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# Those "Divorce and Remarriage" Passages (Matt. 5:32; 19:9; 1 Cor. 7:10-16)

## With Brief Reference to the Mark and Luke Passages

H. G. COINER

**T**he statements of Jesus on marriage and divorce were spoken within the context of (a) the particular milieu of His time and (b) His radical claims on those who would be His disciples. This is evident both in the context of His statements and in the particular wording of them.

We see Jesus in the Gospels establishing the pattern of His kingdom, a "power of rule" whose demand covers the inner man and therefore the whole man, a righteousness available to men of faith. To people "working" righteousness by the Law and trusting that this would put them right with God, Jesus calls out, "I am come to fulfill all righteousness. I am sent by God to fulfill for men the undeniable reality of God's demands in the Law and offer righteousness to men." In calling men to repentance Jesus is bidding men turn to the kingdom which has drawn near in His person, and in proclaiming the King He is summoning men to repentance and faith that they may not lose its blessings.

Among the Jews divorce was a private matter, a legal act which did not require the decisions of a court (e. g., "Joseph . . . resolved to divorce her quietly"), with the exception of the wife's appeal to the court in the case of some obnoxious or detestable

factor on the part of her husband. A contemporary rabbinic debate between the schools of Shammai and Hillel regarding the meaning of the "unseemly thing" in Deut. 24:1 could well have been the target of Jesus' remarks.<sup>1</sup> It is evident that this particular problem was on top of the minds of those who questioned Jesus.<sup>2</sup> The

<sup>1</sup> The school of Rabbi Shammai regarded adultery and moral misconduct as the only acceptable grounds for divorce, but the school of Rabbi Hillel held that all kinds of reasons, even quite trivial ones, were sufficient grounds for legal divorce, and it was this second interpretation of the Law which was in fact practical. E. Schillebeeckx (*Marriage: Human Reality and Saving Mystery* [New York: Sheed and Ward, 1965], p. 143) says: "The Pharisees wanted to force Christ to choose between these two schools so that on the basis of His answer they could accuse Him either of laxity or of short-sighted and narrow rigorism, and thus inflame the people against Him, the leading question being: 'Is it lawful to divorce one's wife for any cause?'"

<sup>2</sup> Kirsopp Lake, "The Earliest Christian Teaching on Divorce," *The Expositor*, Series 8, X (1916), 421, suggests that it cannot be proved conclusively that Jesus was prompted to mention the "certificate of divorce" because of the current debate between the schools of Shammai and Hillel, that probably this was the guess of a redactor. B. H. Streeter, *The Four Gospels* (London: The Macmillan Co., 1927), p. 260, states: "Divorce, the Sabbath, and the position of Gentiles were all burning questions, especially among Jewish Christians." Regarding this debate, cf. Gittin, ix, 10; O. D. Watkins, *Holy Matrimony* (New York: The Macmillan Co., 1895), pp. 168 ff.; *Theology*, XV (1927), 89 ff., 102 ff., XVI (1928), 168 ff.

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Pharisees wished to hear a solution to the meaning of 'ervt dábár. Jesus will not condone a pseudolegal practice that everyone knew was sham piety.<sup>3</sup> Nor can He be forced to disagree with Moses, although Moses had been allowed by God to give permission for a certificate of divorce as an accommodation to man to curb his insensitivity to the call of God and to protect the vulnerability of women. In most ancient societies the woman could be sent away at the whim of the husband without

<sup>3</sup> Luther comments: "In Deuteronomy 24:1 we read: '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, he should write her a bill of divorce and send her out.' But immediately (Deut. 24:4) it adds the prohibition that if later on the same man would like to have her back, he may not take her again to be his wife. They were quick to learn this law and eager to abuse it. As soon as a man got tired of his wife and developed a desire for another, he immediately discarded and dismissed her, though Moses had permitted this only on the grounds that 'he found some indecency in her' which prevented them from staying together. They had taken many liberties on this question, till they themselves saw that what they were doing was no credit to them and that frequently it was quite frivolous." (WA 32, 377)

Luther also makes reference to Jewish practice in his *Large Catechism* and his *Commentary on the Sermon on the Mount*. "These two commandments [Ninth and Tenth] are given quite exclusively to the Jews . . . every man had power over his wife to put her away publicly by giving her a bill of divorce, and to take another. Therefore they were in constant danger among each other that if one took a fancy to another's wife, he might allege any reason both to dismiss his own wife and to estrange the other's wife from him, that he might obtain her under a pretext of right. That was not considered a sin nor disgrace with them; as little as now with hired help, when a man dismisses his manservant or maidservant, or takes another man's servants from him in any way." See *Large Catechism*, Decalog, 293—95. Also WA XXXII, 376—78.

any kind of thought for her future or of her as a person.<sup>4</sup> The Mishna reveals the current thought and practice which prevailed among the Jews.<sup>5</sup> The pattern of the

<sup>4</sup> Cf. David R. Mace, *Hebrew Marriage* (London: The Epworth Press, 1953), pp. 184 to 200. Also Johs. Pederson, *Israel: Its Life and Culture* (London: Oxford University Press, reprint 1959), I and II, 60 ff. The bill of divorce was subject to two limitations. A priest could not marry a divorced woman (Lev. 21:7, 14), and a man could not marry his own former wife if in the meantime she had been married to another (Deut. 24:4). Regarding the bill of divorcement, cf. T. V. Fleming, "Christ and Divorce," *Theological Studies*, XXIV (March 1963), 82. The "bill of divorce" was a written statement given to the repudiated wife for her benefit in which the husband released her from all obligation to live with him and pledged himself never to reclaim her as his wife, if she should marry another. Cf. Josephus, *Antiq.* 4, 8, 23. Alan Hugh M'Neile notes: "Deut. 24: 1-3 is not, as Augustine recognizes, a law prescribing divorce, but merely a restriction laid upon a custom that is taken for granted. But on the strength of the passage, divorce was frequently practiced on the most trivial pretexts." *The Gospel According to St. Matthew* (London: Macmillan and Co., Ltd., 1957), p. 66.

<sup>5</sup> Generally speaking, a Jew could lawfully divorce his wife without having any ground for doing so. This freedom was limited in two ways. (a) A man could not divorce a wife whom he had accused falsely of unchastity before her marriage, or a wife whom he had been forced to marry after ravishing her (Deut. 22: 13-19, 28). (b) A man had to pay his divorced wife a sum of money promised in the marriage contract. The frequently quoted passage in the Mishna is not concerned with what a man may lawfully do, but with what a man ought to do. The school of Shammai held that a man ought not to divorce his wife unless she had been guilty of unchastity (in this case he was compelled to divorce her according to prevailing Rabbinic law), while the school of Hillel held that he might divorce his wife if she had spoiled a dish in cooking, etc., or even if he had found another fairer woman to be his wife. Cf. Gittin, IX, 10, *The Mishna*, ed. Herbert Danby (London: The Clarendon Press, 1933), p. 321.



Kingdom for marriage is nothing so careless as that. "What therefore God has joined together, let no man put asunder" (Matt. 19:6; Mark 10:9). There was no room under the original creation intent of God for men and women in marriage for compromise or casuistry. Jesus bluntly states the holy will of God for marriage from the creation, calling attention to the ultimate significance of marriage in terms of which divorce was inconceivable. What could have been the favorite indoor sport of some Jewish men (although it is uncertain how much there is of which they might be accused), allowable because of the certificate of divorce (a sort of "I give you a ticket and, lo, you are free to marry any man, and any man is free to marry you")<sup>6</sup> was ruled out by "But I say to you that every one who divorces his wife, except on the ground of unchastity, makes her an adulteress; and whoever marries a divorced woman commits adultery." (Matt. 5:32)<sup>7</sup> Jesus asserted the will of the Cre-

ator as against the provision of Moses. That God allowed did not mean that He approved, nor did His allowance mean that He did not judge.

Within this context Jesus confronts men who were depending on the "old system" and losing sight of the distinction between what God had established at creation and what God had allowed once upon a time because of hardness of heart. Jesus issues a call to repentance. His words on divorce and remarriage were intended to lead His hearers (a) to recognize their failure to keep the Law (Matt. 5:27-30), (b) to recognize that a man could commit adultery, not just a woman, and (c) to realize that even though they would justify themselves before men (Luke 16:15) by a legalistic application of a gracious word from God, God knew what was in their hearts. Marriage as instituted by God is a sacred gift which is to be kept secure from violation or profanation. God's judgment rests on the repudiation of a spouse.

<sup>6</sup> Hosea 2:2.

<sup>7</sup> The coming of the Messiah "makes full" both the measure of God's love and His judgment. Martin Franzmann explicates the force of Jesus' teaching in this precise manner: "The Law presupposes both: the sanctity of marriage, on the one hand, as the pure and loving communion of the sexes established by the Creator (19:4); and, on the other hand, it presupposes the lust of fallen man which makes him look in hot concupiscence upon the woman whom God has not given him (5:28) and the hard-heartedness of fallen man which makes him put away in cold aversion the woman whom God has given him (19:8). The Law therefore has to say: 'You shall not commit adultery' (5:27); and Moses permitted men to divorce their wives because the Law could not overcome the hardness of man's heart. In Jesus God's original creation intent breaks through into the fallen world. He makes the bond between man and woman absolute, established in the heart and kept or broken there. Man is

called upon to renounce all that impedes his assent to the will of God for his marriage: the eye that looks and lusts must be plucked out; the hand that reaches for what the evil heart desires must be cut off. . . . Where marriage is so conceived of, divorce is eliminated. No willful act of man dare destroy what God has created, whether that act be adultery or divorce. Jesus' exception to His prohibition of divorce, 'except on the ground of unchastity' (5:32), is therefore not a new kind of casuistry. He is not, after all, making the marriage bond less than absolute. Jesus championed the woman whom Jewish divorce law and practice made the helpless victim of her husband's whim, and He sought to make pure and wholesome the relationship between man and woman. But He could not and did not champion and protect those who defiled God's pure gift and defied God's will." *Follow Me: Discipleship According to Saint Matthew* (St. Louis: Concordia Publishing House, 1961), pp. 45-46.



The current casuistry of divorce apparently tempted the men especially to make "successive polygamy" a legitimate way of life in Judaism. In any event, Jesus confronts His audience with the living God of the Old Testament, the God who in Creator-love and Creator-care for man had bound man to woman in marriage in a permanent bond, the only exception being death. Jesus admitted that a particular provision had been designed by God in His mercy for the limitation of the consequences of man's sin, but He affirmed that it must not be interpreted as divine approval for sinning. Husbands who put away their wives cause them to commit adultery, and if they then marry a woman who has been put away (Matt. 5:32), or another woman (Matt. 19:9), that too is an act of adultery, except in the case of unchastity. May we believe that Jesus said that the current laxity was exceeding the extrinsic necessity allowed by Moses and threatening the intrinsic permanence that safeguards every marriage? Moreover, may we believe that Jesus was exposing the futility of living on the level of what a man may do and what he may not do and calling His audience to work out their lives in marriage in trust in the righteousness which God gives to men of faith?

Having waded in this far, one quakes at the task of sorting through the welter of interpretations with which he is faced when once the subject of the divorce sayings of Jesus is opened. There is general consensus among the interpreters that the Markan and Lukan passages give the more certain and clearer teaching on divorce and remarriage. St. Augustine already asserted that the Matthean version of the logion must be interpreted in the light

of Mark and Luke.<sup>8</sup> The principle of the "analogy of faith" would certainly apply in this case. Modern scholars, generally, regard the "exceptive clauses" in Matthew's Gospel as interpretive additions.<sup>9</sup> There are, however, no manuscripts which suggest that this is the case. The evidence to support the arguments for interpolation is not convincing enough to warrant unqualified acceptance.<sup>10</sup> The argument that the two texts are secondary in the sense that Matthew brought Christ's original logion—as reproduced in Mark and Luke—up to date in view of a definite problem existing in the Jewish Christian communities has no other support than the fact of plausibility.

#### THE MATTHEW PASSAGES

The textual criticism of these passages is much too voluminous to sketch here. It has certainly been taken into account. The synoptic problem has not been ig-

<sup>8</sup> Quoted from Alfred Plummer, *The Gospel According to St. Matthew* (London: Elliot Stock, 1909), p. 82.

<sup>9</sup> See footnotes 15—19 following.

<sup>10</sup> Cf. Abel Isaksson, *Marriage and Ministry in the New Temple* (Lund: C. W. K. Gleerup, 1965), pp. 75—92.

Krister Stendahl is one modern scholar who does not agree with the crowd. He says: "The clause 'except in the case of unchastity' (or: 'fornication,' but *porneia* may also include 'adultery') is usually considered a later concession to compromise in church discipline. This is not necessary: (1) Divorce was not 'allowed' but *required* by Jewish law in the case where the woman had committed adultery (cf. 1:19) and this fact may have been in the picture from the beginning, but not spelled out in the other Gospels. (2) There is a difference in form and function between the general principle and the actual practice. In Matthew with its formal features of a manual, a clause like this could be expected." *Peake's Commentary on the Bible* (London: Thomas Nelson and Sons, 1962), p. 777.



nored. Both the internal and external evidence bearing on the passages has been explored. After all is said about these passages, it is better to have a square yard of solid ground to stand on than a square mile of quagmire. We have searched for that square yard, not insensitive to the difficulties involved but in the conviction that it is better to be somewhat naive about the words of Jesus than somewhat presumptuous.

An overview of the texts will point up various shades of meaning and note several primary clarifications.

Matt. 5:32 reads: "But I say to you that everyone who divorces his wife [literally, "sends her out of his house," "sends her away," or "dismisses her"], except on the ground of unchastity [see the discussion on the meaning of *porneia* later], makes her an adulteress [aorist passive infinitive verb with the sense of "makes her to commit adultery; causes her to become adulterous; causes her to suffer the breaking of a marriage"]; and whoever marries a divorced woman [some translate "when she is put away," "the woman who has been divorced," or "a woman so divorced"] commits adultery" [if middle in active sense, would mean "makes her an adulteress"; if passive, "is made an adulteress." Either use of the verb will serve.].

Matt. 19:9 reads: "And I say to you, whoever divorces his wife, except for unchastity, and marries another, commits adultery" [if middle in active sense, would mean "makes her an adulteress." Some commentators say the object of the verb is the wife who is put away, others say the second wife. I am not able to resolve this question. Some say that the man who divorced his wife placed her in jeopardy of

adultery in the sense that he would force her for the sake of livelihood to remarry. Others say that the divorce was sin and that the remarriage was adultery. If one believes that there can be divorce without adultery and adultery without divorce, then the line between the sin of divorce and the sin of adultery will be observed. Perhaps the total action of putting away his wife to marry another is the adultery that a man commits.].

What is the meaning of "commit adultery"? The word *moicheia* basically means unfaithfulness to the marital commitment. In the Old Testament and Judaism adultery was the violation of the marriage of another (cf. Gen. 39:7 ff., Lev. 20:10). Unconditional fidelity was demanded only of the woman, who in marriage became the possession of her husband. In the New Testament the right of a man to sexual freedom is denied and, like the wife, the husband is under an obligation of fidelity. On the ground of the ideal intended in creation, Jesus rejects the bill of divorce-ment as in conflict with the will of God and names the remarriage of a man after divorcing his wife, or the remarrying of the divorced woman, as adultery.<sup>11</sup> Those guilty of adultery include all in whom the desire for extramarital relations has arisen and who flout the ideal of God for marriage by the repudiation of a spouse and the marriage of another.<sup>12</sup>

<sup>11</sup> Cf. μοιχεύω, μοιχάω, μοιχεία, μοιχός, μοιχαλís, by Friedrich Hauck in *Theological Dictionary of the New Testament*, ed. Gerhard Kittel, trans. Geoffrey Bromiley (Grand Rapids: Wm. B. Eerdmans Publishing Company, 1967), IV, 729—35. Hereafter TDNT.

<sup>12</sup> Luther phrases "Thou shalt not commit adultery" as "Du sollst nicht ehebrechen." Otherwise he does not give a definition of adultery nor describe the transgression. Implied



In summary, the issue to which Jesus was speaking was not merely academic.<sup>13</sup> The basic principle of the kingdom of God was tested and illuminated in the confrontation that took place. If the Jews had any idea that they could divorce their wives and marry other women without sin under the provision granted by Moses (and Luther is the best authority we have that they were doing just this—but without primary references), they were disabused of it without equivocation.<sup>14</sup> The "divorce

is everything whereby the divine ordinance of matrimony is broken, violated, or desecrated, be it in or out of wedlock, by deed, word, or desire. The wider meaning of the commandment in Jewish thought is a warning to refrain from unsettling the foundations of society, not merely a command not to tamper with the domestic affairs of another. D. W. Amran, "Adultery," *The Jewish Encyclopedia*, ed. Isidore Singer, 12 vols. (New York: Funk & Wagnalls Co., 1946), I, 216. Friedrich Hauck notes: "The fact of adultery, considered from a religious point of view, lies not first in the sexual, physical abandonment with a strange woman, but already in the lust which disavows the fidelity." In Gerhard Kittel, ed. *Theologisches Wörterbuch zum Neuen Testament*, IV, 741. Hereafter TWNT.

<sup>13</sup> Strack-Billerbeck think that the Pharisees present belonged to the school of Hillel and hoped to rally Jesus to their opinion in order to compromise Him in the eyes of the supporters of Shammai. *Kommentar zum Neuen Testament am Talmud und Midrasch nach Matthäus* (Munich: 1922), I, 801—4. The usual explanation of the "test situation" is that the Pharisees had already heard of or suspected the restrictive attitude of Jesus on the question of divorce and now wanted Him to express His views on the question publicly. They would thereby have an opportunity to show that He did not adhere to the Law, and they could make Jesus unacceptable to the people by informing them that He completely forbade divorce. The question they posed was designed to make Jesus take a stand on Mosaic law. And Jesus was in the territory of Herod, who had divorced his wife to marry Herodias.

<sup>14</sup> On the other hand, we cannot fail to be struck by the gentleness and mercy which Jesus

tickets" had been canceled by the radical demands for righteousness which the kingdom of God imposed. The repudiation of a wife is a sinful action. And the man who marries a wife who has been repudiated becomes involved in the sinful action.

But here's the rub: except for unchastity. Does a "cause of unchastity" cancel out the whole adulterous action? Is there one reason for divorce without adultery? Is Jesus saying that a man may put away his wife because of her unchastity and be free to remarry? The words "except for unchastity" have been the subject of much debate.<sup>15</sup> For some interpreters there is no debate about the meaning of these sayings of Jesus. They are willing to have Jesus become a new lawgiver, and consequently they seize on the "exceptive clause" to spin all manner of casuistic practice for adjudicating marital unfaithfulness.

What may be said about the genuineness of the "exceptive clauses"? Emil Brunner says specifically: "It is my definite conviction, which I hold in common with many other scholars, that this phrase, 'saving for the cause of fornication,' was not uttered by Jesus himself but that it is an interpolation by the Early Church, which had already misunderstood the sayings of Jesus in a legalistic way, and therefore needed such a corrective."<sup>16</sup> T. W. Manson says:

showed toward sexual weakness in contrast to the severity He showed toward the piety of the Pharisees. (Matt. 21:31-32; Luke 7:36-50; John 8:3-9; 8:11)

<sup>15</sup> *The Expositor's Greek Testament* (I, 110) notes: "A most important exception which has given rise to much controversy that will probably last till the world's end."

<sup>16</sup> *The Divine Imperative* (Philadelphia: The Westminster Press, 1947), p. 651. See also Rudolf Bultmann, *Die Geschichte der synoptischen Tradition* (Göttingen: Vandenhoeck & Ruprecht, 1931), pp. 140, 159.



"I assume that it is as certain as anything can be in New Testament criticism that the qualifications *parektos logou porneias* and *me epi porneia* (Matt. 5:32; 19:9) are not part of the genuine teaching of Jesus on this point."<sup>17</sup> Alfred Plummer believes that the "exceptive clauses" were never uttered by Jesus.<sup>18</sup> Floyd V. Filson notes: "Matthew adapts his teaching to support the stricter line of Jewish teaching."<sup>19</sup> Others may be added to the list.<sup>20</sup>

It does not seem possible to adduce any textual arguments against the genuineness of these clauses. The commentators also generally acknowledge that there are no textual reasons for thinking that the clauses are not genuine.<sup>21</sup> Krister Stendahl argues that it is not necessary to consider the "exceptive clauses" a later concession to compromise in church discipline in view of the law which required divorce in the

case where a woman had committed fornication.<sup>22</sup>

Since we shall permit the clauses to stand as authentic sayings of Jesus, the search for consistent opinion about their meaning leads one through a forest of interpretations. We offer a sampling of possible interpretations, not that we would agree with them but to reveal the nature of the problem.

1. The early fathers, notably Hermas († ca. 165), Clement of Alexandria († ca. 217), Tertullian († 247), Origen (183—254), Hilary († 366), Lactantius († ca. 330), St. Basil (ca. 333—379), St. Gregory of Nazianzus (325—389), Saint Epiphanius (403), St. Chromatius (407), St. John Chrysostom (347—407), Saint Jerome (340—420), St. Augustine (604), and Theodoret (393—457) state that fornication on the part of the wife either demands divorce or gives the right to divorce. The right of the husband to remarry is claimed by some while continence is asserted by others. *Porneia* is interpreted sometimes as fornication and sometimes as adultery.<sup>23</sup>

<sup>17</sup> *The Teachings of Jesus* (Cambridge: University Press, 1951), p. 200.

<sup>18</sup> *An Exegetical Commentary on the Gospel According to St. Matthew* (London: Elliot Stock, 1909), p. 81.

<sup>19</sup> *A Commentary on the Gospel According to St. Matthew* (New York: Harper & Brothers, 1960), p. 207.

<sup>20</sup> Joachim Jeremias, *Jerusalem zur Zeit Jesu* (Göttingen: Vandenhoeck & Ruprecht, 1962), p. 413, n. 160. Also F. Büchsel, "Die Ehe im Urchristentum," *Theologische Blätter*, 21 (1942), 113—28. Also G. Bornkamm, "Die Stellung des N.T. zur Ehescheidung," *Evangelische Theologie*, 7 (1947/48), 283—85. Also Charles Gore, *The Question of Divorce* (London: Charles Scribner & Sons, 1911), p. 20, 25. Also Friedrich Hauck in TWNT, IV, 741. Also John M. Creed, *The Gospel According to St. Luke* (London: Macmillan and Co., 1957), p. 208. Also Frederick C. Grant, "The Mind of Christ on Marriage," in *Five Essays on Marriage* (Louisville: The Cloister Press, 1946), pp. 33 ff.

<sup>21</sup> See, e.g., Josef Schmid, *Das Evangelium nach Matthäus* (Regensburg: Friedrich Rustet, 1956), p. 103.

<sup>22</sup> "Matthew," *Peake's Commentary on the Bible* (London: Thomas Nelson and Sons, 1962), p. 777.

<sup>23</sup> Hermas quotes the messenger of God as saying that in the case of the adultery of the wife and her refusal to do penance, a husband must put away his wife. Clement of Alexandria allows the right of putting away for adultery and counsels continence. Tertullian says, "You shall not put away your wife except for fornication, and [Holy Scripture] considers as adultery a remarriage while the other separated person survives." Origen states that there is one exception to this seemingly absolute prohibition of divorce, namely, the clause in Matt. 19:9, and regards divorce and remarriage as permissible. Specifically, he says, "Our Lord has permitted dissolution [of the marriage bond] solely in the case of a wife convicted of misconduct," and he



The majority of the patristic writers of the first three centuries limited the cause of divorce to *porneia*.<sup>24</sup> As far as can be ascertained, the concept of *porneia* pre-

gives as reason: "Every husband who repudiates his wife puts her on the road to adultery, obviously excepting the case when she herself was already an adulteress." St. Hilary states that a husband would be defiled by continuing marriage with a wife who had committed adultery. Lactantius considered adultery on the part of the wife a lawful reason for the husband to divorce her. According to him, the *conjugal foederis vinculum* is dissolved or broken by the criminal behavior of the wife. St. Basil expressly knew and approved of second marriages while the first spouse was still alive. He says that "the declaration of the Lord, that it is not permitted to separate a marriage except for the cause of fornication [*parektos logou porneias*], applies equally to men as to women, if one considers the logical consequence of the idea." St. Gregory speaks of the right of the husband to dismiss an adulterous wife, but says nothing concerning his possible remarriage. In his *Commentary to St. Matthew* 19:9, he is concerned only with vindicating equality for the wife. St. Epiphanius names as a valid motive for separation from a wife fornication, adultery, or another misdeed. St. Chromatius says, "Except on account of adultery, it is not permitted to dismiss a wife. . . ." St. John Chrysostom speaks of the prohibition against wives, even if innocently repudiated by their husbands, to enter upon a new marriage during the lifetime of the husband. St. Jerome affirms that "the Lord commanded that the wife shall not be dismissed except because of fornication; and if she was dismissed, she shall remain unmarried . . . and the wife cannot dismiss her husband even if he is an adulterer." Also, in his commentary on Matthew 19 he says, "Only fornication takes away the legal condition of a wife; since she split the one flesh asunder and separated herself from the husband by fornication, she must not be held on to, lest she should bring a curse upon the husband. . . ." St. Augustine virtually established the concept of absolute indissolubility as a norm for the Western Church by teaching that no remarriage is ever permitted. He permits a separation *a toro et mensa* (separation from bed and board) in cases of *porneia*. Theodoret states that only fornication on the part of the wife gives the

cludes premarital unchastity and refers to postmarital adultery in the patristic writers. It would be considered synonymous with *moicheia*.<sup>25</sup>

2. The theologians of Lutheran Orthodoxy affirm that the dissolution of marriage, outside of death, constitutes a sin and remarriage is normally wrong, except in the sole case of adultery.<sup>26</sup> They placed the law of Moses on the same level with the law of Christ, one existing for the time of the Old Testament and the latter for the time of the New Testament. On this basis they maintained that the authority of Moses ceases with the coming of Christ.<sup>27</sup> They were steeped in the conviction that the "innocent party" in situations of voluntary adultery could secure a divorce and

right to divorce and that widows only may remarry. See Victor J. Pospishil, *Divorce and Remarriage: Towards a New Catholic Teaching* (New York: Herder & Herder, 1967), pp. 142 to 173, for a detailed witness of the fathers from which these notes are taken.

<sup>24</sup> O. D. Watkins, *Holy Matrimony: A Treatise on the Divine Laws of Marriage* (New York: Macmillan and Co., 1895), p. 192. Origen is the exception. He says, "It might be a subject of inquiry if on this account He hinders anyone from putting away a wife, unless she be caught in fornication, for any other reason, as for example for poisoning, or for the destruction during the absence of her husband from the home of an infant born to them, or any other form of murder whatever." Cf. "Commentary on Matthew," *The Ante-Nicene Fathers* (New York: Charles Scribner's Sons, 1899), IX, 511.

<sup>25</sup> Ibid., p. 221.

<sup>26</sup> George Dedekennus, *Thesaurus consiliorum et decisionum*, ed. John Ernest Gerhard (Jena: Zachariae Hertels, 1671), III, 327—30; John Gerhard, *Loci Theologici, Locus XXV, "De coniugio,"* ed. Edward Preuss (Berlin: Gustav Schlawitz, 1869), VII, 369—408, pars. 560—610.

<sup>27</sup> Solomon Deyling, *Institutiones Prudentiae Pastoralis* (Leipzig: Lanekisch, 1734), p. 570.



remarry.<sup>28</sup> This conviction has come down through the Orthodox theologians with amazing consistency.<sup>29</sup>

3. The Lutheran Church—Missouri Synod in its official publications as late as 1957 stated that Jesus permits a husband to put away his wife and remarry if his wife is guilty of adultery. . . . Even though she may desire to resume the relationship, the husband has the right to end it.<sup>30</sup>

4. Some modern exegetes have chosen to give a wider meaning to *porneia* (unchastity). *Porneia*, as a translation of the Hebrew word *zenut*, may mean not only

adultery on the part of the wife (cf. Num. 5:11-33) or unnatural sexual intercourse or even the marriage of an Israelite and a pagan, but also marriage which conflicted with the conditions laid down in Leviticus (Lev. 18:1-20), or even with the rabbinical definitions of the Law. Joseph Bonsirven (a Roman Catholic exegete) defines *porneia* in this way: "Jesus adopts the Jewish vocabulary to state a negative clarification, making it clear that His prohibition of divorce is not valid in the case of a false marriage, a marriage that is null or invalid."<sup>31</sup> Other Roman Catholic writers interpret the "exceptive clauses" to mean "in the case of concubinage," that is, an irregular union. The illegal wife could be put away, according to Rabbinic law.<sup>32</sup>

5. H. Baltensweiler argues that the clauses in Matthew, as in the apostolic decree in Acts 15:28,29, refer to marriage in forbidden degrees. He posits that "except for fornication" was written in the same or a similar environment to that in which the apostolic decree was written.<sup>33</sup>

6. It is suggested that the clauses mean that divorce is permitted if the wife becomes a harlot.<sup>34</sup> It is true that the Hebrew

<sup>28</sup> Gerhard, VII, 409—18, pars. 611—21; Carl F. W. Walther, *Johannis G. Baieri Compendium Theologiae Positivae* (St. Louis: Concordia-Verlag, 1879), III, 773—75.

<sup>29</sup> For a detailed study on this area cf. A. C. Piepkorn, "The Theologians of Lutheran Orthodoxy on Polygamy, Celibacy, and Divorce," *CONCORDIA THEOLOGICAL MONTHLY*, XXV (April 1954), 276—83.

<sup>30</sup> *The Lutheran Witness*, LXXVI, 18 (Oct. 27, 1957), 416—17. Other citations stating the position of The Lutheran Church—Missouri Synod are: *A Short Explanation of Dr. Martin Luther's Small Catechism, A Handbook of Christian Doctrine* (St. Louis: Concordia Publishing House, 1943), p. 70. It states: "He [God] permits the innocent party to procure a divorce when the other party is guilty of fornication." Th. Laetsch, "Divorce and Malicious Desertion," in *CONCORDIA THEOLOGICAL MONTHLY*, a publication of The Lutheran Church—Missouri Synod and edited by the faculty of Concordia Seminary, St. Louis, Mo., states that "fornication gives to the innocent party the right to divorce his spouse and marry another" (February 1933), p. 128. *Popular Symbolics* by Theodore Engelder, William Arndt, Theodore Graebner, and Frederick Mayer (St. Louis: Concordia Publishing House, 1945) says: "While the marriage bond is indissoluble, Mt. 19:6, Scripture grants in the case of fornication the innocent party the right of divorce and remarriage, Mt. 5:32. . . . Whoever dismisses a wife not guilty of fornication breaks the law; whosoever dismisses a wife guilty of fornication does not break the law." (P. 123)

<sup>31</sup> *Theology of the New Testament* (Westminster: The Newman Press, 1963), p. 124. Bonsirven quotes 1 Cor. 5:1, Acts 15:20, and Heb. 12:16 as examples.

<sup>32</sup> Other Roman Catholic writers interpret the exceptive clauses to mean "in the case of concubinage," that is, an irregular union. The illegal wife could and should be put away, according to Rabbinic law. See also the view of the French Reformed scholar Max Thurian, *Marriage and Celibacy* (London: SCM Press, 1959), fn. p. 28.

<sup>33</sup> "Die Ehebruchsklausen bei Matthäus," *Theologische Zeitschrift*, 15 (1959), 340—56.

<sup>34</sup> E. g., A. M. Dubarle, "Mariage et divorce dans l'Evangile," *L'Orient Syrien*, 9 (1964), 61—74.



root of *porneia* refers to sexual gratification on the part of a woman outside marriage, also the unfaithfulness of a wife in that she permits another man besides her husband to have sexual intercourse with her, and, in general terms, the making of love illicitly. The basic connotation of the Greek word suggests prostitution, not a one-time act but a continuous unchastity or promiscuous sexual life.<sup>35</sup> Rare in classical Greek, *porneia* denotes in Koine prostitution, unchastity, fornication, and every kind of unlawful sexual intercourse.<sup>36</sup>

7. A common interpretation is that *porneia* means the same as *moicheia*, that is, consummated adultery.<sup>37</sup> It must be admitted that the meaning of *porneia* is certainly very wide and may well be, as some say, the more inclusive term, including the meaning of *moicheia*. Isaksson notes that it would probably be difficult to find any Jewish text in which *porneia* can only be

<sup>35</sup> W. Robertson Nicoll in *The Expositor*, XI, 439, states: "*Porneia* is, of course, as applied to a woman, properly the conduct of a *pornee*, and implies promiscuity and prostitution. It is only by an extension of meaning that it embraces the cases when a single but illicit connexion is formed by an unmarried woman." The RSV generally avoids translating *porneia* with "fornication" on the ground that it is a word not in common use today. Exceptions are Matt. 15:19; Mark 7:21; John 8:41; and seven occurrences in Revelation. These translators, using the words "immorality" and "unchastity," make clear that they want to indicate not an individual act (as some think "fornication" means) but a way of life or an attitude of the person comparable to the life of prostitution. See C. T. Craig, *Interpreter's Bible*, X (New York: Abingdon Press, 1953), 60.

<sup>36</sup> Arndt-Gingrich, *A Greek-English Lexicon of the New Testament* (Chicago: University of Chicago Press, 1959), 699.

<sup>37</sup> For example, Adolf Schlatter, *Der Evangelist Matthäus* (Stuttgart: Calwer Vereinsbuchhandlung, 1929), pp. 180, 572.

interpreted as meaning a wife's adultery against her husband. He argues that in Matt. 15:19 and Mark 7:22 *porneia* and *moicheia* are used to describe two different sins. He notes that 1 Cor. 6:9 and Heb. 13:4 also distinguish them. Nor, he insists, can Rev. 2:14 and 2:20-21 be taken as evidence that *porneia* may mean *moicheia*.<sup>38</sup> But this latter is doubtful argument.

8. Others say that the clauses may refer to premarital unchastity (Deut. 22:20-21),<sup>39</sup> or they may be "exclusive clauses" because adultery was already punishable by death according to the Law (Deut. 22:22). But if Jesus was referring to either of these reasons, would He have been wiser than His contemporaries? Is the meaning of *porneia* that obvious or limited that specifically?<sup>40</sup>

9. J. Dupont and A. Hulsbosch, quoted in Edward Schillebeeckx,<sup>41</sup> argue that *porneia* means the unchastity of which the wife had made herself guilty. Dupont notes that in such a case the wife was repudiated according to Jewish custom, but the separated husband continued to live in continence for the sake of the kingdom of God.<sup>42</sup> Hulsbosch argues that what violates the unity of marriage is not divorce but intercourse with a third party—in

<sup>38</sup> Isaksson, p. 134.

<sup>39</sup> Isaksson argues for this at length. Cf. pp. 135—42.

<sup>40</sup> For a further discussion of *porneia* and *moicheia* and the "exceptive clauses" see F. H. Colson, "The Divorce Exception in St. Matthew," *The Expositor*, XI (June 1916), 438—46.

<sup>41</sup> *Marriage: Human Reality and Saving Mystery* (New York: Sheed and Ward, 1965), p. 150.

<sup>42</sup> J. Dupont, *Mariage et divorce dans l'Évangile* (Bruges: Abbaye de Saint-André, 1959), pp. 161—220.



other words, adultery. According to Hulsbosch, therefore, the meaning of the two texts is this: "Whoever repudiates his wife, except in the case of misconduct, and marries another with whom he has intercourse, disrupts the unity with his first wife that was decreed by God. The addition 'except in the case of misconduct' is important, because in such a case of misconduct this unity has already been destroyed and the statement is not applicable to this particular case."<sup>43</sup>

10. In a word study of *porneia*, Friedrich Hauck and Siegfried Schulz give this reading of Matt. 5:32 and 19:9:

With the parenthetical exception in Matthew 5:32 the writer wants to tell his Jewish Christian readers this: When a man dismisses his wife—except for the reason of conjugal infidelity, in which case he would be compelled to do so by prevailing regulations—he forces her in the event of remarriage into an adulterous relationship. The same thought is found in a different form in Matthew 19:9. *Porneia* is to be understood in both passages as meaning extramarital sexual relations performed by a woman, which is actual adultery. The sense of the parenthetical exception, then, is not to give the Christian husband the right to a divorce in the case of unfaithfulness on the part of his wife, but that the husband shall be free of all blame when a legally unavoidable separation takes place because the wife has made the continuation of the marriage impossible through her conduct.<sup>44</sup>

<sup>43</sup> A. Kuiters, "Kleine Dogmatiek Van Het Huwelijk," *Studia Catholica*, 35 (1960), pp. 111—50.

<sup>44</sup> TWNT, VI, 591—92. Dean Feilding comments that "the phrase 'apart from the charge of unchastity' is to be understood 'not as an exception to the prohibition of divorce, but as simply the matter of fact recognition that

*Porneia*, as explained here, does not necessarily dissolve the marriage bond between man and wife established by the order of creation, but it does constitute a "de facto" disavowal of the other person, a disavowal other than that which was supposedly consummated by means of a certificate of divorce. The irresponsible sexual behavior of the wife may force the husband to put his wife away, and if he does this, he is free of blame."<sup>45</sup>

What does one do with this type of discussion? What is that valid hermeneutical discussion which clarifies these passages?

When we endeavor faithfully to capture the mind of Jesus within the kerygmatic context of judgment and of grace, we look at the parts in order to see the whole.

Note, first, that Jesus does not overlook the demands of Ex. 20:14 when He makes "you shall not commit adultery" cover also the desires of the lustful heart (Matt. 5:27). He also sets the permission of Deut. 24:1 within the reading of Gen. 2:24 and thus supersedes what was only a temporary provision. Jesus is not giving a new law, nor is He cavalierly wiping out the provisions of the Old Testament with one sweep. In facing the Pharisees and in instructing His disciples He goes behind Deut. 24:1 to the level of God's original will and stresses the radical demands of the Exodus commandment while pointing them ahead to the reality of seeking first His kingdom and His righteousness, in which event all these things, even success in marriage, shall be given.

if the wife has already committed adultery, her husband cannot be held guilty of driving her into it by divorcing her." Quoted from Francis Wright Beare, *The Earliest Records of Jesus* (Oxford: Basil Blackwell, 1962), pp. 192, 193.

<sup>45</sup> See Gittin, IX, 10, *The Mishna*, p. 321.



In order to grasp the full import of the "exceptive clauses," we take one step at a time. First, the commandment in Ex. 20:14 was given to safeguard marriage and the family from the man who would break into another's marriage and from the woman who would give herself to another man. The commandment also calls upon man to control the human sexual urge lest it become destructive of his own life and his neighbor's. The breaking of the commandment has secondary or repercussive powers. Casual and irresponsible sexual sins are destructive toward people in marriage and people in the community at large. The commandment forbids the activity of the third party, also those actions which would cause others to sin against the commandment. As Luther might have said in another way: An unchaste and indecent life in word and deed is destructive of personal life and life in marriage, and to prevent the disorder and sin that is set loose by fornication and adultery, let each love and honor his spouse.

In the second place, the term *porneia* should be understood. The meaning of the word has been debated extensively, possibly because it is a key word in the "exceptive clauses." The Hebrew word *nâ'ap*, with adultery and idolatry as primitive derivative meanings, fundamentally and inevitably comes to mean "to be unchaste" or "to indulge in casual and irresponsible sex." So we shall opt for that particular meaning. It does not seem likely that Jesus is giving simply the real meaning of the "unseemly thing" in Deut. 24:1 by using the word *porneia* and siding with the school of Shammai.<sup>46</sup> It is more probable that He

chooses a word which denotes unchastity characterized by destructive sexuality. Certainly the connotation of *porneia* would suggest irresponsible sexual behavior which militates against the marriage union, the action that is the antithesis of responsible sexual behavior.

With this illumination we are ready to hear the words of Jesus as they apply the commandment of Exodus to the existing situation, to men who were anxious about keeping the letter of the Law and debating what they could do without sin. Jesus says to them in effect: On your terms, and in answer to your question, it is possible that a man could put his wife away and be legally clear, provided Ex. 20:14 was not broken in any of the following ways: (a) the wife is made to become unfaithful; (b) the husband himself becomes unfaithful, especially if he remarries; (c) a third party is made to commit unfaithfulness. But none of the above would be possible, of course, if the wife were already unchaste, whether prior to betrothal, during betrothal, or during marriage. In this case her faithfulness had lost its intrinsic character and his duty of faithfulness may have lost its essential obligation because of her unchaste behavior. In this sense the faithful husband who puts away his wife because she has been or is conjugally unfaithful does not adulterate her because she is adulterated already. An extrinsic factor has intruded; the intrinsic indissoluble nature of marriage has been affected by human sin. Any other action is a violation of the intrinsic nature of marriage and is adultery.

May one extend the words of Jesus to mean that unchastity is reason for a "valid"

<sup>46</sup> The reaction of the disciples in Matt. 19:10 shows that they understood Jesus in an absolute sense and not just in Shammai's sense.



divorce with the privilege of remarriage? <sup>47</sup> The words merely say that in the case of *porneia* the husband is not responsible for committing adultery. Jesus does not say (a) that he ought to put her away; or (b) that there can be remarriage without adultery; or (c) that this is the level of conduct on which He is calling men to live; or (d) that in this instance divorce is a matter of moral indifference. Rather, Jesus places the responsible action in the heart of man where he is always accountable before God. Man standing before God can claim no justification or right of his own over against the proper obedience to the Law and the proper duty toward his neighbor. His duty is to "love and honor his spouse" and "to be joined to his wife," so help him God. Beyond that *porneia* may be accepted as a reason for divorce when love and forgiveness fail. Unchastity does exist as a fact of life among sinful men and can force a necessity which a fallen humanity may have to accept. The Reformed Churches, generally, admit to

<sup>47</sup> The Jerusalem Bible adds this footnote to Matt. 19:9: "This exception clause (Matthew only) does not mean that Jesus allows full divorce (i. e., with power to remarry) in cases of adultery. If this were so, He would be supporting the very concession He is criticizing. Attempts have been made to understand 'fornication' in the sense of an illegitimate union, concubinage, but the severance of such a union is so obvious an obligation as not to deserve mention. The explanation seems rather to be that this text of Matthew creates a special category for cases of infidelity in marriage since these require their own solution — but nowhere does He suggest what the solution is. This solution, which was not required at the time when full divorce was allowed, was destined to take shape in the Church and emerge as a 'separation' of the parties that carried with it no permission to remarry, cf. 1 Cor. 7:11." *The Jerusalem Bible*, gen. ed., Alexander Jones (Garden City: Doubleday and Co., Inc., 1966).

some situations in which divorce with permission to remarry is the only practical solution. "There are no grounds for divorce for Christians, only situations in which divorce is inevitable." <sup>48</sup>

It should be noted that Jesus' disciples, when they had heard Him say very clearly: No divorce! raised the question, "If such is the case of a man with his wife, it is not expedient to marry." Was this the condition of discipleship that a man may not divorce his wife? They were a bit shocked at the dimensions of His words. But He said to them, "Not all men can receive this precept, but only those to whom it is given." Compliance with its unmitigated rigor is a grace granted to some and withheld from others. "He that is able to receive it, let him receive it." <sup>49</sup>

The judgment of Portia in Shakespeare's *Merchant of Venice* may well illustrate the character of Jesus' words in the Matthew passage: "Therefore, Jew, though justice be thy plea, consider this, that in the court of justice none of us should see salvation: we do pray for mercy, and that same prayer doth teach us all to render the deeds of mercy."

#### THE MARK PASSAGE (10:11)

It may be noted that the setting is "the region of Judea and beyond the Jordan,"

<sup>48</sup> Quoted from J. Rinzema, *Huwelijk en echtscheiding in Bijbel* (Aalten: N. V. Uitgeverij de Graafschap, 1961), p. 146.

<sup>49</sup> William Barclay comments that "only the Christian can accept the Christian ethic. Only the man who has the continual help of Jesus Christ and the continual guidance of the Holy Spirit can build up the personal relationship which the ideal of marriage demands. Only by the help of Jesus can a marriage develop the sympathy, the understanding, the forgiving spirit, the considerate love which true marriage requires." *The Gospel of Matthew* (Philadelphia: The Westminster Press, 1958), p. 227.



the same locale as stated in Matthew 19. Again, as in Matthew 19, some Pharisees put Jesus to a test.<sup>50</sup> St. Matthew states the question as: "Is it lawful to divorce one's wife for any cause?" while St. Mark has simply "divorce his wife."

The passage says that the husband who divorces his wife and marries another commits adultery against her; also that the wife who divorces her husband and marries another commits adultery. No exception is stated. That a wife could divorce her husband is a new statement and, in this sense, the saying makes the Mark passage the more inclusive. At least three reasons have been suggested for the wording of this passage: (a) Mark is writing for readers of the Greco-Roman world; (b) possibly a reference is made here to the Talmud, which allowed women to divorce their husbands on several grounds; or (c) the saying was given to the disciples "in the house" and is therefore a direct and complete coverage of the total will of God.

The words "against her" (ἐπ' αὐτήν) are the subject of debate, and opinion is divided over who "her" is. If the adultery is against the original spouse, this is a new thought. According to Rabbinic law a man could be said to commit adultery against another married man, and a wife could be said to commit adultery against her husband, but a husband could not be said to commit adultery against his wife. Is the husband committing adultery against his

wife or against the "another" whom he marries? It would seem to be of little consequence because the total action is adultery and the result of the desire to put away one spouse and marry another.

God's will for marriage disallows the putting away of a spouse and a new marriage with another. Jesus does not speak to any exceptions. The time of the provisions of the Law has run out because the time of salvation is beginning and the will that God enunciated in paradise is now the norm of His kingdom.<sup>51</sup>

### THE LUKE PASSAGE

The context of Luke 16:18 reveals that Jesus castigates the Pharisees because they endeavored to justify themselves before men. He calls them to faithfulness in little and in much, and affirms the good news of the Kingdom which does not do away with one jot of the Law. And then this passage is inserted: "Everyone who divorces his wife and marries another commits adultery, and he who marries a woman divorced from her husband commits adultery."

The *opinio legis* of the human heart searches for concessions from the Law, but the Law concedes nothing to anyone. There are no loopholes here, no distinctions to be drawn between the *ought* or the *may*, between "innocent" and "guilty" parties. Anyone who contributes to the confirmation of a broken marriage in such a way

<sup>50</sup> W. C. Allen gives the most natural and plausible explanation by saying: "The questioners probably knew that Jesus taught His disciples that marriage ought to be indissoluble, and they came to get from Him a public statement which would set Him in conflict with the Mosaic Law." *The Gospel According to St. Mark with Introduction and Notes* (New York: The Macmillan Co., 1915), p. 132.

<sup>51</sup> Ethelbert Stauffer notes: "Jesus realizes that the primitive order has been shattered by the corruption of the human heart. He sees the historical justification and necessity of the Mosaic law of divorce" as it applies to men when their hearts are hard. "Jesus introduces a new period in the history of marriage . . . marked by a new conception of the law of divorce, a deepened ideal of marriage. . . ." TDNT, I, 649—50.



as to make reconciliation between the two original partners impossible commits adultery. In every case the man who marries a woman divorced from her husband (either divorced by his action or by hers) is guilty of adultery because he assumes with her the sin implied in the divorce action. It is possible that the meaning here is "a woman who is herself the cause of the divorce" (middle participle describing the woman as one who has either left or divorced her husband).<sup>52</sup>

Again, we do not have a "catechism" which explicates the entire range of the human problem of marriage failure, but a specific principle which primarily indicts the Jews for their marriage behavior and states the will of God for the permanence of marriage.

#### ST. PAUL IN FIRST CORINTHIANS

The church at Corinth was divided in the opinions that were held regarding sex and marriage. It is not surprising that the transition from a pagan social life to a Christian social life in Corinth caused difficulty in this particular area of relationship. Some thought that sex and marriage had nothing to do with religious life; others believed that for an individual to be married was not consistent with his or her life in Christ.<sup>53</sup> What apparently had occurred were cases of refusal of physical intercourse,

also, as well as instances of separation between pagan and Christian spouses. St. Paul, having no remembered logion of Jesus to guide him, advises the married both against improper insistence on sexual abstinence and against a Christian spouse divorcing from his or her pagan partner. If the pagan partner insists on separation, however, then the Christian partner is "not bound."

St. Paul's words on marriage and divorce are addressed to Christians in a time of stress and persecution (seemingly pending) and in a city known for its pagan cults and the practice of immorality. St. Paul is functioning as a pastoral counselor to people living in the anxious tension of the *simul justus et peccator*. He realizes the difficulty which the Christian people face and says, "I wish that all were as I myself am. But each has his own special gift from God, one of one kind and one of another" (7:7). Moreover, St. Paul anticipated the early return of Jesus and was concerned about the "impending distress" (7:26). "The appointed time has grown very short" (7:29); "the form of the world is passing away." (7:31)

It has sometimes been said that the words of Jesus and St. Paul on marriage and divorce are inconsistent. If Jesus is made to give one reason for divorce and St. Paul another, then a certain inconsistency is apparent. But Jesus and St. Paul are saying the same thing in that there is to be no divorce among those who are committed to God's will for marriage and who are able to maintain the marriage.

In spite of the advantages of being unmarried in this particular situation in Corinth, as St. Paul believed, those already married are not to seek a divorce simply

<sup>52</sup> The perfect participle ἀπολελουμένην may be read either as middle or passive. The middle voice indicates the status of the woman as a divorcee (Roman law allowed such), and the passive voice indicates she suffered divorce (Jewish law allowed only the husband to procure a court decree, although this did not preclude the woman's initiative).

<sup>53</sup> On 1 Cor. 6:12-20 cf. Hans Lietzmann, *An die Korinther I-II* (Tübingen: 1949), pp. 27 f.



because a single state might be preferred. St. Paul gives the charge of the Lord (7:10) that the wife should not separate from her husband and that the husband should not divorce his wife (7:11). The parenthetical thought is added that if she does, let her remain unmarried (single) or else be reconciled to her husband. St. Paul is pointing out the repercussive danger of remarriage and rather than advocate a "standstill" arrangement, he uses a word (*katallagētō*) which implies effort toward reconciliation, that is "let her get herself reconciled." Nothing is said about the remarriage of a man who has divorced his wife; perhaps no such case had occurred in Corinth. Some commentators have suggested that the wives of the Corinthians were possibly more active in instigating divorce proceedings than were husbands. Perhaps St. Paul is speaking to a particular case.

"But if she does . . ." is an admission by St. Paul that the absolute cannot always be obeyed. He gives no valid reason for the separation, he says it may happen. There are cases in which separation is preferable to maintenance of marriage. This admission of ethical relativity is not to be understood as a defeat of the moral demand. The acceptance of the relative does not cancel the absolute. Nor does it excuse the persons who fail to meet the obligations of marriage or even tolerate a separation. Does not the judgment of God rest in its own way upon each case of marriage failure?

In dealing with marriages between Christians and unbelievers, St. Paul recognizes the marriage as precarious. Each case will call for the exercise of human judgment under the guidance of the Holy Spirit. His

concern about the lack of Christian fellowship is undoubtedly basic to his advice (cf. 2 Cor. 6:14 and 1 Cor. 7:39). It is his counsel that if the unbeliever is agreeable, no sin is inherent in continuing the union. He seems to assume that an attempt will be made to win the unbeliever, but he does not press the point. What is St. Paul saying? That in some cases the non-Christian may share what the Christian receives and be sanctified? That if your partner stays, you can be a blessing of the Gospel to him (her) and to the children? Or is the sanctification at issue only the absence of cultic contamination for the Christian partner and not full Christian consecration for the *ápistos*? It is difficult to decide what St. Paul means. In any case, if the unbeliever is willing to remain in marriage, the Christian is not to initiate a divorce. However, if the *ápistos* is for separating, presumably because of the Christian behavior of the spouse, then the believer is under no compulsion to maintain the marriage. In this case St. Paul gives preference to the Christian keeping peace over the doubtful prospect of the unbeliever's salvation. In practical terms, this means that if the peace of the home is destroyed by the believer's endeavors to live as a Christian or to maintain the union, freedom should be granted to the unbeliever if he wishes to separate.<sup>54</sup> No place, however, is given to the believer to initiate separation, nor does he have the "right"

<sup>54</sup> The Christian is οὐ δεδούλωται; he has not lost all freedom of action. He or she need not feel so bound by Christ's prohibition of divorce as to be afraid to depart when the heathen partner insists on separation. Cf. Robertson and Plummer, *First Corinthians* (Edinburgh: T. and T. Clark, 1961), p. 143. The NEB translates "under no compulsion."



to secure a legal divorce. He suffers or allows a divorce action.

Some commentators, Luther and Calvin among them, maintain that when St. Paul says that in circumstances such as these the Christian husband or wife is "not bound," he means they are at liberty to marry again. This right is not explicitly stated by St. Paul. He is saying simply that when the sin of unbelief has caused the believer to suffer a marriage break, he or she need not feel that the situation is disobedience to God's will for marriage.

St. Paul, speaking of divorce as it relates to circumstances which had arisen from conversion, activates the Gospel principle rather than reverting to legalism. He speaks first of marriage in its purity. He does not state the Christian doctrine of marriage in all its fullness; he does this in Ephesians and Colossians, comparing marriage to the relationship between the Lord and His church. Yet, in the Corinthian situation, he makes what he believes to be the application consistent with the overall teaching of Christ. Divorce is a necessary possibility in an imperfect world where the absolute ethic of Jesus would not be accepted by some marriage partners. St. Paul's acknowledgement of this fact does not open the way for promiscuous divorce nor does it destroy or even alter the teaching of Jesus on marriage. Rather it is the redemptive approach to a real situation where the hardness of heart is still present among men.

Does St. Paul make allowance here for the remarriage of the deserted spouse? An allowance for remarriage is not specifically stated, and this freedom cannot be substantiated by valid exegesis. To conclude that remarriage is allowable is to go be-

yond the clearly stated words of the text, especially in a situation between two Christians. To employ the words of St. Paul spoken to a particular situation as "rule of thumb" procedures which would allow freedom for divorce and remarriage in every case of desertion today is to extend his teaching beyond warrant. St. Paul's concern is for the sanctity of marriage, not to delineate procedures for a divorce action.

### *Conclusion*

It is very questionable whether a neatly devised program of church discipline which "binds or looses" people in relation to a divorce and remarriage situation may or should be drawn from the passages studied. In no case should an elaborate casuistic system of marital ethics be derived from them to serve as a legal code whereby certain sins of the marriage partner become a justifiable and rightful basis for initiating a marriage release. To employ the words of Jesus and Paul in such fashion is not in keeping with the ethics of the New Testament.

Jesus is not laying down a set of legal prescriptions by which a marriage may be terminated and another be consummated. He is confronting man with the ultimate significance of the marriage relationship as it exists according to God's creative and redemptive purposes, in terms of which the putting away of a spouse finds no justification. Jesus discloses the absolute standards that are relevant when the kingdom of God is upon man. His words are kerygmatic, spoken in the context both of God's judgment over fallen men whose hearts are hard and of God's mercy proclaimed to men so that they may believe and live in His kingdom of grace. To



load the words of Jesus in Matt. 5:32 and 19:9 with "Christian casuistry" would make that Prophet who is greater than Moses into a new lawgiver, which He certainly was not. The "except clauses" do not recommend divorce, nor may blanket sanction for remarriage be derived from them. If one reads the "divorce and remarriage" passages to mean that a divorce under given circumstances is not judged to be adultery, a further reading which justifies the marriage break or the repudiation of one's spouse is doubtful. The pattern of the Kingdom is "What therefore God has joined together, let no man put asunder." Marriage failure is a tragedy, and does not the judgment of God rest in its own way upon each case?

St. Paul, in dealing with the sexual dilemmas of chapters 6 and 7 of 1 Corinthians, is likewise no legislator laying down a new decree, but he writes as a pastoral counselor wishing to guide people who are caught up in an enthusiastic and unsettling eschatological fervor while living in the anxious tension of the *simul justus et peccator*. He sees his pastoral task, as we must see it, in the context of God's judgment and grace which, beyond legalism and far above it, works repentance and forgiveness and brings one's life under the power of the Gospel. The Gospel solution to the human predicament of failure and sin,

whether it be an instance of theft, greed, disobedience, or adultery, begins in the heart of man as the judgment and mercy of the Word is confronted and believed. Anything else is eventually moralism and legalism.

When once these "divorce and remarriage" passages are understood in their proper context and meaning, they demand much more astute and careful pastoral care than the mechanical employment of legal casuistry in an endeavor to determine who it is that is guilty or innocent of fornication and/or malicious desertion. In pastoral care of marriage failure, the hinge of ethical decision swings on the question of whether one is living on the wilful level of committing adultery or whether one is suffering a marriage break under the judgment and mercy of God. As the apostle Paul affirms, with Jesus Christ the proclamation is not yes and no, but always yes. Pastoral care seeks to lead one to say yes to the judgment of his conscience, yes to the judgment of God, and yes to the promises of the Gospel (2 Cor. 1:18-20). It is not easy to ignore, nor should we, St. Paul's overarching injunction that God's call is a call to live in peace—each one must order his life according to the gift the Lord has granted him and his condition when God called him. (1 Cor. 7:15, 17)

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