

DIVORCE AND REMARRIAGE IN MATTHEW'S EXCEPTION CLAUSE:
CULTURAL CONSIDERATIONS FOR THE
CHRISTIAN COUNSELOR

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Cultural Considerations for the

Christian Counselor

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Divorce, once relatively unknown among the "common man" in America, has now left untouched no aspect of that "common man's" life. Rare are the families which have not felt its sting among the immediate or near relatives, and no one is isolated from its reaches. The hurts are often compounded by the comments of friends and acquaintances which have been misled by ignorance or misinformation. And at a time when many of these people are looking for comfort, support, and information there is an apparent silence from the pulpits and lecterns of the churches.

With this background of ignorance and misinformation, the Christian counselor is being turned to for answers and guidance. What is he to tell these people? Upon what is he to base his answers to their questions?

By implication of his title, the "Christian" counselor should be striving to make his understanding, and therefore his instruction, to be as Biblically based as possible. But the various passages dealing with divorce and remarriage are confusing and often appear to be conflicting. Yet, it is the task of the Christian counselor to dig into these

scriptures, considering every aspect available in order that he may better understand the intended meanings. The purpose of this paper is to consider one of those aspects and determine its implication on the Biblical teachings concerning divorce and remarriage.

This paper will not examine each Biblical reference pertaining to divorce and remarriage. Its focus will be upon the "exception clause" contained in the passages of Matthew 5:31, 32 and 19:3-9. More specifically, the discussion will be centered upon these scriptures in light of the culture of the New Testament Jew.

True interpretation and understanding of scripture cannot be accurately accomplished by merely reading the passage and determining what it "seems" to mean. This hermeneutical error is caused by a misunderstanding of the fact that scripture was not written to us, but was written for us. All scripture was written by a person of a given culture, in a given location, living in a given time period. In most of the Bible the passage was written to people who were also of a given culture, location, and time period. A third dimension of culture, location, and time must be considered in some of the narrative sections, such as the one to be considered in this paper. One must never assume that the narrative characters, writer, or readers of any

passage thought as twentieth century Americans, for they were not twentieth century Americans. Therefore, to understand the true and deepest meanings of a given passage one must, as nearly as possible, place within himself the mindset of the writer, the reader, and, when necessary, the characters of the narrative. This is the premise upon which a study of the underlying cultural aspects of the exception clause of Matthew is endeavored.

The Grounds for Divorce

But I say to you that everyone who divorces his wife, except for the cause of unchastity, makes her commit adultery (Matt. 5:32)¹

And I say to you, whoever divorces his wife, except for immorality, and marries another woman commits adultery. (Matt. 19:9)

As Jesus gave the above instructions concerning divorce, He - a Jew - was talking to Jews. These passages were penned by Matthew - another Jew - who sent his compiled treatise of Christ's life to yet other Jews.² As Jesus spoke these words, what other teachings and ideas would those Jews have had that might have influenced their understanding of Jesus' teachings?

¹ All Biblical references are made to the New American Standard Bible unless otherwise noted.

² Charles Ryrie, The Ryrie Study Bible (Chicago: Moody, 1976), p. 1443.

The Jews of the first century were a composite of many different elements. They had existed as a nation for approximately fifteen hundred years, and had a history which predated that. Their history and tradition had been faithfully passed down from father to son for generations. This is easily seen in the constant references to "our fathers" and other such phrases throughout both the Old and New Testaments by the Jewish writers. But the most outstanding element to the Jews in their history was the giving of the Law by Moses. This Law is the first consideration in determining the thinking of any Israelite/ Jew after 1440 B.C.

Considerations from the Mosaic Law

The first passage to be considered within the Mosaic Law, with reference to the divorce issue of Matthew, does not discuss divorce per se. The passage is found in Leviticus 20:10 and says,

If there is a man who commits adultery with another man's wife ... the adulterer and the adulteress shall be put to death.

Under this law both people caught in adultery were given the death penalty. Divorce for adultery was not needed.

Therefore, there was not a need for any discussion in the Law for such a divorce, and other references to divorce must be considered in light of this passage.

The Jews' understanding of "adultery" should be noted, for it was due to this adultery that the death penalty - a graphic picture of divorcement - was imposed. The Hebrew word na'ap, translated here as "commits adultery," is used in reference to "sexual intercourse with the wife or betrothed of another man."³ With the prevailing attitude among the Israelites that accepted polygamy, any sexual relations with an unmarried woman would belong under the guidelines of Deut. 22:28, 29 instead of this verse. To this I. Abrahams says that a

. . . man could legally marry several wives, and sometimes did so. Thus an unmarried and unbetrothed woman with whom a married man had intercourse might become his wife; indeed such intercourse could be legally construed into a marriage.⁴

While such premarital activity was frowned upon, it was not punishable by death. To summarize and rephrase the teachings of this passage it may be said that anyone who had sexual intercourse with another who could not be their marriage partner at the time of the act was put to death.

³ Laird Harris, Gleason L. Archer, and Bruce K. Waltke, eds., Theological Wordbook of the Old Testament, II (Chicago: Moody, 1980), p. 542, quoting L. Koehler and W. Baumgartner, Lexicon in Veteris Testamenti Libros (Second ed., n.p.: n.p., 1958).

⁴ I. Abrahams, Studies in Pharisaism and the Gospels (N. Y.: KTAV Publishing House, 1967), p. 73.

The second passage of the Mosaic Law to be examined is the longest passage concerning divorce and remarriage in the Law of Moses. Found in Deut. 24:1-4, this scripture says:

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, and she leaves his house and goes and becomes another man's wife, and if the latter husband dies who took her to be his wife, 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.

The examination of this scripture brings to light two major difficulties. The first centers around the construction of the phrase in verse one which says, ". . . and he writes her a certificate of divorce. . . ." The Authorized Version renders this phrase as ". . . then let him write her a bill of divorcement. . . ." The latter rendition indicates a command to divorce one's wife under the given conditions while the former gives no such implication. The passage is probably best understood as a conditional sentence ". . . in which vers. 1-3 are the clauses of the protasis . . . and ver. 4 contains the apodosis. . . ." ⁵ This would make the

⁵ C. F. Keil and F. Delitzsch, Biblical Commentary of the Old Testament, III (Grand Rapids: Eerdmans, 1968 rpt.), p. 417. To this Driver agrees: S. R. Driver, The International Critical Commentary. A Critical and

writing of the divorce certificate a condition upon which something given later in the passage is based, and is not itself a command.

The second difficulty in this scripture concerns the grounds for divorce. The meaning of "indecency" is not clear. But in light of Lev. 20:10, this is obviously referring to something other than adultery. But whatever the meaning of this word, Jesus taught in Matt. 19:8 that this basis for divorce and remarriage was not part of God's perfect plan but was "permitted" due to the Jews' "hardness of heart." God's regulating non-adultery related divorce by no means sanctions its use. This cannot be read to imply the non-adultery use of divorce as being acceptable any more than implying that Arkansas law sanctions moderate speeding since a heavy penalty is imposed for driving at extreme speeds. Therefore, in light of God's perfect will, this passage offers no grounds for divorce and remarriage. Its purpose is to regulate the improper use of divorce, and as such has no direct relationship to the exception clauses in Matthew.

This passage was to have a very large impact upon the culture of the Jews. It was upon this verse that most of

the teachings of divorce by the rabbis was to be hinged.

This shall be seen in the next section.

Considerations from Contemporary Teachings

As time passed there seemed to be a reluctance on the part of Jewish men to have their unfaithful wives put to death. I. Abrahams says, "It is not probable that the death penalty for adultery was inflicted at all in the age of Jesus."⁶ Brown states that the "practice of stoning the offenders was still an issue in Jesus' lifetime, although it was by no means always carried out . . . " and was later abolished by the Romans.⁷ Even Joseph, upon discovering that Mary was "with child," was going to have her "put away" (divorced). (Matt. 1:19)

During this time there was a dispute among the two major schools of the Jewish rabbis over this issue of divorce. The debate was not as to whether divorce was lawful, for "[a]ll held that divorce was lawful, the only question being as to its grounds."⁸ The conservative school of Shammai taught that divorce was allowed only on the

⁶ Abrahams, p. 73.

⁷ Colin Brown, ed., The New International Dictionary of New Testament Theology, III (Grand Rapids: Zondervan, 1978), p. 538.

⁸ Alfred Edersheim, The Life and Times of Jesus the Messiah, II (Grand Rapids: Eerdmans, 1971 rpt.), p. 332.

grounds of unchastity. "The School of Shammai say: A man may not divorce his wife unless he has found unchastity in her, for it is written, Because he hath found in her indecency in any thing."⁹ But the other school of Jewish teaching, that of Hillel, was much more liberal. "And the School of Hillel say: [He may divorce her] even if she spoiled a dish for him, for it is written, Because he hath found in her indecency in any thing."¹⁰ The conflict between these two schools had continued for approximately one hundred years. But in all its conflict neither side excluded adultery as a legitimate grounds for divorce. In fact, both schools would accept divorce as legitimate to the extent that Shammai's school would understand "unchastity."

These teachings, both past and contemporary, were no doubt in the minds of the people as they sat upon the mountain and heard Jesus' words of Matt. 5-7. That these thoughts were behind the questions of the Pharisees in Matt. 19 is more than obvious. But what does all this mean to the Christian counselor?

It would have been a foreign idea to the Jews listening to Jesus, as well as to Matthew and his readers, for the

⁹ Herbert Danby, trans., The Mishnah (Oxford: Oxford, 1933), p. 321.

¹⁰ Danby, p. 321. (Brackets are in original document.)

Lord to be excluding divorce upon the grounds of adultery without His actually saying so. Nowhere in the Old Testament is divorce forbidden to the partner of an adulterous spouse. Though having quite different views, neither Hillel nor Shammai taught that divorce was not allowed for adultery. And the word chosen by Matthew to express Jesus' exception, "unchastity," (porneia) is defined as ". . . a term which includes adultery and any kind of illegitimate sexual intercourse. . . ." ¹¹ Therefore, any reading of the idea that adultery is excluded as grounds for divorce from the passages of Matt. 5 and 19 is imposing thoughts which are not only foreign, but are actually contrary to the thought of the scripture. It can therefore be established that the Jews would have understood Jesus' teaching to have not excluded divorce due to adultery, i.e., sexual intercourse with one who is not able to be one's spouse.

The Basis for Remarriage

But I say to you that everyone who divorces his wife, except for the cause of unchastity, makes her commit adultery; and whoever marries a divorced woman commits adultery. (Matt. 5:32)

And I say to you, whoever divorces his wife, except for immorality, and marries another woman commits adultery. (Matt. 19:9)

¹¹ Brown, p. 538.

It has been shown that the average Jew would have understood Jesus not to be excluding the right to divorce upon the grounds of adultery. But the Christian counselor must face the question of what should the "innocent party"¹² now do? Or, more specifically, what is he/she scripturally allowed to do? Must he/she continue in this state of "non-marriage," or is there an option to remarry? All twentieth century emotions and ideas must be set aside as a search of the scripture is made. The counselor must determine what is contained therein and base his understanding and theology upon that.

Considerations from the Mosaic Law

Again one must dig back into time to come to full comprehension of the Jewish thought, which is necessary for an understanding of the text of Matthew. Was remarriage allowed under the laws and customs of the Old Testament? To get a true picture of the Old Testament (hereafter OT) idea of remarriage one must first consider the OT idea of divorce.

Within the Law the right of remarriage to the one who had received a "divorce" based upon adultery is without question. Lev. 20:10 requires the death penalty for anyone

¹² The term "innocent party" is used here to refer to

caught in adultery. To assume that the party that was left should have to remain unmarried for the rest of his/her life would be totally ungrounded. No documentation to this effect has been found in the research for this paper.

In the case of Deut. 24 little can be determined due to the intention of the passage. As stated earlier, this passage was given to regulate an improper use of divorce rather than to establish a "non-adultery" use of it. Therefore remarriage, while maybe implied here, cannot be determined to be either acceptable or unacceptable from this passage.

This scripture can, however, shed some light on the Jews' understanding of the meaning of divorce. The Hebrew word *k^eritut* is used here and is translated "divorce." It is derived from the root *kārat* which means to "cut off a part of the body, e.g. head, hand, foreskin; cut down trees, idols; cut out, eliminate, kill. . . ." ¹³ Also, ". . . there is the metaphorical meaning to root out, eliminate, remove, excommunicate or destroy by a violent act of man or nature." ¹⁴ By using such a word for divorce the

the spouse who was not guilty of the sexual immorality.

¹³ E[lmer] S[mick], Theological Wordbook of the Old Testament, I, eds. Laird Harris, Gleason L. Archer, and Bruce K. Waltke (Chicago: Moody, 1980), p. 456.

¹⁴ Ibid., p. 457.

Jew would have viewed divorce as the dissolution of the previous marriage. As one's arm, once cut off, was to be no longer a part of the body from which it came, so also the woman was to be considered as no longer a part of the marriage from which she had been "cut off."

Considerations from Contemporary Teachings

As the Jews became more reluctant to have the death penalty imposed upon their unfaithful partners they began to follow the outline given in Deut. 24 as a means of divorcing those who had been unfaithful, as well as cases due to non-adultery. One wishing to divorce his wife would have the proper authorities write a bill of divorcement, known as a Get or Git. With the proper signatures affixed to it he would deliver it to his wife. The form of the Get was as follows:

On the _____ day of the week, the _____ day of the month _____ in the year _____ of the creation of the world, according to the number we reckon here, _____ the city, which is situated on the river _____ and contains wells of water, I _____ son of _____ who stand this day in _____ the city situated on the river _____ and containing wells of water, do hereby consent, to grant a bill of divorce to thee, my wife _____ daughter of _____ who hast been my wife from time past, and with this I free, release and divorce thee that thou mayest have power over thyself from now and hereafter, to be married to any man whom thou mayest choose and no man shall hinder thee from this day forevermore, and thus thou art free for every man. And this shall be unto thee from me a bill of divorce,

a letter of freedom, and a document of dismissal, according to the laws of Moses and Israel.¹⁵

It was this very form, strictly governed in its writing, form, signatures, delivery, and use, with which the Jews of Jesus' time were familiar. As can be easily seen from the Get, the divorced party was free from any obligation to the now former marriage partner. This freedom was not confined to only being free from the former partner, but also "to be married to any man whom thou mayest choose." The understanding of the Jews listening to Jesus would have been to allow remarriage to any divorced person.

Official Judaism, throughout the ages, followed the principle of the School of Hillel; and, of course, the unnatural prohibition for the parties to marry again is quite unknown to it.¹⁶

Another item to consider is found in the Mishnah. In discussing the means by which a woman could be freed from her marriage, the Mishnah gives two ways: Death of her husband and divorce.¹⁷ This equates the freedom brought by the death of the spouse - after which one can remarry - to the freedom given by divorce. This, plus an absence of evidence to the contrary, implies that the divorcee was free to remarry.

¹⁵ William Rosenau, Jewish Ceremonial Institutions and Customs (N. Y.: Bloch Publishing Co., 1903), pp. 165, 166.

¹⁶ J. H. Hertz, ed., The Pentateuch and Haftorahs (London: Soncino Press, 1960), p. 932.

¹⁷ Danby, The Mishnah, p. 321.

The Greek word used by Matthew for divorce is *apolūō*. Defined as "to loose from, sever by loosening, undo,"¹⁸ this word is used in reference to the releasing of a prisoner or a debtor.¹⁹ As each of these are considered to be as free as they would have been had they never been bound, would the first century Jews not likewise consider the divorcee to be free - free to make the same choices that could have been made had he/she never been "bound"?

Jesus' own teaching suggests that there will be remarriage for the divorced person. In Matt. 5:32 He says that a woman who was divorced on non-unchastity grounds was made to commit adultery. Would a woman who had been divorced be an adulteress upon that fact alone? Since adultery is sexual unfaithfulness towards one's spouse, it would be necessary to engage in sexual intercourse in order to be an adulteress. In light of the previous discussion it is safe to say that Jesus was probably assuming remarriage.

This is not to say that Jesus Himself taught that everyone who was divorced should or was scripturally able to remarry. His teachings indicate that if there is no sexual

¹⁸ Joseph Henry Thayer, Greek-English Lexicon of the New Testament (Grand Rapids: Zondervan, 1979 rpt.), p. 66.

¹⁹ William F. Arndt and F. Wilbur Gingrich, A Greek-English Lexicon of the New Testament (Chicago: Univ. of Chicago Press, 1957), pp. 95, 96.

immorality in one of the partners then neither partner is free to remarry, for such would be adultery in itself.

Conclusion

As the Christian counselor transcends the bias and preconceived ideas of his twentieth century mindset and attempts to grasp the mindset of the first century Jew, some new light is shed upon the subject of divorce and remarriage. From the above mentioned cultural considerations the following can be concluded.

First, the Jews who heard Jesus speak and the ones who read Matthew's letter assumed that adultery was sufficient grounds for divorce. Jesus' teachings indicate His agreement with this. Without anything to suggest that such an idea is wrong it must be concluded to be correct.

Second, the Jews also assumed that any legitimate divorce allowed remarriage. Jesus' words limited the legitimate reasons for divorce, but did not contradict their assumption concerning remarriage.

Bibliography

- Abrahams, I. Studies in Pharisaism and and the Gospels. N.Y.: KTAV Publishing House, 1967.
- Adams, Jay E. Marriage, Divorce, and Remarriage. Grand Rapids: Baker, 1980.
- Allen, Willoughby C. The International Critical Commentary. A Critical and Exegetical Commentary on the Gospel According to S. Matthew. N. Y.: Edinburgh, n.d.
- Arndt, William F., and F. Wilbur Gingrich. A Greek-English Lexicon of the New Testament. Chicago: Univ. of Chicago Press, 1957.
- Brown, Colin, ed. The New International Dictionary of New Testament Theology, 3 vols. Grand Rapids: Zondervan, 1978.
- Danby, Herbert, trans. The Mishnah. Oxford: Oxford, 1933.
- Davidson, Benjamin. The Analytical Hebrew and Chaldee Lexicon. Grand Rapids: Zondervan, 1970.
- "Divorce." Encyclopaedia Judaica. Jerusalem: Keter Publishing House, 1972.
- Driver, S. R. The International Critical Commentary. A Critical and Exegetical Commentary on Deuteronomy. Edinburgh: T. & T. Clark, 1895.
- Duty, Guy. Divorce and Remarriage. Minneapolis: Bethany, 1967.
- Edersheim, Alfred. Sketches of Jewish Social Life. Grand Rapids: Eerdmans, 1950.
- _____. The Life and Times of Jesus the Messiah. II. Grand Rapids: Eerdmans, 1971 rpt.
- Elwell, Walter A. Evangelical Dictionary of Theology. Grand Rapids: Baker, 1984.
- Harris, Laird, Gleason L. Archer, and Bruce K. Waltke. Theological Wordbook of the Old Testament. 2 vols. Chicago: Moody, 1980.

- Hertz, J. H., ed. The Pentateuch and Haftorahs. London: Soncino Press, 1960.
- Jackson, Samuel M., ed. The New Schaff-Herzog Encyclopedia of Religious Knowledge. 13 vols. Grand Rapids: Baker, 1950.
- Keil, C. F. and F. Delitzsch. Biblical Commentary on the Old Testament. III. Grand Rapids: Eerdmans, 1968 rpt.
- Koehler, L. and W. Baumgartner. Lexicon in Veteris Testament Libros. 2nd rev. ed. n.p.: n.p., 1958.
- M'Clintock, John, and James Strong. Cyclopaedia of Biblical, Theological, and Ecclesiastical Literature. II. Grand Rapids: Baker, 1968.
- Rosenau, William. Jewish Ceremonial Institutions and Customs. N. Y.: Bloch Publishing Co., 1903.
- Ryrie, Charles C. The Ryrie Study Bible. Chicago: Moody, 1976.
- Schalchlin, Curtis Andrew. Divorce and Remarriage: A Biblical Examination Including Practical Applications and a Survey of Baptist Missionary Association of America Pastors. M.A. thesis, Central Baptist College, 1985.
- Spence, H. D. M. The Pulpit Commentary. XV. Grand Rapids: Eerdmans, 1950.
- Tenney, Merrill C. The Zondervan Pictorial Encyclopedia of the Bible. II. Grand Rapids: Zondervan, 1975.
- Thayer, Joseph Henry. Greek-English Lexicon of the New Testament. Grand Rapids: Zondervan, 1979 rpt.
- Trepp, Leo. The Complete Book of Jewish Observance. N. Y.: Behrman House, Inc./Summit Books, 1980.
- Turnbull, Ralph G., ed. Baker's Dictionary of Practical Theology. Grand Rapids: Baker, 1967.
- Wight, Fred H. Manners and Customs of Bible Lands. Chicago: Moody, 1953.