, Ezra 9:10-12 identifies the commandment the people had violated as the commandment in Deut. 7:1-4 not to *intermarry* (*hatan*) 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" (*yatsa'*) 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 (*nasa'*) 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 (*natan*) their daughters in marriage to the neighboring peoples or take (*laqah*) the neighboring peoples' daughters in marriage for their sons are used elsewhere for taking and giving daughters in genuine marriages (*natan* – e.g., Gen. 29:28, Josh. 15:16-17; Judg. 1:12-13; *laqah* – e.g., Ezra 2:61; Neh. 6:18, 7:63). And fifth, as noted above, the statement in Ezra 10:3 that the "putting away" was to be "according to the Law" suggests it was to be done by a certificate of divorce.

<sup>20</sup> As John Meier points out in *A Marginal Jew* (New Haven: Yale University Press, 2009), 4:101, "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." He adds (166, n. 95), "The same absence of a distinct technical vocabulary for divorce is true of biblical Hebrew. The two commonly used Hebrew verbs (*šālah* ['send away'] and *gāraš* ['drive away']) mean 'divorce' only when the context so specifies."

## No-Divorce Translation Not Demanded by the Context

Nevertheless, proponents of the mistranslation view insist that the historically attested meaning "divorces" must be rejected in the synoptic texts in favor of the speculative meaning "sends away without divorcing." To make that case, they must establish that the synoptic texts *demand* that meaning. That is, they must demonstrate that the meaning "divorces" does not make sense in those contexts *and* that the meaning "sends away without divorcing" does. (If "divorces" works in the relevant verses it is preferable even if the other meaning makes sense because "divorces" is the historically attested meaning in a marital context.) This they cannot do. In fact, the meaning "divorces" fits comfortably in the contexts, whereas "sends away without divorcing" is like the proverbial square peg being forced into a round hole.

## Consensus Translation Is Coherent

The fact all standard English translations of the last 70 years render the verb "divorces" in the relevant biblical texts (and, as explained above, even the older translation "puts away" is consistent with that meaning) should be sufficient to establish that "divorces" fits those contexts. The alternative is to believe that all the translation committees of the major modern translations failed to notice that their renderings of the divorce texts were nonsensical. That is hard to swallow.

The contextual coherence of the rendering "divorces" in Mat. 5:31-32a, a text I was assured proves its incoherence, seems obvious, but it can be driven home with an analogy. The text reads (CSB): <sup>31</sup> "It was also said, Whoever divorces his wife must give her a written notice of divorce. <sup>32</sup> But I tell you, everyone who divorces his wife, except in a case of sexual immorality, causes her to commit adultery." Imagine this statement from the administrator of a doctor's office: "Whoever cancels an appointment must give the office a notice of cancellation. But I tell you, everyone who cancels an appointment, except in the case of the last appointment of the day, causes the office to experience chaos." It is clear that in the first instance the administrator is speaking of what is necessary to effect the cancellation (notification) and in the second is speaking of the consequence of canceling the appointment pursuant to the specified procedure. The meaning of cancels is consistent, its use is not redundant, and it makes perfect sense in the context; the same goes for "divorces."

## No-Divorce Translation Creates Problems

On the other hand, the meaning "sends away without divorcing" faces insurmountable hurdles, in addition to being historically unattested. According to this rendering, Jesus reports in Mat. 5:31 that his audience had heard it was said to those of old (5:21), to the ancient Israelites who received the law, that a husband who expels a wife from the home must give her a certificate of divorce (referring to Deut. 21:1-4). But Jesus says (v. 32) that whoever expels his wife from the home *without giving her a certificate of divorce* causes her to commit adultery (unless they were never married in the first place) because, despite still being married, she will be forced by economic necessity to marry someone. There are numerous problems with this.

## 1. Assumes woman will remarry but destroys any realistic possibility of that occurring

The mistranslation view relies on the assumption the wife will remarry to make sense of the statement the husband's action causes her to commit adultery, but it destroys any realistic possibility of the wife's remarriage by positing the couple was never divorced. Under first-century Jewish law, a woman who received from her husband a certificate of divorce that was technically invalid was guilty of adultery if she married another man. "Even though she was only 'technically' guilty, she suffered the same consequences as if she had been deliberately immoral." She would suffer "exactly the same punishments as a woman guilty of deliberate adultery."<sup>21</sup> This would apply with even greater force if she received no certificate of divorce at all.

The punishments for a woman marrying a man without having obtained a valid certificate of divorce from her first husband are specified in *Mishnah Gittin* 8.5 and *Mishnah Yebam* 10.1, which Instone-Brewer cites as being reflective of first-century practice. The punishments include:

1. She must leave both men and be given a writ of divorce by each.
2. She cannot collect *ketubah* money from either man.
3. She is not entitled to interest on the property administered by either husband during the marriage.
4. She cannot receive maintenance from either man.
5. She cannot receive compensation for loss to property administered by either husband during the marriage.
6. If she took any of those entitlements from either husband, she must pay them back.
7. Any children by her second husband are illegitimate, as are any children she had after mistakenly returning to the first husband.<sup>22</sup>

Given these penalties and the social stigma of literal adultery, it would be exceedingly rare for a Jewish woman to marry a man while knowing she still was legally married to another. And few if any men would risk the shame, breakup of the family, and illegitimacy of children that accompanied an adulterous marriage. So the mistranslation view renders unreasonable the very assumption on which it depends. But under the standard translation of *apoluō*, the parties are divorced and thus marriageable under the law. The restriction on remarriage is an extralegal moral requirement based on Jesus' teaching.<sup>23</sup>

## 2. Reduces Jesus to stating the obvious

The mistranslation view reduces Jesus' teaching in Mat. 5:32a to a statement of the obvious and uncontested consequences of disobeying the law cited in v. 31: if the legal requirement for divorce is not followed, there is no divorce, and any subsequent marriage by the

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<sup>21</sup> Instone-Brewer, 125-126.

<sup>22</sup> See Instone-Brewer, 127-129.

<sup>23</sup> As explained in the Excursus, the "adultery" of which Jesus speaks is not a literal adultery that requires the original parties still to be married.

still-married wife is adulterous.<sup>24</sup> That does not fit with the customary insight and significance of the Lord's teaching recorded in Scripture, nor does it merit the introduction to that teaching, "But I say to you." That introduction signals something significant and to some degree different or controversial, as it does in its preceding uses in the sermon. Stating the obvious does not qualify. Under the consensus view of *apoluō*, Jesus is saying that, contrary to the culturally dominant understanding, divorce is sinful except in cases of sexual immorality and does not free the parties morally to remarry.

### 3. Requires an unduly restrictive meaning of *porneia* in the exception clause

As noted above, the mistranslation view requires the meaning of *porneia* in the exception clause to be restricted to premarital infidelity or an incestuous relationship that would prevent the formation of a marriage. Otherwise, sending the wife away without divorcing her would make the husband a cause of the adultery she commits upon her presumed remarriage regardless of whether she had been sent away for sexual immorality (because he left her without benefit of cohabitation or divorce), which renders the exception clause nonsensical. But *porneia* has a much broader meaning than premarital infidelity or an incestuous union,<sup>25</sup> and there is nothing in the context of Mat. 5:32 (or 19:9) to justify restricting it to those meanings. Indeed, the primary rabbinic debate in first-century Israel regarding divorce was whether a husband's right to divorce his wife in Deut. 24:1-4 was restricted to her having been sexually unfaithful. In that environment, Jesus' excepting *porneia* from the moral prohibition of divorce certainly would be understood to refer to sexual impropriety by the wife. As Instone-Brewer states:

The main problem with these narrow definitions is that there is nothing to indicate that Jesus meant to limit the meaning of his exception in this way. While it is true that *porneia* can refer to illegitimate marriage and to premarital unfaithfulness, it can also refer to any number of other sexual offenses. Its meaning must be determined by the context, and in the context of the Jewish debate about legitimate grounds for divorce, *porneia* would mean adultery.<sup>26</sup>

Craig Keener notes, "The incestuous-marriage interpretation not only demands too narrow a sense for *porneia*; it also requires us to suppose a situation that must have been so rare as barely to warrant mention, especially if we assume a Syro-Palestinian provenance for

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<sup>24</sup> Jesus likewise is reduced to stating the obvious in Mk. 10:12, where according to the mistranslation view, he declares that a wife who marries another man while still married to her first husband commits adultery.

<sup>25</sup> See, e.g., Bauer, Danker, Arndt, and Gingrich, *A Greek-English Lexicon of the New Testament and Other Early Christian Literature*, 3<sup>rd</sup> ed. (Chicago: University of Chicago Press, 2000), 854; Louw & Nida, *Greek-English Lexicon of the New Testament*, 2<sup>nd</sup> ed. (New York: United Bible Societies, 1989), 1:771. D. A. Carson states in "Matthew" in *The Expositor's Bible Commentary*, rev. ed. (Grand Rapids: Zondervan, 2010), 9:468:

But it must be admitted that the word *porneia* itself is very broad. In unambiguous contexts it can on occasion refer to a specific kind of sexual sin. Yet even then this is possible only because the specific sexual sin belongs to the larger category of sexual immorality. *Porneia* covers the entire range of such sins (cf. TDNT, 6:579-95; BAGD, s.v.; Joseph Jensen, "Does *porneia* Mean Fornication? A Critique of Bruce Malina," *NovTest* 20 [1978]: 161-184) and should not be restricted unless the context requires it. See also, Robert Stein, "Divorce" in Joel B. Green, Scot McKnight, and I. Howard Marshall, eds., *Dictionary of Jesus and the Gospels* (Downers Grove, IL: InterVarsity Press, 1992) 195.

<sup>26</sup> Instone-Brewer, 276.

Matthew."<sup>27</sup> Note also that the word *porneia* is absent from discussions of incest in Leviticus 18, so it is unlikely the audience would assume a reference to it. William Loader says of the premarital-infidelity view ("betrothal view"), "This interpretation would narrow the range of what would have been in view in 5:32's use of *πορνεία*, and would carry the unlikely implication that pre-marital sex would be considered more serious than adultery. Nothing in the context suggests a reference to Deut 22:13."<sup>28</sup>

Related to this, the claim that *porneia* in the exception clause of Mat. 5:32b (and 19:9b) refers only to a faux marriage, a relationship in which the woman is not a wife, is inconsistent with the clause being an exception to the action of 5:32a (and 19:9a). In that case, one is left with the meaning, "whoever does 'X' to his wife [divorces or sends away without divorcing], except for conduct that prevented her from becoming his wife, causes her to commit adultery." If the conduct precipitating the action prevented the woman from becoming a wife then it is not an exception from action *taken against a wife* as specified in 5:32a. It is like, "whoever fires an employee, except for conduct that prevented him from becoming an employee, must pay unemployment compensation." If the conduct prevented him from becoming an employee, the exception does not relate to the firing of an employee. Rather, it exempts another class of persons (nonemployees) from the consequences of the action. At the very least, it is extremely awkward.

Some contend *porneia* in the exception clause of Mat. 5:32 and 19:9 cannot include the sin of adultery because the penalty for adultery in the Mosaic law was death (Lev. 20:10; Deut. 22:2-23) and thus the guilty spouse would no longer be alive to be divorced. But it is quite possible that, with the exception of premeditated murder, perpetrators of capital crimes under the Mosaic law could have their death sentences commuted by offering a "ransom" or "substitute" (see Num. 35:30-32). Paul Copan writes:

Walter Kaiser points out the general observation of Old Testament scholars: There were some sixteen crimes that called for the death penalty in the Old Testament. Only in the case of premeditated murder did the text say that the officials in Israel were forbidden to take a "ransom" or "substitute." This has widely been interpreted to imply that in all other fifteen cases the judges could commute the crimes deserving capital punishment by designating a "ransom" or "substitute." In that case, the death penalty served to mark the seriousness of the crime. One could cite other scholars such as Raymond Westbrook, Jacob Finkelstein, and Joseph Sprinkle, who readily concur with this assessment.<sup>29</sup>

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<sup>27</sup> Craig Keener, *A Commentary on the Gospel of Matthew* (Grand Rapids: Eerdmans, 1999), 468.

<sup>28</sup> William Loader, *The New Testament on Sexuality* (Grand Rapids: Eerdmans, 2012), 247-248.

<sup>29</sup> Paul Copan, *Is God a Moral Monster?* (Grand Rapids: Baker Books, 2011), 95-96. Phillip Long points out in *Jesus the Bridegroom* (Eugene, OR: Wipf and Stock, 2013), 110-111:

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.

In fact, there is no record of the death penalty being imposed for adultery in first-century Israel (except in instances of mob rule). As Instone-Brewer notes, the normal consequence was that the adulterer would be divorced without repayment of the *ketubah*.<sup>30</sup> Perhaps that was because the sentences could be commuted as the scholars cited by Copan suggest, or perhaps it was because these kinds of civil penalties prescribed in the Old Testament assumed and were conditioned on Israel being an independent nation-state that was able to enforce its own penalties. That was not the case in the first century, as Israel was occupied and under the control of the Romans who prohibited them from administering the death penalty (Jn. 18:31).<sup>31</sup>

#### 4. Contradicts Paul's teaching

Paul in 1 Cor. 7:10-11, referring expressly to the Lord's teaching, declares that a Christian wife must not divorce her Christian husband and a Christian husband must not divorce his Christian wife.<sup>32</sup> (He does not mention the exception for divorces for sexual immorality because that exception was not relevant to the divorce issue he was addressing in Corinth, which involved the propriety of divorce on spiritual or ascetic grounds.) So clearly the inspired apostle did not understand Jesus to have taught that divorce was acceptable provided one followed the proper legal procedure. Rather, he understood Jesus to have forbidden divorce in cases such as contemplated in Corinth, which prohibition requires the meaning "divorces" for *apoluō* in the Gospel divorce texts. E. P. Sanders observes, "The historicity of Jesus' prohibiting divorce is

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<sup>30</sup> Instone-Brewer, 94, 126. Note that when Joseph suspected Mary of having had sexual relations with another during their betrothal, which qualified as adultery, he decided to divorce her (Mat. 1:18-19) rather than have her killed in accordance with Deut. 22:13-21.

<sup>31</sup> Craig Keener states in *The Gospel of John: A Commentary* (Peabody, MA: Hendrickson, 2003), 2:1109, "Most scholars thus currently recognize that the Sanhedrin lacked the legal authority to execute prisoners in this period (Josephus *Ant.* 20.200)." Loader states (p. 6), "Both in their homeland and across the empire we may assume that Jews of at least the first century C.E. did not have the right of capital punishment, so that sanction would have to take an alternative form, which would certainly include in divorce." Regarding the date when Rome prohibited the Jews from exercising capital punishment, Instone-Brewer says (p. 271), "It is much more likely that the Jews lost the power to execute criminals when Judea became a Roman province in 7 C.E. and the governor was given the right to execute." Keener concurs (2003, 1108): "this loss of sovereignty . . . must have begun much earlier [than 30 C.E.]."

<sup>32</sup> The word he uses for the wife divorcing (*chōrizomai*, deponent form of *chōrizō*) was used for divorce in Greek literature and legal documents. It unquestionably has that meaning in these verses because it rendered the parties "unmarried" (7:11). The word also refers to dissolution of a marriage in 1 Cor. 7:15. For the husband divorcing, he uses a synonymous term (*aphiēmi*; also vv. 12-13). As Meier points out in *A Marginal Jew* (4:101), "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." Raymond Collins states in *Divorce in the New Testament* (Collegeville, MN: The Liturgical Press, 1992), 21:

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

confirmed by Paul's giving it as a commandment, not from himself but from the Lord, that neither the wife should divorce the husband nor the husband the wife."<sup>33</sup>

#### 5. Lacks an historical basis

There is no indication that Jewish husbands in the first century were expelling their wives from the home, denying them the benefits of cohabitation, without giving them a certificate of divorce. Indeed, it is difficult to imagine that being done on any significant scale because, being still married, the husband would remain legally obligated to support his wife and could be compelled to do so. A wife who was cheated of her due under the marriage contract was not without legal recourse. Instone-Brewer remarks, "I can't see any motivation for this. In the man's community he would still be regarded as married if he hadn't given a valid divorce certificate, and his wife or her family could still call three rabbis together to force him to support her."<sup>34</sup> Alternatively, early rabbinic material shows a woman could compel a divorce where the marriage contract had been breached.<sup>35</sup>

#### 6. Misunderstands the Pharisees' question in Mat. 19:3

Regarding Matthew 19 specifically, it is alleged that the Pharisees in v. 3 were not asking Jesus about the permissible grounds for divorce. Rather, they were attempting to put him on the horns of a dilemma by asking him whether it was lawful to expel a wife *without giving her a certificate of divorce*. If he answered "No," he would be denying the validity of the marriage between Herod Antipas and Herodias because Herodias had not been given a certificate of divorce from her former husband, Philip, but rather had divorced herself from him. If he answered "Yes," he would be denying the Mosaic Law.

This interpretation of the Pharisees' question in 19:3 is most unlikely. Not only was there complete agreement among the rabbis that a valid divorce certificate was necessary for a valid remarriage,<sup>36</sup> and thus a "No" answer would put Jesus in no greater jeopardy than his fellow Jews,<sup>37</sup> but the Pharisees' question was phrased in terms that precisely encapsulated their 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 the question being presented by Pharisees would understand Jesus was being asked to give his view of that debate. His use of the phrase "except for sexual immorality" in his answer in v. 9 confirms the matter as it follows the Shammaite view that divorce was not permissible "except if he found indecency in her." The Shammaites' position on divorce was summarized in the rabbinic literature in wording similar to that used by Jesus. As Instone-Brewer

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<sup>33</sup> E. P. Sanders, *Jesus and Judaism* (Philadelphia: Fortress Press, 1985), 256.

<sup>34</sup> Personal email correspondence dated October 12, 2015. He adds, "Today the situation is different, because Jewish men can get a secular divorce without giving their wife a divorce certificate, so they can't remarry. These women are called Agunot ('chained') women. Perhaps the novel interpretation of Jesus [that he was only prohibiting sending away without divorcing] was based on the misapprehension that this situation used to occur in the 1st C."

<sup>35</sup> Instone-Brewer, 85-90.

<sup>36</sup> Instone-Brewer, 125-132.

<sup>37</sup> John the Baptist ran afoul of Herod Antipas and Herodias by pressing them personally about the sinfulness of their marriage, not simply because he shared the common Jewish understanding that it was sinful (Mat. 14:3-4; Mk. 6:17-18; Lk. 3:19-20).

explains, "Jesus used the same terminology as the Shammaites, in the same context, at the same period of time, and in a debate where Shammaites or their rivals the Hillelites were present. We may therefore confidently assume that he meant to convey the same meaning by these words that the Shammaites were trying to convey."<sup>38</sup>

This understanding is not inconsistent with the fact the Pharisees' intention in questioning Jesus was "to test him." Testing (*peirazō*) Jesus with questions is not limited to those that risk putting him at odds with ruling authorities. It includes any question asked to solicit an answer that is somehow detrimental. Thus, 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. He was not seeking to trip him up with the authorities. The question in Mat. 19:3 is similar. The Pharisees 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), they think they have caught him contradicting the Scripture (v. 7), and thus challenge him with, "Why then did Moses command to give a certificate of divorce and thus to divorce [her]?"<sup>39</sup>

#### 7. Conflicts with Jesus' use of *apoluō* in Mat. 19:8

It is clear that Jesus uses *apoluō* in Mat. 19:8 for divorce and not for expelling without divorcing. In responding to the Pharisees' question in v. 7, Jesus said, "Because of your hardness of heart Moses allowed you *apolusai* your wives, but it was not so from the beginning." Moses allowed the Israelites to divorce their wives, but he never allowed them to send them away, deny them the rights of cohabitation, without divorcing them. So *apolusai* in v. 8 cannot mean "to send away without divorcing." There is therefore no basis for insisting that Jesus elsewhere used *apoluō* to mean "send away without divorcing," the opposite of its clear meaning in v. 8. That switch in meaning certainly cannot be imposed on his use of *apoluō* in the very next verse!

#### 8. Does not fit with disciples' reaction in Mat. 19:10

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." That reaction makes little sense if, as the mistranslation view claims, Jesus taught in v. 9 that a man who marries a woman without having divorced his first wife commits adultery.<sup>40</sup> That would be a proscription of polygamy, in which case the disciples were declaring that it is better not to marry at all if one cannot marry multiple wives. But such a perspective is very unlikely given the rarity of polygamy in first-century Jewish society,<sup>41</sup> the absence of any indication of polygamy among the disciples, and the fact groups within Judaism disapproved of and even disallowed polygamy. The Qumran community understood Scripture to forbid polygamy,<sup>42</sup> but at the very least, Scripture does not

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<sup>38</sup> Instone-Brewer, 186.

<sup>39</sup> Taking *kai* as "and thus" per BDAG, 495. See, Donald Hagner, *Matthew 14-28*, Word Biblical Commentary (Nashville: Thomas Nelson, 1995), 545.

<sup>40</sup> A few English versions include at the end of v. 9 the phrase "and whoever marries her who is divorced commits adultery," but it probably is not in the original text.

<sup>41</sup> Instone-Brewer states (p. 60, n. 7), "There are a few first-century examples of bigamy, mainly among the rich." See also, 137.

<sup>42</sup> Instone-Brewer, 61-65.

speak approvingly of it, and many texts indicate monogamy is the ideal. So one would not expect the disciples to view having multiple wives as something essential to marriage, the proscription of which would render a marriage relationship too burdensome to undertake.

On the other hand, the disciples' statement makes perfect sense if Jesus taught, contrary to the culturally dominant Hillelite view, that the only morally permissible basis for a husband to divorce was a wife's sexual unfaithfulness. In essentially affirming the Shammaites' view of the grounds for divorce, Jesus 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. And indeed, Jesus went further than the Shammaites in disallowing remarriage after a divorce on impermissible grounds. The school of Shammai "permitted remarriage when the divorce was not in accordance with its own halakah (rules of conduct)."<sup>43</sup>

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 so as 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.

## 9. Denies betrothals were dissolved by divorce

*Apoluō* has the meaning divorce in Mat. 1:19, which verse refers to Joseph's intention to dissolve his betrothal relationship with Mary. It is widely recognized that betrothal in ancient Israel was such a binding arrangement that the parties were called "husband" and "wife," the woman was classified as a "widow" if the man died, and the relationship could only be broken by a divorce. Because proponents of the mistranslation view deny this, it may be helpful to provide extended documentation of the point.<sup>44</sup>

George Foot Moore states, "Betrothal was a formal act by which the woman became legally the man's wife; unfaithfulness on her part was adultery and punishable as such; if the relation was dissolved a bill of divorce was required."<sup>45</sup> Gerhard Delling states, "Between

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<sup>43</sup> Carson, 466. See also, Instone-Brewer, 166-167.

<sup>44</sup> To the extent the mistranslation view relies on the "betrothal view" of the exception clause in Mat. 5:32 and 19:9, its proponents are at an additional disadvantage in denying the binding nature of a betrothal. On the one hand, they recognize a betrothal obligates the woman to be sexually faithful to the man, arguing that her breach of that duty is adulterous and nullifies the marriage, but on the other hand, they insist the betrothal is not so binding as to require a divorce to sever it. Such a fine distinction requires ample support, which is not forthcoming.

<sup>45</sup> George Foot Moore, *Judaism in the First Centuries of the Christian Era* (Cambridge, MA: Harvard University Press, 1962), 2:121.

engagement and marriage there is normally something over a year, Str.-B., II, 394, 397. The legal position of the fiancée is the same as that of the married woman, *ibid.*, 393. But the *consummatio matrimonii* is not included."<sup>46</sup> Joachim Jeremias states, "Betrothal, which was preceded by courtship and drawing up of the marriage contract, signified the 'acquisition' (*qinyān*) of the woman by the man, and thus the valid settlement of the marriage. The betrothed woman is called 'wife', can become a widow, be put away by divorce and punished with death for adultery (Bill. II, 393ff. has the evidence)."<sup>47</sup> Robert Gundry states, "Full betrothal was so binding that its breaking required a certificate of divorce, and the death of one party made the other a widow or widower (*m. Ketub.* 1:2; *m. Sota* 1:5; *m. Git.* Passim; *EncJud* 11. 1032, 1045-48; IDB 3. 284)."<sup>48</sup> W. D. Davies and Dale Allison state:

Following the courtship and the completion of the marriage contract (Tob 7.14), the marriage was considered established: the woman had passed from her father's authority to that of her husband. But about a year typically passed before the woman moved from her parents' house to her husband's house (*m. Ketub* 5.2; *m. Ned.* 10.5; *b. Ketub.* 57b). During that time, although the marriage was not yet consummated, the woman was 'wife' (Deut 20.7; 28.30; Judg 14.15; 15.1; 2 Sam 3.14) and she could become a widow (*m. Yeb.* 4.10; 6.4; *m. Ketib.* 1.2) or be punished for adultery (Deut 22.23-4; 11QTemple 61). Thus betrothal was the legal equivalent of marriage, and its cancellation divorce (*m. Ketub.* 1.2; 4.2; *m. Yeb.* 2.6; *m. Git* 6.2). This explains the situation of Joseph (cf. Lk 1.27). Even though he has not yet taken Mary, she is his wife (1.20, 24); thus separation requires a certificate of divorce (1.19).<sup>49</sup>

Craig Keener states, "Betrothal was legally binding and left the survivor of the man's death a widow (*m. Ketub.* 1:2; *m. Yebam.* 4:10; 6:4). Although a betrothed couple like Joseph and Mary did not live together or have intercourse, their union was as binding as marriage and could thus be dissolved only through death or divorce (*m. Git.* 6:2; *Ketub.* 1:2; *Yebam.* 2:6)."<sup>50</sup> David Chapman states:

Many sources indicate that a betrothal was expected prior to marriage. This betrothal involved a promise of marriage and included more legal obligations than present-day Western forms of engagement. In Jewish law the betrothed couple could be treated in some respects as if they were already married. . . . The breaking of a betrothal apparently necessitated a "writ of divorce" just like the cessation of a marriage (*m. Git.* 6:2; *m. Qidd.* 1:1; cf. Matt. 1:19).<sup>51</sup>

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<sup>46</sup> Gerhard Delling, "Parthenos" in Gerhard Kittel, ed., *Theological Dictionary of the New Testament* (Grand Rapids: Eerdmans, 1967), 835 (n. 59).

<sup>47</sup> Joachim Jeremias, *Jerusalem in the Time of Jesus* (Philadelphia: Fortress Press, 1969), 367-368.

<sup>48</sup> Robert Gundry, *Matthew: A Commentary on his Literary and Theological Art* (Grand Rapids: Eerdmans, 1982), 21.

<sup>49</sup> W. D. Davies and Dale Allison, *The Gospel According to Saint Matthew Volume 1*, International Critical Commentary (Edinburgh: T. & T. Clark, 1988), 199.

<sup>50</sup> Craig Keener, "Marriage" in Craig A. Evans and Stanley E. Porter, eds., *Dictionary of New Testament Background* (Downers Grove, IL: InterVarsity Press, 2000), 685.

<sup>51</sup> David Chapman, "Family" in John J. Collins and David C. Harlow, eds., *The Eerdmans' Dictionary of Early Judaism* (Grand Rapids: Eerdmans, 2010), 631.

And finally, Edwin Yamauchi states, "A betrothal was legally binding and could be broken only by death or by divorce (*m. Yebam.* 2:6; *m. Giṭ* 6.2). If the bride was found not to be a virgin, the husband was expected to divorce her and was not required to pay the customary divorce money."<sup>52</sup> Obviously, the claim that the rabbinic sources are in this case irrelevant to first-century practice has not received wide support from specialists in the field.

Since a divorce was required to dissolve a betrothal, *apoluō* in Mat. 1:19 clearly reflects Joseph's intention to dissolve his betrothal to Mary by divorce. But even if one assumes a betrothal relationship did *not* warrant a divorce, that does not advance the case for the mistranslation view. If the analogy between betrothal and marriage is denied regarding the need for a divorce, then the verse ceases to be relevant. It then simply means that Joseph sent Mary away in a general sense not that he sent her away *without divorcing her*, denied her the benefits of the betrothal relationship without providing her the protection of a divorce. In that case, there were no protections of a divorce of which to deprive her.

### Consensus Translation Does Not Run Afoul of Mat. 5:17-20

It is not true that translating *apoluō* to mean "divorces" in the relevant texts results in Jesus contradicting Deut. 24:1-4 and thus "abolishing" the law contrary to Mat. 5:17-20. The divorce permitted in Deut. 24:1 was because the husband found "some indecent matter" (*‘ervat dabar*) in his wife. The noun *‘erva* is defined as "nakedness, shame" or "pudenda" (i.e., the sexual organs) and the phrase (*‘ervat dabar*) is defined as "nakedness of a thing, i.e. prob. *indecenty*, improper behavior."<sup>53</sup> The phrase was rendered in the LXX as an indecent or unseemly or shameful deed. It is ambiguous as to the nature of the indecency of the behavior, but because nakedness and sexual organs have sexual connotations, it was understood in the context of Deut. 24:1 to refer to a serious sexual offense. The NET note for Deut. 24:1 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).

As noted previously, a famous debate in the days of Jesus was 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. Hillelites argued that divorce could be on the grounds of "any matter" *or* "indecenty," the latter being subsumed by the former so that divorce was permitted for any reason. The Shammaites argued that Deut. 24:1 permitted divorce only for "a matter of indecency," which they took to mean some serious sexual offense. The question posed to Jesus

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<sup>52</sup> Edwin Yamauchi, "Marriage" in Edwin M. Yamauchi and Marvin R. Wilson, eds., *Dictionary of Daily Life in Biblical and Post-Biblical Antiquity* (Peabody, MA: Hendrickson, 2016), 240.

<sup>53</sup> *The New Brown-Driver-Briggs-Gesenius Hebrew-English Lexicon* (Peabody, MA: Hendrickson, 1979), 788-789. See also. Boyd V. Seevers, "ערה," in Willem A. VanGemeren, ed., *New International Dictionary of Old Testament Theology and Exegesis* (Grand Rapids: Zondervan, 1997), 3:527-528.

by the Pharisees in Mat. 19:3 / Mk. 10:2 was whether he agreed with the Hillelites' interpretation. In answering in Mat. 19:9 that divorce was not permissible, except for sexual immorality, Jesus indicated that the Shammaites' understanding of Deut. 24:1 essentially was correct regarding the grounds for divorce. This is the same point he makes in Matthew 5:32. He did not reject Deut. 24:1; he authoritatively interpreted it.

### Consensus Translation Does Not Run Afoul of 1 Tim. 4:3

Some suggest that interpreting Jesus to teach that remarriage is restricted after any divorce conflicts with Paul's rebuke in 1 Tim. 4:3 of those who "forbid marriage." As the church has recognized throughout history, that is not the case. Paul is there speaking of certain false teachers in Ephesus whose error included the denial of marriage for ascetic reasons (note that they also demand abstinence from certain foods).<sup>54</sup> The fact it was sinful for them to prohibit marriage on that basis does not mean it is wrong to prohibit marriage after a divorce. Those are two separate questions.

### Conclusion

Translators, lexicographers, commentators, and scholars throughout history have been virtually unanimous in understanding *apoluō* to mean "divorces" in the texts under discussion.<sup>55</sup> I have sketched the reasons for that consensus and explained why the rendering "sends away without divorcing" is not viable. I do not doubt there are issues and tangents I have not addressed, but I hope my effort will in some way be helpful.

While I sympathize with the stress and frustration that is generated by uncertainty over aspects of God's will regarding divorce and remarriage, I believe the mistranslation view perverts the Lord's teaching by turning it into a command to follow proper divorce procedures instead of a call not to divorce (except in an extreme case) in light of the divinely intended permanence of marriage. Jesus' teaching is not always easy, but we must guard against letting that push us toward novel ideas that are not well grounded simply because we find them palatable.

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<sup>54</sup> See, e.g., I. Howard Marshall, *The Pastoral Epistles*, International Critical Commentary (Edinburgh: T & T Clark, 1999), 541.

<sup>55</sup> As I have explained, the debate has been over whether any divorce can be effective to dissolve the true marriage bond (a *de facto* divorce) not over whether Jesus was speaking of a legal putting away (a *de jure* divorce).