

# Mistakes to Avoid when Discussing Divorce and Remarriage<sup>†</sup>

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The primary purpose of this paper is to establish some biblical boundaries for dealing with this subject.<sup>2</sup> A secondary purpose is to argue against two positions on the subject of divorce and remarriage that appear to have become common primarily within conservative holiness circles: 1) that remarriage after a divorce is actually living in a state of continual adultery, and 2) that it is God's will for people who get saved, after having been divorced and remarried, to divorce their second spouse and return to their first spouse.

Any attempt to determine what the Bible teaches about divorce and remarriage must factor certain key passages into its conclusions. If these passages are ignored, an unbalanced viewpoint is inevitable. Whatever view one decides to hold on this highly debated subject, he must not violate the principles taught by these passages.<sup>3</sup>

## ***Genesis 2:18-25 - God's plan for marriage***

Genesis 2:18 Then the LORD God said, "It is not good for the man to be alone; I will make him a helper suitable for him." 19 Out of the ground the LORD God formed every beast of the field and every bird of the sky, and brought them to the man to see what he would call them; and whatever the man called a living creature, that was its name. 20 The man gave names to all the cattle, and to the birds of the sky, and to every beast of the field, but for Adam there was not

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<sup>1</sup> This paper has been a collaborative effort. I wish to thank my father, Dr. Allan Brown, for his input into the process. However, all views reflected in this paper are my own and do not necessarily reflect the views of my father, the Bible faculty at GBS, or its administration.

<sup>2</sup> Please note that this paper does not attempt to address all the questions relevant to this highly controverted topic. The paper's goal is to establish some boundaries outside of which one's interpretation is illegitimate.

<sup>3</sup> If you wish to pursue the history of the various views of divorce and remarriage, a good place to start is "*The Problem of Divorce*" by David J. MacLeod, *Emmaus Journal*, Vols. 1-3 (Summer, 1992, 1993, 1994), MacLeod cites most of the major works that wrestle with this highly debated subject. See also David L. Snuth, "Divorce And Remarriage From The Early Church To John Wesley," *Trinity Journal* 11.2 (1990), 131-42.

found a helper suitable for him. 21 So the LORD God caused a deep sleep to fall upon the man, and he slept; then He took one of his ribs and closed up the flesh at that place. 22 The LORD God fashioned into a woman the rib which He had taken from the man, and brought her to the man. 23 The man said, "This is now bone of my bones, And flesh of my flesh; She shall be called Woman, Because she was taken out of Man." 24 For this reason a man shall leave his father and his mother, and be joined to his wife; and they shall become one flesh. 25 And the man and his wife were both naked and were not ashamed. (NASB)<sup>4</sup>

God instituted marriage at the beginning of human history as the foundation of human society. Marriage is a covenant relationship between a male and a female.<sup>5</sup> It is the closest, most intimate of all human relationships and as such is designed to reflect important aspects of both the inner workings of the triune nature of God as well as Christ's relationship to his church. In marriage two people so interpenetrate one another's lives that they become one—a functioning unit.<sup>6</sup>

Marriage is not an institution designed solely to propagate the human race. While God has ordained that sexual union is to occur only within marriage, sexual union is not the fundamental feature of marriage. A sexual union does not constitute a marriage union.<sup>7</sup> Further, one can be married and be physically incapable of having a sexual relationship.

Scripture does not assign or forbid the right to enact marriage covenants to either the church or the state. Therefore, neither are scripturally necessary for a marriage covenant to be enacted. Marriage is a covenantal union created by God between a man and a woman when they 1) purpose to be married; 2) and comply with the cultural requirements that their society has established as necessary for a legal marriage. Once these two requirements are met, a marriage has begun.

The consummation of the physical union is the physical act of sexual intercourse. If, however, a person is not physically capable of sexual intercourse, and his or her intended spouse knows this and still wishes to get married, physical incapacity does not disqualify from marriage. Normally, however, married people are not to live as though they are single (i.e., by one partner failing to participate in the normal married sexual relationship – see 1 Cor. 7:1-6).

Homosexual relationships cannot constitute valid marriages. The Bible is clear that a valid marriage involves a man and a woman (Matt. 19:4-6). Scripture condemns homosexuality as pagan and perverse behavior (Lev. 18:22; 20:13; Rom. 1:27; 1 Cor. 6:9).

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<sup>4</sup> The New American Standard Bible (1995) is used throughout this paper.

<sup>5</sup> See Gordon P. Hugenberger, *Marriage as a Covenant: Biblical Law and Ethics as Developed from Malachi* (Grand Rapids: Baker Books, 1998).

<sup>6</sup> Marriage does not, however, create a relationship of consanguinity. See William A. Heth, "Jesus on Divorce: How My Mind Has Changed," *Southern Baptist Journal of Theology* 6 (2002): 4-23.

<sup>7</sup> See discussion of Exodus 22:16-17 below.

**Mistake to avoid:**

1. the belief that Scripture requires the affirmation of the church or the state for a marriage covenant to be valid.
2. the belief that continence within marriage, i.e., abstaining from sexual relations, is virtuous.

**Malachi 2:13-16 — The concept of divorce**

**Malachi 2:13** “This is another thing you do: you cover the altar of the LORD with tears, with weeping and with groaning, because He no longer regards the offering or accepts it with favor from your hand. <sup>14</sup> “Yet you say, ‘For what reason?’ Because the LORD has been a witness between you and the wife of your youth, against whom you have dealt treacherously, though she is your companion and your wife by covenant. <sup>15</sup> “But not one has done so who has a remnant of the Spirit. And what did that one do while he was seeking a godly offspring? Take heed then to your spirit, and let no one deal treacherously against the wife of your youth. <sup>16</sup> “For I hate divorce,” says the LORD, the God of Israel, “and him who covers his garment with wrong,” says the LORD of hosts. “So take heed to your spirit, that you do not deal treacherously.”

The difficulty of the Hebrew text (MT) of Malachi 2:16a is invisible to the reader of most English versions.<sup>8</sup> Since nearly all modern English versions translate this verse with “For I hate divorce, says the Lord, the God of Israel ...,” it is understandable that few outside scholarly circles are aware of its obscurity.

A. What does the Hebrew say?

The following interlinear uses English word order.

כִּי	שָׂנֵא	שִׁלַּח	אָמַר	יְהוָה
if/when/for/ because/that	he hates/ hated/ one hating	to send away/ sending away/ send away! (impv)	says	Yahweh
אֱלֹהֵי	יִשְׂרָאֵל	וְכִסָּה	חֲמָס׃	עַל-
the God of	Israel	and/then he/it covers/covered	violence	upon
				לְבוֹשׁוֹ
				his garment

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<sup>8</sup> The two resources I found most helpful in getting a handle on the complexities of Malachi 2:16 were E. Ray Clendenen, *Haggai, Malachi* in *The New American Commentary* (Broadman & Holman, 2004), 357-371, and C. John Collins, “Malachi 2:16 Again,” at <http://www.esv.org/assets/pdfs/malachi.2.16.collins.pdf>. Accessed 10/11/2008.

אָמַר	יְהוָה	צְבָאוֹת
says	Yahweh of	Hosts

1. Some commentators infer from the choppy nature of the Hebrew text that it has been deliberately tampered with by scribes to bring it into line with the standard Jewish understanding that divorce, while circumscribed, was permitted in certain cases.<sup>9</sup>
2. This conclusion, however, flies in the face of all the evidence we have about the care with which the scribes did their copying work and therefore appears to be unlikely.

B. What do ancient translations say?

1. Septuagint (LXX)
  - a. **NA<sup>27</sup>BQV**: “But if, having hated, you divorce ...” ἀλλὰ ἐὰν μισήσας ἐξαποστείλῃς
  - b. **L**: “But if having hated, divorce!” ...” ἀλλὰ ἐὰν μισήσας ἐξαπόστειλον
  - c. **W**: “But if you hate, divorce!” ἀλλὰ ἐὰν μισήσῃς ἐξαπόστειλον
2. Targum: “But if you hate her, divorce her, says the Lord God of Israel, and do not conceal sin in your garment”
3. Qumran: 4QXII<sup>a</sup> can be translated either “But if you hate (her), divorce” or “If hating her, he divorces” but the former is more likely. (NAC, 363)
4. Vulgate: “When/if you hate her, put her away” *cum odio habueris, dimitte*.
5. **Conclusion**: Not one ancient translation of Malachi 2:16 directly reflects the Hebrew text as we have it preserved in the MT, and none of them translate it “I hate divorce” or as the KJV, “the Lord ... saith that he hateth putting away.”<sup>10</sup>

C. How did Luther and Calvin translate the phrase?

1. Luther (1545): Indeed, he who bears her ill will and repudiates her, says the LORD, the God of Israel ...<sup>11</sup>
2. Calvin: If you hate (anyone hates), let him divorce (his wife), says Jehovah, the God of Israel ...<sup>12</sup>

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<sup>9</sup> For example, Rex Mason, *The Book of Haggai, Zechariah, and Malachi*, in *Cambridge Bible Commentaries on the Old Testament*, 150. Joyce Baldwin, *Haggai, Zechariah, Malachi*, TOTC, 241.

<sup>10</sup> The unanimity of the ancient versions in translating with a second person raises the question if they reflect a proto-Masoretic tradition that differs from the Masoretic stream we have received. There is very little known about proto-Masoretic Hebrew texts, but there is enough evidence from the LXX and Qumran that most Hebrew textual critics posit divergent textual traditions prior to the dominance of the MT. For example, see Emanuel Tov’s discussion in *Textual Criticism of the Hebrew Bible* (Uitgeverij Van Gorcum, 2001), 22-38. For a plausible alternative explanation of the second person verbs used in ancient translations, see Collins, “Malachi 2:16 Again,” 3, fnt 3.

<sup>11</sup> *Wer ihr aber gram ist und verstößt sie, spricht der HERR, der Gott Israels.*

<sup>12</sup> So Collins, “Malachi 2:16 Again.”

D. How did Jewish exegetes translate the phrase?<sup>13</sup>

1. The Talmud *b. Git.* 90b reads: “R. Judah says: ‘if you hate her—divorce her.’ R. Yohanan says: ‘One who divorces is hated.’”
2. R. Abraham Ibn Ezra (1092/3–1167 A.D.): “God hates that one should divorce his pure wife.”
3. R. David Kimchi (1160–1235 A.D.): “If one of you hates his wife he should send her away”
4. **Conclusion:** In the post-Christian era (Talmud) and in medieval Jewish scholarship, both the view taken by the Targums and other ancient translations and the view later introduced by the KJV find support.

E. What is the history of the translation of this phrase in English?

1. Early English versions follow the rendering of the Vulgate and/or Septuagint (LXX): “if/when you hate (her), put her away.” Examples include Wycliffe Bible (1395), Coverdale Bible (1535), Bishop’s Bible (1568), and the Geneva Bible (1587).
2. The KJV 1611 broke with the traditional rendering and rearranged the syntax of the verse: “For the LORD, the God of Israel, saith that he hateth putting away:”<sup>14</sup> This translation involves translating the first word of the verse שׁוֹנֵא twice: “for” and “that”
3. English Revised Version of KJV in 1885 appears to have been the first to translate it “I hate putting away [=divorce].” It has since been followed by Darby Bible (1890), ASV (1901), Jewish Publication Society OT (JPS; 1917), RSV (1952), NIV (1973), NASB (1977, 1995), NKJV, NRSV, NAB, NLT, NJB, CJB, NET, NCV, TNK, TNIV.
4. Modern versions that break with the KJV tradition to follow the Hebrew text more closely include the Holman Christian Standard Bible (2003) and English Standard Version (2004)
  - a. HCSB: “If he hates and divorces *his wife*,” says the LORD God of Israel, “he covers his garment with injustice,” says the LORD of Hosts.
  - b. ESV: “For the man who does not love his wife but divorces her, says the LORD, the God of Israel, covers his garment with violence, says the LORD of hosts.

F. How do modern versions come up with “I hate divorce?”

1. Some emend the Hebrew consonantal text from שׁוֹנֵא (he hates) to שׁוֹנֵאִי or אֲשׁוֹנֵא (I hate).

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<sup>13</sup> Material taken from Gerson Brin, “Divorce at Qumran,” in *Legal Texts and Legal Issues: Proceedings of the Second Meeting of the International Organization for Qumran Studies, Cambridge, 1995* : Published in Honour of Joseph M. Baumgarten (Brill, 1995), p. 235.

<sup>14</sup> C. J. Collins also notes that the KJV was an innovation in the history of translating this passage. See his comments in “Malachi 2:16 Again,” page 6. It should be noted that the KJV did place the traditional reading in its marginal notes.

2. Some emend the Hebrew vowel pointing from שׂנֵא (he hates) to שֵׁנֵא (one who hates).
3. Some argue that שֵׁנֵא is an alternate form of the participial form שֵׁנֵא by appealing to Jer. 23:24 where מִלֵּא must be read as a participle. In addition, these argue that the pronominal subject “I” has dropped out of the text or should be understood as implicit.<sup>15</sup> The problems with this approach are, first, that all other participial forms of שֵׁנֵא are spelled normally as שֵׁנֵא (Deut. 4:42; 19:4, 6, 11; Jos. 20:5; Prov. 11:15; 12:1; Isa. 61:8).<sup>16</sup> Second, there is not a shred of textual evidence that the text ever read “I” [אֲנִי], and instances where a pronominal subject of a participle is implicit are rare.

## G. Conclusion

1. Malachi 2:16 had relatively consistent history of interpretation prior to the advent of the KJV—the one exception being the divergent Jewish interpretive traditions. Since 1611, the interpretation of the KJV has so dominated translations that one would hardly know it is a novelty in the history of interpretation.
2. The reading of the KJV and its modern English followers is theoretically possible.<sup>17</sup> However, in my judgment the historical, grammatical, and contextual evidence weighs against it. Historically, no ancient version support it. Grammatically, it is the composite result of a series of grammatically possible but improbable decisions.<sup>18</sup> Contextually, it unnaturally makes the Lord the subject of the verb “hates” in the first clause but supplies a different subject (“one”) for the verb “covers” in the second clause in the verse.
3. The more probable reading of the text is along the lines of the following: “If he hates [so as] to send away [his wife], says Yahweh the God of Israel, then he covers his garment with violence, says Yahweh of Armies.” The referent for “he” is the unjust Judean being discussed previously who has divorced his wife for an idolatrous woman (Mal. 2:11).<sup>19</sup>

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<sup>15</sup> Cf. GKC §116s.

<sup>16</sup> By way of contrast, מִלֵּא has no regular *qal* participial form. מִלֵּא in Jer. 23:24 is the only *qal* participial form of מִלֵּא that occurs in the OT.

<sup>17</sup> Keil & Delitzsch, *ad loc.*; W. C. Kaiser, “Divorce in Malachi 2:16,” *Criswell Theological Review* 2 [1987], W. Rudolph, “Zu Mal 2,10-16,” *ZAW* 93 [1981]; Karl William Weyde, *Prophecy and Teaching: Prophetic Authority, Form Problems, and the Use of Traditions in the Book of Malachi* (Walter de Gruyter, 2000), 269-70. Neither Wesley nor Clarke comment on the passage’s difficulties and appear to follow the KJV.

<sup>18</sup> See Clendenen, NAC, or Collins, “Malachi 2:16 Again” for the technical grammatical details.

<sup>19</sup> For defenders of this reading of Mal. 2:16 see, Hugenberger, *Marriage as a Covenant*, 49-83; Thomas E. McComiskey, ed., *The Minor Prophets: An Exegetical and Expository Commentary*, vol. 3: *Zephaniah, Haggai, Zechariah, and Malachi* (Grand Rapids: Baker, 1992), 1339-1344; David Instone-Brewer, *Divorce and Remarriage in the Bible: The Social and Literary Context* (Grand Rapids: Eerdmans, 2002), 54-58; E. Ray Clendenen, *Haggai, Malachi in The New American Commentary* (Broadman & Holman, 2004), 357-371; C. John Collins, “Malachi 2:16 Again,” at [http://www.esv.org/assets/pdfs/malachi.2.16\\_collins.pdf](http://www.esv.org/assets/pdfs/malachi.2.16_collins.pdf), and M. A. Shields, “Syncretism and Divorce in Malachi 2, 10–16,” *ZAW* 111 (1999): 81-85.

Malachi 2:14-16 teaches us that God regards wrongful divorce as a sin of treachery against one's wife and against Himself. Although God hates wrongful divorce, He neither hates all divorces in the same way nor hates every aspect of divorce. He hates what occasions every divorce. He hates the results that often flow to children and to the injured parties of divorce. And God hates divorces wrongly obtained on grounds that He has not permitted.

Jesus' comments on divorce reinforce this conclusion. He specifically recognized it as constituting a change from God's original plan: "but from the beginning it was not so," and then it was only because of hardness of heart that the Holy Spirit through Moses allowed divorce (Mat. 19:8).<sup>20</sup>

**Mistake to avoid:**

3. the belief that divorce is a basic "right" that an unhappily married person may use to escape from an unpleasant situation. God regards wrongful divorce as treachery. Be careful how you counsel other people. Don't advise a person to do what God hates (Mal. 2:14-16).

***Jeremiah 3:1-8, 12-13 - God divorced Israel yet continues His appeal***

Jeremiah 3:1 God says, "If a husband divorces his wife And she goes from him And belongs to another man, Will he still return to her? Will not that land be completely polluted? But you are a harlot with many lovers; Yet you turn to Me," declares the LORD. 2 "Lift up your eyes to the bare heights and see; Where have you not been violated? By the roads you have sat for them Like an Arab in the desert, And you have polluted a land With your harlotry and with your wickedness. 3 "Therefore the showers have been withheld, And there has been no spring rain. Yet you had a harlot's forehead; You refused to be ashamed. 4 "Have you not just now called to Me, 'My Father, You are the friend of my youth? 5 'Will He be angry forever? Will He be indignant to the end?' Behold, you have spoken And have done evil things, And you have had your way." 6 Then the LORD said to me in the days of Josiah the king, "Have you seen what faithless Israel did? She went up on every high hill and under every green tree, and she was a harlot there. 7 "I thought, 'After she has done all these things she will return to Me'; but she did not return, and her treacherous sister Judah saw it. 8 "And I saw that for all the adulteries of faithless Israel, I had

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<sup>20</sup> Instone-Brewer, *Divorce and Remarriage in the Bible*, 146, argues that the phrase "hardness of heart" refers not to hard-hearted husbands who wanted to divorce their wives, but to hard-hearted adulterous wives who were unwilling to repent. This sense yields the conclusion that Moses permitted Israelite men to divorce wives who were unrepentant adulterers rather than prosecute their adultery and seek capital punishment. This interpretation fails because it ignores the continuity of pronominal reference in Matt. 19:8, "because of the hardness of *your* hearts Moses permitted *you* to divorce *your* wives." The hard-heartedness contextually must be the husbands'.

sent her away and given her a writ of divorce, yet her treacherous sister Judah did not fear; but she went and was a harlot also.

In the first verse of this passage, God refers to Moses' prohibition of a woman returning to her first husband after she has married a second time (Deut. 24:1-4). The rhetorical question, "Will not that land be completely polluted," highlights the essential reason why God forbade such a remarriage: it involved the couple and their land in pollution.

God's next question uses Deut. 24:1-4 as illustration to highlight the unfaithfulness of Judah. If being with a second man (in marriage) renders a woman polluted in relation to her first husband, how much more does being with many men (in harlotry) render a wife polluted in relation to her husband. Clearly there is a similarity in the pollution incurred through remarriage and through harlotry.

However, there is a significant difference! That difference is that harlotry, while immoral, does not involve a second marriage. If harlotry did involve a second marriage, then God would be guilty of violating His own law if he took Judah back after her many adulteries. Indeed, Hosea would have been guilty of polluting the land for taking back Gomer. But that is not the case. Although both harlotry and remarriage involve pollution and the pollution of harlotry is much greater than that of remarriage, nonetheless it is only when remarriage is involved that God forbids the restoration of the first marriage.

In vv. 6-8, God uses North Israel's unfaithfulness to her marriage relationship with God as an example to Judah. God was patient for over two hundred years (931-722 BC) and did everything possible, short of violating her grace-enabled ability to rebel, to get Israel to repent and to return to Him (Jer. 3:7). God finally divorced Israel on the basis of her persistent adultery (Jer. 3:8). He gave her a written bill of divorce (cf. Deut. 24:1-4) and sent her away.<sup>21</sup>

The God who cannot sin divorced His wife. Since God cannot do wrong, divorce cannot be inherently sinful; otherwise God would have sinned in divorcing Israel. Although this divorce occurred as a result of sin, the divorce itself was not sinful. God's action teaches us that repeated adultery is grounds for righteous divorce.

Following His statement that He had divorced and sent Israel away for all her adulteries, Yahweh sends Jeremiah to offer reconciliation to his ex-wife:

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<sup>21</sup> J. A. Thompson, *The Book of Jeremiah*, in *NICOT* (Eerdmans, 1980), 195-96, correctly connects Yahweh's divorce of Israel with the conquest of Samaria by Assyria in 722/1 BC.



12 “Go and proclaim these words toward the north and say, ‘Return, faithless Israel,’ declares the LORD; ‘I will not look upon you in anger. For I am gracious,’ declares the LORD; ‘I will not be angry forever. 13 ‘Only acknowledge your iniquity, That you have transgressed against the LORD your God And have scattered your favors to the strangers under every green tree, And you have not obeyed My voice,’ declares the LORD.

Not only did God endure Israel’s perpetual adulteries for 200 years, but after divorcing her He continued to seek reconciliation. Because God is gracious, He longs to put away His anger and be restored to His loved one, Israel. The condition for such reconciliation was acknowledgement of sin and turning from it to obedience to His voice.

### **Mistakes to avoid:**

4. the belief that divorce is always wrong. However, if one claims the right to divorce following the divine model (because of marital infidelity), divorce should be enacted only after an aggressive effort to restore the broken relationship, just as God aggressively sought to restore Israel to Himself. Even after divorce, God models a desire for reconciliation if the adulterous spouse truly repents.
5. the belief that adultery requires divorce.

## **Deuteronomy 24:1-4 - The regulation of divorce**

<sup>NAU</sup> **Deuteronomy 24:1** “When a man takes a wife and marries her, and it happens that she finds no favor in his eyes because he has found some indecency in her, and he writes her a certificate of divorce and puts it in her hand and sends her out from his house, <sup>2</sup> and she leaves his house and goes and becomes another man’s wife, <sup>3</sup> and if the latter husband turns against her and writes her a certificate of divorce and puts it in her hand and sends her out of his house, or if the latter husband dies who took her to be his wife, <sup>4</sup> then her former husband who sent her away is not allowed to take her again to be his wife, since she has been defiled; for that is an abomination before the LORD, and you shall not bring sin on the land which the LORD your God gives you as an inheritance.<sup>22</sup>

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<sup>22</sup> For discussions of this key text see, R. Yaron, “The Restoration of Marriage,” *Journal of Jewish Studies* 17 (1966): 1-11; T. R. Hobbes, “Jeremiah 3, 1-5 and Deuteronomy 24, 1-4.” *ZAW* 86 (1974): 23-29; Gordon J. Wenham, “The Restoration of Marriage Reconsidered,” *Journal of Jewish Studies* 30 (1979): 36-40; Raymond Westbrook, “The Prohibition on Restoration of Marriage in Deut 24:1-4, “ in *Studies in the Bible: 1986*, ed. S. Japhet, *Scripta Hierosolymitana* 31 (Jerusalem: Magnes, 1986); J. Carl Laney, “Deuteronomy 24:1-4 and the Issue of Divorce.” *Bibliotheca Sacra* 149 (Jan-Mar. 1992): 3-15; Joe M. Sprinkle, “Old Testament Perspectives On Divorce And Remarriage,” *Journal of the Evangelical Theological Society* 40.4 (1997): 529-550; David Instone-Brewer, “Deuteronomy 24:1-4 and the Origin of the Jewish Divorce Certificate,” *Journal of Jewish Studies* 49 (1998): 23-43.

No one knows how and when divorce began. Although divorce is recognized and regulated in the Bible, unlike marriage, it was not instituted by God. It is a human innovation and is the result of sin. When God inspired Moses to write Deuteronomy, divorce was already common among the heathen nations and evidently was becoming common in Israel. God imposed restrictions on divorce in order to prevent divorce from being treated lightly or entered into hastily.

Deuteronomy 24:1-4 is “case law.” In case law, generally, a legal situation or case is first described, and then a ruling is given regarding how to handle the specific case. The first key issue in interpreting this law is the clause “then let him write her a bill of divorcement, and give *it* in her hand, and send her out of his house” (24:1b).

The KJV translators understood the phrase as a command. Two considerations argue that this interpretation is incorrect. First, Jesus asserted that Moses *permitted* divorce, implicitly contradicting the Pharisees’ claim that Moses *commanded* divorce (Matt. 19:7-8). Therefore, this clause should not be read as a command. Second, the syntax of the clause most naturally reads either as a statement of permission (“then he *may* write her a bill of divorcement)<sup>23</sup> or as a continued description of the case as in the NASB (“and he writes her a certificate of divorce and puts it in her hand and sends her away ...”). Commentators and modern translators are virtually unanimous in understanding the syntax of this passage to involve only one rather extended case (vv. 1-3 = protasis) with the ruling given in verse four (v. 4 = apodosis).<sup>24</sup> Given this understanding, the main point of this passage is to prohibit a man from remarrying his divorced wife after she has remarried and her second husband has divorced her or has died.<sup>25</sup>

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<sup>23</sup> For an argument for this reading, see Andrew Warren, “Did Moses Permit Divorce? Modal *wəḡāṭal* as Key to New Testament Readings of Deuteronomy 24:1-4” *Tyndale Bulletin* 49.1 (1998): 39-56. Interestingly, the *Holman Christian Standard Bible* appears to follow Warren’s reading. Raju Kunjummen argues well against Warren’s analysis in his, “The Syntax of Conditionals in Deuteronomy and the Translation of *wqatal* (Consecutive Perfects)” unpublished SBL paper. <<http://www.biblicallaw.net/2008/kunjummen.pdf>> Accessed 1/2/2009.

<sup>24</sup> See, for example, J. G. McConville, *Deuteronomy*, Apollos Old Testament Commentary (Downers Grove: InterVarsity Press, 2002), 357-358, P. C. Craigie, *The Book of Deuteronomy*, NICOT (Grand Rapids: Eerdmans, 1976), 304-306; C. F. Keil, *The Book of Deuteronomy*, *ad loc.* Eugene H. Merrill, *Deuteronomy*, The New American Commentary, v. 4 (Nashville: Broadman, 1994), 316-17; S. R. Driver, *A Critical and Exegetical Commentary on Deuteronomy*, ICC (Edinburgh: T. & T. Clark, 1902), 269-70; Duane L. Christensen, *Deuteronomy 21:10-34:12*, vol. 6b, Word Biblical Commentary (Thomas Nelson, 2002), 558. Translations that read the text this way include the NASB, NKJV, NIV, ESV, and NLT.

<sup>25</sup> Westbrook, “The Prohibition on Restoration of Marriage in Deut 24:1-4,” and Instone-Brewer, “Deuteronomy 24:1-4 and the Origin of the Jewish Divorce Certificate,” have demonstrated that this law’s main point *could* be to prohibit a husband from profiting financially from a former wife’s financial windfall through a “hate” divorce or the death of her second husband. However, in my judgment there are two reasons why their conclusion is inadequate: 1) the text itself makes no mention of financial issues,

The second key issue is the meaning of “some indecency” (עֲרֵוֹת דְּבָרָר) which was the grounds of the first divorce. The precise meaning of this expression is uncertain.<sup>26</sup> It cannot refer to either premarital fornication or adultery, since they both were to be punished by death (Deut. 22:21-22).<sup>27</sup> Whatever the correct meaning may be, it is clear that a divorce opens up the possibility of remarriage to a third party (Deut. 24:2). If divorce did not open the possibility of remarriage, we would expect Moses to prohibit it.<sup>28</sup> If a remarriage to a third party does occur, the new marriage is not regarded as adulterous or the equivalent of adultery. From God’s point of view, it is a true marriage.

The divorce itself involved several steps. First, the text suggests that definite and substantial grounds for divorce (“some indecency”) must be given. Second, a proper legal instrument (“a bill of divorce”) must be prepared for the protection of the woman (Deut. 24:1; Jer. 3:8). Third, there is the implication that some public official must be brought in to insure that proper grounds were given and rights protected (the bill of divorcement served – Deut. 24:1). Fourth, there would be a formal dismissal of the wife (“he sends her out of his house” – Deut. 24:1). Fifth, by divine decree, the act is irrevocable once the divorced wife remarries another man. The original pair may never remarry under any circumstances (Deut. 24:3-4).<sup>29</sup>

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and 2) Deut. 24:4 and Jer. 3:1 (implicitly) identify the essential reason that prohibits the remarriage as the wife’s defilement by her second marriage. See below, fn. 30, for further discussion of the phrase “she has been defiled.”

<sup>26</sup> See J. Carl Laney, “Deuteronomy 24:1-4 and the Issue of Divorce.” *Bibliotheca Sacra* 149 (Jan-Mar. 1992): 3-15 for a helpful introduction to the various views. If, as William Luck suggests, “some indecency” is a euphemism for menstrual irregularities that render a woman perpetually unclean or unable to conceive, Jesus’ removal of this as legitimate grounds for divorce implies that infertility is not grounds for divorce (*Divorce and Remarriage: Recovering the Biblical View* [Harper & Row, 1987], 60).

<sup>27</sup> In his book, *Divorce and Remarriage in the Bible: The Social and Literary Context*, David Instone-Brewer has argued that Jesus’ phrase λόγου πορνείας (“matter of immorality”; Matt. 5:32) is a direct reference to Deut. 24:2’s עֲרֵוֹת דְּבָרָר (“some indecency”), 158-59. If this interpretation is correct, then Jesus permitted divorce on the grounds of men’s hardness of heart, a conclusion that seems incompatible with the entire context of Matt. 5:31-32 and 19:1-9. Jesus’ exception παρεκτός λόγου πορνείας implicitly disallows divorce on the grounds Moses permitted in Deut. 24:1-4 and limits the grounds strictly to immorality. In other words, the only thing Jesus authorizes as grounds for divorce is the kind of sin that was to have been punished by death under OT law. Since Jesus has clarified God’s perspective on the sanctity of marriage and the grounds upon which divorce may be obtained, today, one may not divorce on the grounds of an עֲרֵוֹת דְּבָרָר (“some indecency”).

<sup>28</sup> The fact that Moses does prohibit the remarriage of the divorced, remarried, and redivorced or widowed woman to her first husband demonstrates that such remarriage would have been a legitimate option within that culture. It also demonstrates that a prohibition of the woman’s first remarriage could have been enacted by God had He so chosen.

<sup>29</sup> MacLeod, “The Problem of Divorce, Part 2” *Emmaus Journal* 2 (1993): 30.

If a remarriage to a third party does not occur, the original pair may be reunited in marriage, as is evident from God's invitation to North Israel to return to Him (Jer. 3:12-13). In fact, the goal of any divorced person whose spouse has not remarried should be to experience the grace of God in healing the breach and the reuniting of the divorced couple.

The third key interpretive issue involves the reasons God gives that a divorced, remarried, and now re-divorced or widowed woman cannot return to her first husband: "since she has been defiled; for that is an abomination before the LORD, and you shall not bring sin on the land which the LORD your God gives you as an inheritance." The first reason is that "she has been defiled."<sup>30</sup> Jeremiah 3:1's interpretive restatement of Deut. 24:1-4 makes it clear that the key element forbidding such a return is the woman's second marriage. This implies that the defilement addressed here was not a result of whatever occasioned her first divorce but was the result of her second marriage.<sup>31</sup>

The second reason is that such a remarriage is an abomination to Yahweh and brings sin on the land. Jeremiah 3:1 describes this sin as "utterly defiling" the land. Specifically, Jeremiah compares the land-defilement of such a remarriage to the land-defilement of prostitution. The fact that this sin defiles the land has significant implications for its on-going validity. In Lev. 18:25, 28, God told Israel that Canaan had

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<sup>30</sup> There is some dispute regarding how to properly translate this unusual *hutqattel* form. The standard grammars tentatively regard it as a simple passive (GKC §54*h*; Waltke-O'Connor §26.3b [p. 432]). Joüon-Muraoka §53*h* says, "הִטְמֵאָהּ", properly *one made her defile herself*, but perhaps simply *she was defiled*" (vol. 2, p. 147). John Walton, "The Place of the *hutqattel* within the D-stem Group and Its Implications in Deuteronomy 24:4" *Hebrew Studies* 32 (1991): 7-17, proposes to translate the form as a causative-declarative, "she was made to declare herself unclean." Walton understands this declaration of uncleanness to have taken place prior to or during the first divorce. Richard M. Davidson, "Divorce and Remarriage in the Old Testament: A Fresh Look at Deuteronomy 24:1-4," *Journal of the Adventist Theological Society* 10 (1999): 11-14, argues for a causative-reflexive (i.e., factitive) sense, "she was made to defile herself." Davidson's argument seems to fit the linguistic and contextual evidence better. Raju Kunjummen supports Davidson's analysis in his, "Causing Adultery Through Divorce: The Meaning of Deuteronomy 24:1-4 and Canonical Intertextuality" unpublished ETS paper, presented November 16, 2007.

<sup>31</sup> This observation is important because it undermines John Walton's proposal that the defilement took place prior to the second marriage. Interestingly, the defilement seems to be only in reference to her first husband and not to all other men. For this reason, some have suggested that implicit in this law is the principle Jesus enunciates in Matt. 5:32, "he who divorces his wife, except for immorality, causes her to commit adultery." In other words, the defilement is the moral defilement of the adultery occasioned by her second marriage. Among those who have made this suggestion are Davidson, 12; Kunjummen, 2; Craigie, 305; Driver, 272; and Keil, *ad loc*. The primary obstacle to this view is that it places God in a position of permitting adultery when He explicitly prohibits it and punishes it with the death penalty under the Sinaitic Covenant.

vomited out its former gentile inhabitants because they had defiled it with sexual abominations and that the land would vomit them out as well if they defiled it. Ezekiel 33:17-18 records the fulfillment of this promise. The land-defiling nature of this sin argues that it is not merely ritual defilement, applying only to Israel, but that it is universal in nature and would apply equally to any group of people at any time.<sup>32</sup>

**Mistakes to avoid:**

6. the belief that Moses commanded divorce
7. the belief that marriage creates an indissoluble bond in God's eyes which only the death of one of the partners can terminate.
8. God wishes a divorced and remarried person to divorce or separate from their present partner and if possible to return to the person they first married.
9. the belief that remarriage to a third party after a divorce is always wrong and constitutes a perpetual state of adultery.

***Deuteronomy 22:13-29 and Exodus 22:16, 17 – Actions that disqualify one from getting a divorce.***

**Deuteronomy 22:13-27:** "If any man takes a wife and goes in to her and then turns against her, <sup>14</sup> and charges her with shameful deeds and publicly defames her, and says, 'I took this woman, but when I came near her, I did not find her a virgin,' <sup>15</sup> then the girl's father and her mother shall take and bring out the evidence of the girl's virginity to the elders of the city at the gate. <sup>16</sup> "The girl's father shall say to the elders, 'I gave my daughter to this man for a wife, but he turned against her; <sup>17</sup> and behold, he has charged her with shameful deeds, saying, "I did not find your daughter a virgin." But this is the evidence of my daughter's virginity.' And they shall spread the garment before the elders of the city. <sup>18</sup> "So the elders of that city shall take the man and chastise him, <sup>19</sup> and they shall fine him a hundred shekels of silver and give it to the girl's father, because he publicly defamed a virgin of Israel. And she shall remain his wife; he cannot divorce her all his days. <sup>20</sup> "But if this charge is true, that the girl was not found a virgin, <sup>21</sup> then they shall bring out the girl to the doorway of her father's house, and the men of her city shall stone her to death because she has committed an act of folly in Israel by playing the harlot in her father's house; thus you shall purge the evil from among you.

**Deuteronomy 22:28** "If a man finds a girl who is a virgin, who is not engaged, and seizes her and lies with her and they are discovered, <sup>29</sup> then the man who lay with her shall give to the girl's

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<sup>32</sup> Jesus' abrogation and restriction of the grounds for divorce (עֲרִיּוֹת דְּבָרָה) permitted in the protasis of Deut. 24:1-3 does not render the conclusion of the apodosis (Deut. 24:4) irrelevant to believers under the new covenant. *Contra* William R. Heth, *Remarriage after divorce in today's church: 3 views* (Grand Rapids: Zondervan, 2006), 65-66. Regardless of the grounds for divorce, a second marriage renders a woman defiled with reference to her first husband and reunion with the first husband after a second marriage is an abomination to the Lord and defiles the land in which it occurs (Jer. 3:1).

father fifty shekels of silver, and she shall become his wife because he has violated her; he cannot divorce her all his days.

**Exodus 22:16** “If a man seduces a virgin who is not engaged, and lies with her, he must pay a dowry for her to be his wife. <sup>17</sup> “If her father absolutely refuses to give her to him, he shall pay money equal to the dowry for virgins.

If a married man accuses his wife of premarital sexual activity and publicly defames her, and if his wife is proven innocent of such deeds, the man may never divorce her all his days (Deut. 22:19). If a man forces a unbetrothed virgin to have sex with him and later marries her, whether willingly or under duress, he has forfeited the possibility of ever divorcing her (Deut. 22:28-29).<sup>33</sup>

Exodus 22:16, 17 makes it clear that a father may refuse to allow his daughter to marry the one with whom she had a premarital sexual relationship. Therefore, premarital sex does not require the couple to be married if the girl’s father objects. An important question to ask a man who is contemplating a divorce is, “Did you coerce your spouse to have sex with you, i.e., forcibly rape her, before you were married?” If the answer is “Yes,” Deuteronomy 22:28-29 forbids the right to a divorce.

#### **Mistakes to avoid:**

10. the belief that premarital sex necessitates marriage.
11. the belief that a person cannot be disqualified from the right to get a divorce after they are married.

#### ***Matthew 5:32 and 19:9 - The exception clause***<sup>34</sup>

**Matthew 5:32** but I say to you that everyone who divorces his wife, except for the reason of unchastity, makes her commit adultery; and whoever marries a divorced woman commits adultery.

**Matthew 19:9** “And I say to you, whoever divorces his wife, except for immorality, and marries another woman commits adultery.”

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<sup>33</sup> If a man rapes a betrothed virgin, he was to be killed (Deut. 22:25-27). Rape is a form of adultery, hence capital punishment. The OT distinguishes between rape and consensual fornication or adultery. If the woman did not want it to happen and did not consent, then it was coerced. Initial resistance followed by consent is not coercion, allowing for exceptions such as drug-induced consent.

<sup>34</sup> In Mark 10:11, 12 and Luke 16:18, the exception clause does not occur. The discrepancy is probably best explained as that neither Mark nor Luke record the entire saying. Therefore, even though divorce is not the ideal, it is permitted in the case where one’s partner has been unfaithful. Jesus allows divorce, but He does not command it. For an evaluation of the textual critical issues associated with Matt. 19:9, see Michael W. Holmes, “The Matthean Divorce Passages” *JBL* 109 (1990): 651-664.

In Matthew 5:32 and 19:9, Jesus says there is a biblical basis on which a person might divorce a spouse—“unchastity” (immorality). In the case of unchastity, there is no requirement to initiate a divorce. A person may divorce on the grounds of unchastity, but he or she is not required to do so.

The King James translation uses the word “fornication.” Though some equate adultery and fornication, this is incorrect. Frequently one hears the exception clause misquoted: “except for adultery.” In both Matthew 5:32 and 19:9, Jesus’ statement about divorcing a spouse is based on the sexual sin of fornication (*porneia*), not adultery (*moicheia*).

Some people teach that since Jesus used the word fornication (*porneia*), He was speaking about sexual sin during the engagement period rather than immorality after marriage. This view stems from misunderstanding the biblical use of the word “fornication” (*porneia*).<sup>35</sup> Other people make the mistake of basing their understanding of “fornication” on information from an English dictionary. Some English dictionaries say that fornication is premarital immoral behavior as contrasted with adultery which is said to be post-marital immoral behavior. This is not how the Bible uses the words.

In Biblical use, “fornication” (*porneia*) is the broader of the two words and may include both premarital and post-marital immorality (i.e., prostitution [Matt. 21:31-32], incest [1 Cor. 5:1], fornication [John 8:41], adultery [Jer. 3:9 LXX], homosexuality [Jude 7, *ekporneuo*]), depending upon the context. This is why translators prefer to use the term “unchastity” or “immorality” when translating the Greek word *porneia*. The context determines the exact range of meaning when the word fornication (*porneia*) or adultery (*moicheia*) occurs.<sup>36</sup>

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<sup>35</sup> The shift from *porneia* in “except for the reason of *porneia*” to *moicheuo* in “causes her to commit adultery” neither necessarily (as some claim) nor likely supports the conclusion that Jesus is referring solely to premarital immorality when he uses *porneia*. In fact, a stronger case can be made that *porneia* covers the entire gamut of sexually immoral behavior, including adultery, and the one who divorces his wife on grounds other than *porneia* causes her to commit adultery (which is naturally the only term that would be used for heterosexual sin by a married woman). For example, see BDAG, s.v. *πορνεία* and *πορνεύω*; Bromiley, *TDNT*, 6:592; Joseph Jensen, “Does *Porneia* Mean Fornication? A Critique of Bruce Malina,” *Novum Testamentum* 20 (1980): 161-184; David Janzen, “The Meaning of *Porneia* in Matthew 5.32 and 19.9: An Approach from the Study of Ancient Near Eastern Culture,” *Journal for the Study of the New Testament* 80 (2000): 66-80.

<sup>36</sup> See Hosea 2:4; Jer. 3:1-9; Ezek. 16:38-41; 23:35-37, 43-45 for examples of where “to commit fornication” (*porneuo*) and “to commit adultery” (*moicheuo*) or their derivatives are used side by side to express the same thing. See also Amos 7:17 in the Septuagint where fornication (*porneia*) is used in reference to a married woman. It is clear from 1 Cor. 5:1 that *porneia* may include adultery. The use of

The idea that divorce is allowed after engagement, but not after marriage, cannot be sustained.<sup>37</sup> The context of Matthew 5:32 and 19:9 reveals that Jesus and the Pharisees were not discussing engagement; they were discussing the basis for divorce after marriage.

The exception clause, “except for unchastity (or fornication),” modifies both of the verbs in the sentence (“divorces” and “marries”).<sup>38</sup> Jesus statement, “But I say unto you, that whosoever shall put away his wife, saving for the cause of fornication, causes her to commit adultery,” makes no sense unless she remarries. Divorce and remarriage is not commanded; however, it is permitted.

#### **Mistakes to avoid:**

12. the belief that *porneia* “fornication” refers only to premarital unchastity.
13. the belief that no divorced person may ever remarry until his or her first spouse dies.
14. sexual incapacity is biblical grounds for seeking a divorce.

### ***John 4:16-18 - Does remarriage after a divorce constitute a real marriage in God’s eyes?***

**John 4:16** He said to her, “Go, call your husband and come here.”<sup>17</sup> The woman answered and said, “I have no husband.” Jesus said to her, “You have correctly said, ‘I have no husband’;<sup>18</sup> for you have had five husbands, and the one whom you now have is not your husband; this you have said truly.”

The Samaritan woman, as is generally agreed, was a woman of ill repute. Her drawing water at noon, when the other women would not be there, is often noted in support of this inference (4:6). When Jesus asks her to call her husband (τὸν ἄνδρα σου -

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*porneia* and *moicheia* in Matt. 15:19 does not demonstrate that these terms have non-overlapping semantic ranges. In context, *moicheia* refers to adultery and *porneia* would include all other forms of sexual immorality. Cf. Sirach 23:23 ἐν πορνείᾳ ἔμοιχεύθη “... she committed adultery by *porneia*.”

<sup>37</sup> D. A. Carson, “Matthew,” *Expositor’s Bible Commentary*, 414; Craig S. Keener, *And Marries Another*, 152 n. 42.; David Instone-Brewer, *Divorce and Remarriage in the Bible*, 152-159; For a recent study concluding that the betrothal view deserves to be considered, see David W. Jones, “The Betrothal View of Divorce and Remarriage” *Bibliotheca Sacra* 165.1 (2008): 68-85. Jones, however, fails to distinguish sense and reference when he suggests that regarding *porneia* as a generic term for immorality is a case of James Barr’s illegitimate totality transfer (p. 84).

<sup>38</sup> For a discussion of the various views presently held, see David J. MacLeod, “The Problem of Divorce, Part 3,” *Emmaus Journal* 3 (Summer, 1994), pp. 32-34.



4:16), she responds that she has no husband (οὐκ ἔχω ἄνδρα). Jesus agrees with her assessment: “You spoke well when you said, ‘I do not have a husband.’” (καλῶς εἶπας ὅτι Ἄνδρα οὐκ ἔχω - 4:17). Jesus says she has had *five* husbands (πέντε γὰρ ἄνδρας ἔσχες), but the man she was presently living with was not her husband (οὐκ ἔστιν σου ἀνὴρ - 4:18).<sup>39</sup>

That she had been divorced and remarried five times, for whatever reasons, did not nullify the fact that each remarriage constituted, in God’s eyes, a real marriage and the new man became her “husband.”

Those who teach that a divorce with a remarriage to a third party is equivalent to living in a continual state of adultery and, therefore, does not constitute a real marriage in God’s eyes are contradicting Jesus. He clearly differentiated between her five former “husbands” and the person with whom she presently was living with in a continual state of adultery—not a “husband.” Although it is true that remarriage after a divorce without biblical grounds is called, “committing adultery,” it is not true that the resulting marriage is a perpetual state of adultery.<sup>40</sup>

The fact that she had not remarried for the sixth time, but was living in immorality with another man, teaches that co-habitation does not constitute a marriage.

Therefore, the idea, that a divorce for other than the Scriptural grounds of fornication (immorality), followed by a remarriage to a third party, does not constitute a “true marriage” in God’s eyes, is biblically unfounded. Further, the idea that only the original marriage is recognized as a true marriage in the eyes of God is unbiblical. The Samaritan woman, according to Jesus, had five “husbands.” If this were not the case, Jesus could have said, “You have had one husband. All the other marriages were not recognized by God and therefore you have had five adulterous affairs, counting the present man.” That is not what Jesus said.

#### **Mistake to avoid:**

15. the belief that co-habitation constitutes marriage.
16. the belief that a divorce followed by a remarriage, while the first spouse is still living, is not a real marriage in God’s eyes. Once a couple is married, they are genuinely married in God’s eyes (unless it is a homosexual relationship).

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<sup>39</sup> While it is theoretically possible that each of her previous five husbands had all sequentially died, the likelihood is very remote as indicated by the fact that virtually no commentators attempt to defend such a position.

<sup>40</sup> See the section “Matthew 5:32 and Luke 16:18” for further discussion on this point.

## **Matthew 5:32 and Luke 16:18 - Remarriage = On-going Adultery?**

**Matthew 5:32** but I say to you that everyone who divorces his wife, except for *the* reason of unchastity, makes her commit adultery; and whoever marries a divorced woman commits adultery.

Some have claimed that remarriage constitutes on-going adultery. In support of this position, it may be noted that there are three present tense verbs/verbals in Matthew 5:32: “divorces” (ἀπολύων), “makes” in “makes her commit adultery” (ποιεῖ), and “commits adultery” (μοιχᾶται).

It is true that the Greek present tense often indicates on-going action. It is not true, however, that the present tense *always* indicates on-going action.<sup>41</sup> Both lexical and contextual factors in Matthew 5:32 indicate that the present tense was used in order to make a statement that is timeless and universally true, and that it was not used to indicate that the actions involved were ongoing.<sup>42</sup>

Rather the establishment of a second marriage covenant (not sexual union in the second marriage) breaks the first marriage covenant which is why Jesus calls it adultery. Thus sexual union within a second marriage is not adulterous. This conclusion fits well with Jesus’ distinction between the Samaritan woman’s five husbands and current live-in, as well as making sense of why the OT did not regard sexual union within a second marriage as adultery deserving the death penalty.

**Luke 16:18** "Everyone who divorces his wife and marries another commits adultery, and he who marries one who is divorced from a husband commits adultery.

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<sup>41</sup> As Wallace notes, to determine a verb’s *aktionsart*, one must consider three factors: “lexical meaning of the verb (e.g., whether the verb stem indicates a terminal or punctual act, a state, etc.), contextual factors, and other grammatical features (e.g., mood, voice, transitivity, etc).” *Greek Grammar Beyond the Basics*, (Grand Rapids: Zondervan, 1993), 504. For a helpful discussion of the various uses of the present tense in the NT, see Wallace, 513-539.

<sup>42</sup> From a lexical standpoint it should be fairly obvious that ὁ ἀπολύων “the one who divorces his wife” does not divorce her continually or repeatedly. The divorce is a singular event that is not on-going. From a contextual standpoint, the kinds of grammatical constructions used by Matthew require the present tense: πᾶς ὁ + participle gnomic statement construction and 3<sup>rd</sup> class present general conditional construction. Therefore, Matthew had little choice but to use the present tense. For a similar argument, see Carroll D. Osburn, “The Present Indicative in Matthew 19:9,” *Restoration Quarterly* 24 (1981): 193-94, 202-3. [http://www.acu.edu/sponsored/restoration\\_quarterly/archives/1980s/vol\\_24\\_no\\_4\\_contents/osburn.html](http://www.acu.edu/sponsored/restoration_quarterly/archives/1980s/vol_24_no_4_contents/osburn.html). J. Carl Laney reaches the same conclusion tentatively in *Divorce and Remarriage: Four Christian Views* (Downers Grove: InterVarsity Press, 1990), 39-40.

Luke uses five present tense verbs in his account of Jesus' statement. If one were to argue that remarriage involves ongoing adultery on the basis of the present tenses, one would also have to conclude that the first husband continually divorces his wife and that the wife and her second husband are continually marrying each other, since both "divorces" and "marries" are also present tenses. The use of the present tense in Matt. 5:32 and Luke 16:18 does not support the idea that remarriage after divorce involves on-going adultery. The present tenses communicate that any time a person wrongfully divorces his wife and marries another he commits adultery.

**Mistake to avoid:**

17. the belief that remarriage after divorce is a perpetual state of adultery.

***Mark 6:18 and Matthew 14:4 - What about the case of Herod and his brother's wife?***

**Mark 6:18** For John had been saying to Herod, "It is not lawful for you to have your brother's wife."

**Matthew 14:4** For John had been saying to him, "It is not lawful for you to have her."

King Herod had taken the wife of his brother Philip and married her (Mark 6:17). John the Baptist said to Herod, "It is not lawful for thee to have thy brother's wife" (Mark 6:18). The reason it was not lawful was because the Mosaic Law prohibited marriage to one's brother's wife while the brother was still alive (cf. Lev 18:16). It was against the Biblical laws of consanguinity, i.e., marriage to a close relative.

**Mistake to avoid:**

18. that John the Baptist taught that remarriage after a divorce is always unlawful.

***Hosea 3:1-5 - You do not have to divorce a spouse who is unchaste. Forgiveness can be offered.***

**Hosea 3:1** Then the LORD said to me, "Go again, love a woman who is loved by her husband, yet an adulteress, even as the LORD loves the sons of Israel, though they turn to other gods and love raisin cakes." <sup>2</sup> So I bought her for myself for fifteen shekels of silver and a homer and a half of barley. <sup>3</sup> Then I said to her, "You shall stay with me for many days. You shall not play the harlot [LXX. πορνεύω], nor shall you have a man; so I will also be toward you." <sup>4</sup> For the sons of Israel will remain for many days without king or prince, without sacrifice or sacred pillar and without ephod or household idols. <sup>5</sup> Afterward the sons of Israel will return and seek the LORD their God

and David their king; and they will come trembling to the LORD and to His goodness in the last days.

Hosea's wife, Gomer, left him and began living in immorality with other lovers. She finally ended up in some type of slavery. Gomer had not remarried anyone else since she had left Hosea. Hosea had not remarried anyone. As I understand the dynamics of Hosea 3:1-5, God told Hosea to go find Gomer, redeem her from her slavery, and take her back to himself and thereby demonstrate the forgiveness of the God toward wayward, unfaithful Israel.<sup>43</sup>

This means that a spouse does not have to divorce his or her companion for marital unfaithfulness. Hosea is an example that demonstrates forgiving love. Had Gomer remarried another person, Hosea could not have taken Gomer back in marriage, even if her second husband had died. That would be a clear violation of Deuteronomy 24:1-4.

### ***1 Corinthians 7:10-11 - Believers are not to divorce.***

**1 Corinthians 7:10** But to the married I give instructions, not I, but the Lord, that the wife should not leave her husband <sup>11</sup> (but if she does leave, she must remain unmarried, or else be reconciled to her husband), and that the husband should not divorce his wife.

The basic, twofold command is that neither the Christian wife nor the Christian husband may divorce (χωρίζω) one another. Paul continues, "But and if she depart..." The command not to separate stands; but (Paul says) if the wife disobeys this command (and presumably, this holds for the husband too) and does separate from her husband, she must remain unmarried so that she will be in a position at all times to repent and be reconciled to her husband. If she marries another, she pushes her disobedience one step beyond and gets herself into an irremediable (but forgivable) situation (Deut. 24:1-4).

#### **Mistake to avoid:**

19. the belief that after a divorce Christians need never look back. God's goal for His children is always for the restoration of their marriage where possible.

### ***1 Corinthians 7:12-16 - What about the unequally yoked?***

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<sup>43</sup> See Allan P. Brown, "Theology of Hosea" (Ph.D. Diss., Bob Jones University, 1975).

**1 Corinthians 7:12** But to the rest I say, not the Lord, that if any brother has a wife who is an unbeliever, and she consents to live with him, he must not divorce her.<sup>13</sup> And a woman who has an unbelieving husband, and he consents to live with her, she must not send her husband away.<sup>14</sup> For the unbelieving husband is sanctified through his wife, and the unbelieving wife is sanctified through her believing husband; for otherwise your children are unclean, but now they are holy.<sup>15</sup> Yet if the unbelieving one leaves, let him leave; the brother or the sister is not under bondage in such cases, but God has called us to peace.<sup>16</sup> For how do you know, O wife, whether you will save your husband? Or how do you know, O husband, whether you will save your wife?

A believer must not divorce (ἀφίημι) an unbelieving partner who is willing to make a go of their marriage. Indeed, the believer is told to do all he or she can to hold the marriage together for the sake of the unbelieving partner (hoping he/she will come to know Christ through continued association with the believer) and for the sake of the children (who if taken out of the believer's care would be counted and treated as pagans, i.e., "unclean").<sup>44</sup> If the unbelieving person gets remarried, the believer is in God's eyes no longer married. Reconciliation with the original spouse is now permanently forbidden by God (Deut. 24:2-4).

#### **Mistake to avoid:**

20. the belief that spiritual incompatibility is a Biblical basis for divorce.

### **Summary and Conclusion**

Twenty incorrect beliefs about divorce and remarriage have been identified in this paper:

1. the belief that Scripture requires the affirmation of the church or the state for a marriage covenant to be valid.
2. the belief that continence within marriage, i.e., abstaining from sexual relations, is virtuous.
3. divorce is a basic "right" that an unhappily married person may use to escape from an unpleasant situation.
4. divorce is always wrong. If one claims the right to divorce following the divine model (because of marital infidelity), divorce should be enacted only after an aggressive effort to restore the broken relationship, just as God aggressively sought to restore Israel to Himself. Even after divorce, God models a desire for reconciliation if the adulterous spouse truly repents.

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<sup>44</sup> If, as some argue, Paul is saying in 1 Cor. 7:15 that a woman is justified in remarrying after being deserted by an unbelieving husband, then he is saying that such desertion is either a) just grounds for divorce and the marriage may be dissolved or b) is the equivalent of divorce (cf. Ezra's sending away of the wives) and the marriage is dissolved by the desertion. I am currently undecided regarding how to interpret 1 Cor. 7:15.

5. adultery requires divorce. God models patient, pursuing love that seeks to restore His relationship with His adulterous spouse.
6. Moses commanded divorce.
7. marriage creates an indissoluble bond in God's eyes which only the death of one of the partners can terminate.
8. God wishes a divorced and remarried person to divorce or separate from their present partner and if possible to return to the person they first married.
9. remarriage to a third party after a divorce is always wrong.
10. premarital sex necessitates marriage.
11. a person cannot be disqualified from the right to get a divorce after they are married.
12. *porneia* "fornication" refers only to premarital unchastity.
13. no divorced person may ever remarry until his or her first spouse dies.
14. sexual incapacity is biblical grounds for seeking a divorce.
15. co-habitation constitutes marriage.
16. a divorce followed by a remarriage, while the first spouse is still living, is not a real marriage in God's eyes. Once a couple is married, they are genuinely married in God's eyes (unless it is a homosexual relationship).
17. remarriage after divorce is a perpetual state of adultery.
18. John the Baptist taught that remarriage after a divorce is always unlawful.
19. after divorce Christians need never look back. God's goal for His children is always for the restoration of their marriage where possible.
20. spiritual incompatibility is a Biblical basis for divorce.

Biblically, there are at least four reasons to reject the idea that remarriage after a divorce involves living in a state of continual adultery: 1) the grammar of Matt. 5:32 and Luke 16:18 does not support it; 2) the Mosaic law, which punished adultery by death, does not regard a second marriage after divorce as an adulterous relationship (Deut. 24:1-4); 3) Jesus affirmed that the Samaritan woman had had five husbands and thereby denied that she had had only one husband and multiple adulterous partnerships (John 4:18); and 4) Jesus affirmed that the Samaritan woman's present live-in was not a husband, thus distinguishing her adulterous relationship from her previous marriages (John 4:17-18).

Deuteronomy 24:1-4 and Jeremiah 3:1-6 make it unmistakably clear that it is never God's will for people who get saved, after having been divorced and remarried, to divorce their second spouse and return to their first spouse. God considers such a remarriage an abomination which pollutes the land in which it is committed.

God's intention for marriage is that it be a heterosexual, monogamous covenantal union that lasts for a lifetime. God regards wrongful divorce as treachery (Mal. 2:14-16) and adultery (Matt. 5:32). Those who violate His standards for marriage,

divorce, or remarriage, will be judged. However, obtaining an unbiblical divorce and remarrying unbiblically are not unpardonable sins (cf. Mark 3:28-29). Those who have committed adultery through divorce and remarriage can be forgiven and restored to right relationship with God (1 Cor. 6:9-11). On the other hand, "God will not be mocked: whatever a person sows that also will he reap" (Gal. 6:7). There always consequences to sin and, sadly, as our society evidences, the consequences of wrongful divorce and remarriage are lifelong and far reaching. Therefore, we should urge all within our care to avoid this sin.

In conclusion, perhaps it is appropriate to remind ourselves of Proverbs 17:15 "He who justifies the wicked and he who condemns the righteous, Both of them alike are an abomination to the LORD." We who are teachers will receive a more severe judgment (James. 3:1). Let us therefore do all within our exegetical power to interpret His word rightly, and let us pray for God's grace to preserve us from both the sin of justifying the wicked and the sin of condemning the righteous.