

The Divorce Debate

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The Bible has much to say about the subject of marriage and divorce, but it is generally agreed that it is a most difficult topic. And it is made even more difficult by the emotions and conflicts of real-life situations. Scholars much wiser than I have debated the issue and still disagree. Therefore, the primary purpose of this lesson is not to present a particular dogmatic position, but rather to simply share information from various viewpoints that may further help others in their own personal study of the issue. Please consider these thoughts with much prayer and diligent Bible study. I invite any comments that might further lead us all to a better understanding of God's will and truth in this matter.

Introduction

The Bible teaches that God Himself instituted and approves of marriage. Genesis 2:18, 24 says, "Then the Lord God said, 'It is not good for the man to be alone; I will make him a helper suitable for him.' For this cause a man shall leave his father and his mother, and shall cleave to his wife; and they shall become one flesh." Hebrews 13:4 says, "Let marriage be held in honor among all, and let the marriage bed be undefiled." And then Paul says in 1 Corinthians 7:2, "But because of immoralities, let each man have his own wife, and let each woman have her own husband."

The Bible also teaches that God hates divorce; Malachi 2:14-16 (context is Israel's apostasy) says (NIV), "The Lord is acting as a witness between you and the wife of your youth, because you have broken faith with her, though she is your partner, the wife of your marriage covenant. Has not the Lord made them one? . . . Do not break faith with the wife of your youth. 'I hate divorce,' says the Lord God of Israel."

Marriage and Divorce in the 1st Century

Ray Summers, in his book *Worthy is the Lamb* about the NT book of Revelation (Broadman Press, 1951, p. 91), describes the conditions of the Roman Empire around the end of the first century:

Crimes were multiplied; vice made no attempt to hide; a monstrous contest of lust and wickedness was carried on. Marriage came to be a commercial transaction easily affected and as easily dissolved. Seneca said there were women who counted their years not by the number of consuls but by the number of their husbands. Marriage was held in such contempt that laws against celibacy had to be passed.

About a generation before the time of Jesus, there were two main parties of rabbis: the **Shammaites** and the **Hillelites**.

✚ Those who followed **Shammai** were perhaps the conservatives of their day ✚ While those of **Hillel** were perhaps more liberal.

✚ These two groups would meet regularly to engage in great discussions over matters of the Law. One issue that was continually debated was that of marriage and the proper grounds for divorce. **Deuteronomy 24:1-4**

In v1, it says that a man is to give his wife a certificate of divorce if "she finds no favor in his eyes because he has found a matter of indecency in her." The debate of these two groups focused on the meaning of the phrase "a matter of indecency."

Shammai and his followers argued that it meant that one could divorce his wife only on the grounds of fornication/adultery.

On the other extreme, Hillel divided the words into two parts in order to allow a divorce for either something "indecent" or for any "matter." They therefore allowed a man to divorce his wife for almost any reason: being a poor cook, speaking too loud, or even because someone else was prettier (Mishnah Gittin 9.10).

This debate is actually recorded in the Mishnah (written account of Jewish oral traditions – time period 1st C BC to 2nd C AD): "The Party of Shammai say: A man may not divorce his wife unless he finds indecency in her, for it says: "Because he found in her a matter of indecency" (Deut. 24.1). But the Party of Hillel say: [A man may divorce his wife] even if she spoiled the broth, for it says: [any] "matter" (Deut. 24.1)."

In my in-depth study of this issue a few years back, I came across some information from Dr. David Instone Brewer (Research Fellow at Tyndale House in Cambridge, England; in *Biblical Divorce and Remarriage*). He and I actually emailed back and forth some discussing some of these things. He speaks about the common practice of that day:

The differing interpretations by these two parties would have resulted in two types of divorce. A Hillelite rabbi would validate a divorce on any grounds, but a Shammaite rabbi would require proof of sexual immorality. The minimum procedure for a divorce was for a man to write out a certificate and give it to his wife. However, a divorce certificate was an important legal document, because it established the woman's right to her dowry. Her dowry, which usually consisted of a large proportion of their combined resources, had to be returned to her when she was divorced, unless she had been unfaithful.

The husband had to decide which rabbi to go to for his divorce - a Hillelite or a Shammaite. He could go to a Hillelite who would validate a divorce certificate without requiring a trial or any real grounds for the divorce, or he could submit himself and his wife to a Shammaite trial.

If the husband had proof of immorality, he may decide to divorce her on the grounds of adultery. This brought him considerable advantages because his wife could be dismissed without the dowry which was normally returned to her when she was divorced. However, this course of action was very difficult and it carried a risk.

One [possible] example of the quiet Hillelite divorce is found in the New Testament, when Joseph decided it was necessary to divorce his betrothed Mary (Matthew 1:18-21). Although they were not yet married, a betrothal could only be broken by a divorce. Even though he assumed that adultery had occurred, he preferred to avoid the public trial and humiliation involved in proving infidelity.

Joseph could probably have proved the supposed sexual immorality, simply by waiting for the birth, and by providing alibis for himself. But this would have meant public humiliation for Mary and a lengthy legal procedure for himself, with the possibility that he would be accused of being the father.

Matthew records that Joseph did not want to put Mary to public disgrace, so he decided to divorce her quietly (Matt.1.19). This suggests that he decided to use a Hillelite divorce on the grounds of "any matter" rather than try to prove Mary's apparent sexual immorality. It is significant that Joseph was called "righteous" for this action, showing that this form of divorce was not only acceptable but was considered morally superior in this kind of situation.

Matthew 19:3-12 – Jesus on Marriage and Divorce

▣ Matthew 19:3-12

In v3, the Pharisees asked Jesus, "Is it lawful for a man to divorce his wife for any cause at all?" In other words, which position do you take on this issue? Hillel or Shammai? The way that they formed the question suggests the teaching of Hillel (divorce for any matter) as opposed to that of Shammai (only for uncleanness). As already mentioned, the interpretation of Deuteronomy 24:1-4 was the oft-debated question of their day; it appears they wanted to test Jesus to see if He sided with the more-common Hillelite view.

Before specifically answering their question, Jesus began by making it clear that God never intended for divorce to occur; ideally marriage is to be a lifelong commitment. Jesus quoted from Genesis 1:27 and 2:24 to show that God has always wanted and will always want two people to be married and stay married to each other for life. That was His intent "from the beginning" and it has not changed.

The Pharisees persisted and asked further in v7, "Why then did Moses command to give her a certificate of divorce and send her away?" In other words, why did God (through Moses in Deuteronomy 24) give a command regarding divorce if He is really opposed to divorce? This gave Jesus an opportunity to clarify another aspect of the Law. The Jews had determined that divorce was a completely acceptable thing; after all, Moses had even made a law concerning such. But Jesus pointed out that the law was not given because God approved of divorce, but rather because of their "hardness of heart."

(It is speculated that the practice of divorce was something they picked up in Egypt; the Egyptians were said to change wives often.) The Israelites had become hard-hearted and were apparently determined to divorce, regardless of God's desire. Therefore a law was given to somewhat control and hopefully hinder their actions, as well as to protect the rights of those women who were put away.

Only One Acceptable Reason to Instigate a Divorce

Q: What does *instigate* mean? To cause something. It is an active word, not a passive word. It is important to remember this distinction.

Finally, Jesus gave His response in Matthew 19:9: "Whoever divorces his wife, except for immorality, and marries another woman commits adultery." (The KJV adds: "...and whoso marrieth her which is put away doth commit adultery." This phrase may be an interpolation from Matthew 5:32.)

The phrase "except for immorality" is very similar to the phrase "except for the cause of fornication (*logou porneias*)" in Matthew 5:32, which is in turn remarkably similar to the phrase "a matter of indecency (*dabar ervah*)" in Deuteronomy 24:1.

The Hebrew *dabar* means "word" or "matter" and the Greek *logou* (Strong's #3056) is usually translated as "word," or sometimes as "matter" or "thing." The Hebrew word *ervah* literally means "shameful exposure or nakedness," and thus it seems to be related to the Greek *porneias* (Strong's #4203), meaning "illicit sexual intercourse."

Thus it appears that Jesus used a very similar phrase to that which is found in Deuteronomy 24:1. He did not, as Hillel did, divide the phrase into two parts in order to allow divorce for any matter, and thus His position was actually much closer to the Shammai view. Jesus gave only one allowable reason to instigate a divorce: sexual immorality (KJV: fornication). He said that if a man divorces his wife for any other reason, and then marries another woman, he commits adultery.

Is it a sin to instigate a divorce for any other reason? Yes. Is it a further sin to then marry someone else after such a divorce? Again, yes.

Immorality/fornication (the only allowable reason given by Jesus that one may instigate a divorce) has generally been interpreted to mean adultery in marriage ("unlawful intercourse with another's wife"), but it should be

noted that Jesus actually used the word *porneia*, which is a broader word for all types of sexual immorality. While it would include adultery, it can also refer to sexual sin committed before marriage (it includes homosexuality and all manner of perversions).

▣ Deuteronomy 24:1 and 22:13-21

The Hebrew word *ervah* in Deuteronomy 24:1 appears to have a similar broad meaning. As mentioned above, it literally means shameful exposure or nakedness, and is generally translated as uncleanness or indecency. But no known version translates it as fornication or adultery. Since many sexual sins were punishable by death, "uncleanness" would seem to refer to some other shameful act that did not require death, but was still serious enough to be grounds for divorce.

▣ Matthew 5:27-28 (Might this also refer to the sinful habit of sexual lusting?)

Finally, in Matthew 19:10, the disciples were apparently astonished and said, "If this is so, it is better not to marry." Apparently the Hillelite position and the Hillelite divorce proceeding had become the norm, and the Jews had become quite used to the practice of divorce.

Jewish marriages were often arranged by the parents. If the selection of a wife was not pleasing to the man, he would typically divorce later and then select a wife of his own choosing. Jesus gave no opposition to arranged marriages, but He forbade the practice of divorcing in order to find a more suitable mate. Thus the disciples determined it would be better not to marry at all if easy divorce was no longer an option. Jesus responded by saying that not all have the ability to live as "eunuchs" (v11-12).

Matthew 5:31-32 – Jesus on Marriage and Divorce

In Matthew 5:31-32, Jesus said, "And it was said, 'Whoever sends his wife away, let him give her a certificate of divorce;' but I say to you that everyone who divorces his wife, except for the cause of unchastity (KJV: fornication), makes her commit adultery; and whoever marries a divorced woman commits adultery."

Hugo McCord (in a "Firm Foundation" article, December 1998) refers to Matthew 5:32 and says the phrase "commit adultery" is not properly translated. He refers to Thayer who shows that Jesus here used the passive tense of the word (*moicheuthenai*) meaning: "to suffer adultery, to be debauched." McCord says, "The innocent woman has been victimized, used, and exposed. She has not committed adultery, but she has been left as though she had done so."

Remember Deut 22 talked about making accusations and the seriousness of creating a stigma that is untrue; v19 gave a punishment to such a one "because he publicly defamed a virgin of Israel." Here in Matthew 5, Jesus used the passive tense to refer to the stigma placed on her. And thus it is not true to His original words to render them in the active tense as is common in most translations. It also appears that many may have made numerous conclusions and laws emanating from the erroneous translation of Jesus' words, thus likely making the conclusions and laws themselves erroneous.

So what did Jesus say in this passage? Using the passive tense (in regards to both the woman and the man who marries her), various Greek scholars have suggested something like the following: "But I say to you that everyone who divorces his wife, except for the cause of unchastity, makes her stigmatized as if she had committed adultery; and whoever marries a divorced woman is stigmatized as if he had committed adultery." (**Stigmatized** means "set a mark of disgrace upon") Neither the discarded woman nor the man who marries her have committed sin, but they have been wronged by the one who unjustly thrust the divorce upon his wife.

Does This Principle Apply to Us Today?

Jesus allowed only one reason to instigate divorce: fornication. Does this principle still apply to us today? Some say that it does not because the true context of the passage is simply Jesus answering a question about the Law.

The Pharisees had apparently asked for Jesus' interpretation of Deuteronomy 24:1-4 concerning the grounds for divorce and Jesus gave it.

If, in fact, that is all He is doing, then it would not truly be applicable in the Christian age (since we are not now under the Jewish Law; our civil law recognizes other reasons for a valid divorce).

It may be, however, that Jesus was also intending that such would continue to be God's law on the matter. Three reasons are given to support such:

1. Jesus referred to God's eternal intent for marriage in spite of man's common failure to live up to it. Thus His teaching regarding the one reason to instigate divorce would likely be intended for all time.
2. His response is very similar to that used many times in His sermon on the mount (Matthew 5-7). There Jesus often referred to the common understanding of OT teaching, but He would then say, "But I say to you..." Jesus would thus clarify the true intent of the OT teaching as well as introduce teachings that would also be applicable in the new covenant.
3. Later, in 1 Corinthians 7:10-11, Paul teaches about marriage and divorce and says concerning his teaching, "Not I, but the Lord." Most scholars agree that Paul means he is teaching about a subject that Jesus Himself had already addressed, thus apparently indicating that Jesus' command on the subject was to be applicable in the Christian age (not just under the Law of Moses).

Mark 10:2-12 – Jesus on Marriage and Divorce

Mark 10:11-12 says, "Whoever divorces his wife and marries another woman commits adultery against her; and if she divorces her husband and marries another man, she is committing adultery." Mark's account (10:2-12) is quite similar to Matthew 19:3-12 and we don't need to spend much time on it here.

However, there is one notable difference. What is it? Mark adds a clause about a wife who divorces her husband. Matthew did not include a clause about a wife doing such because he was writing primarily to a Jewish audience. And it would have been quite uncommon for a wife to do so in that culture. Mark, on the other hand, was written primarily to a Gentile audience. And in that culture, it would not have been as uncommon for a wife to do so. The command is the same to both the husband and the wife: neither should instigate a divorce except for the one reason Jesus also gave in Matthew 19.

Luke 16:18 – Jesus on Marriage and Divorce

The Book of Luke has only this one single verse on this subject. It is unique in at least two ways:

First, It seems to be inserted into the midst of a section that has nothing to do with marriage or divorce. This might actually be another case of interpolation, meaning that Jesus might have said this, but not at this time, and it somehow made its way into a manuscript and kept being copied that way ever since.

The second unique issue with this verse is that the 2nd part is worded in a way quite different from all other accounts on this issue. I say different even though it sounds very much like the clause in Matthew 5:32 which says: "...whoever marries a divorced woman commits adultery." **But there is a difference.**

Jesus' statement here in Luke 16:18 is *not* in the passive tense like Matthew records. Luke puts it in the active tense, thus saying something quite different, seemingly the opposite of what is recorded elsewhere. (By the way, that might explain why translators chose to translate Matthew 5:32 the way they did even though it is not

accurate given the passive tense there.) If you translate Matthew 5:32 in the passive tense and Luke 16:18 in the active tense, then you end up with what appears to be a flat-out contradiction between the two.

✠ Matthew 5:32 (passive tense) “whoever marries a divorced woman is stigmatized as if he had committed adultery”

✠ Luke 16:18 (active tense) “he who marries one who is divorced from a husband commits adultery” But I don’t think there is such a contradiction. Consider an explanation on how the passive meaning of Matthew 5:32 and the active meaning of Luke 16:18 don’t necessarily have to contradict each other.

□ Some have suggested that the statement can best be understood in the overall context of Jesus' responding to the Pharisees who were condemning Him for associating with sinners back in Luke 15:2. **Luke 15:1-**

2 Luke 5:27-32

So back to ch15, Jesus tells the parables of the lost sheep/coin/son to emphasize the importance of seeking to save the lost. The Pharisees were emphatic about how good they were, and they were definitely part of the flock/fold. And they should have rejoiced at Jesus seeking to bring more into the fold (something they themselves should have been doing). Instead they were consumed with emphasizing how good they thought they were. But they weren't, were they? They were sinners like everyone else. And, in fact, they were often worse than others in their sin. And that may have been why Jesus said what He did in 16:18. Maybe it wasn't an interpolation. Maybe Jesus did indeed say that very thing right then and there. **Luke 16:14-18**

□ Allow me to paraphrase what I think Jesus may be saying to these people:

“You think you are so special and so righteous. You seek to justify who you are and everything you do as if you are truly better than anyone else on the face of the earth. You point fingers at everyone else and the things they do wrong, and you don’t even realize how wrong you yourselves are in so many things.

“For instance, the way you treat God’s law on marriage. He intended it to be for life, but you wanted to be like the Egyptians and everyone else who kept a wife until she didn’t quite suit you, so you got rid of her so you could find someone else that was more appealing to you. And then you got tired of her, and started all over again. “And when God through Moses gave you instruction on how you ought to treat these women you are so anxious to cast off, you decided that must surely mean that God is just fine with divorce as long as you give her a nice piece of paper telling her she needs to go find somewhere else to live, and maybe someone else to marry. “And it goes on and on, and never seems to stop. You divorce this wife and go marry another, thinking that is acceptable to God. But it’s not. You are committing adultery over and over again. You find a new wife. She finds a new husband. And before you know it, everyone is committing adultery over and over again without even seeming to realize it.

“You are not the righteous people you think you are. You are sinners just like everyone else.”

That is what some scholars think Jesus meant by what He said in this particular verse. They criticized Him for caring about sinners, so He points out that they too are sinners. And especially in the blatant way they divorce and marry and divorce again and on and on.

In other words, if this is the correct understanding of this verse, then Jesus is not so much giving instruction here as to what constitutes adultery. He is not telling them what they *should* be doing or what they should *not* be doing, but rather He is sadly stating what they **ARE** doing.

He is noting their adulterous and faithless attitudes towards marriage covenants. They had no concern for how many times a person had been married and divorced. “If you’re not legally attached to some other husband or wife right now, then come hang with me until we decide to go our separate ways and find other people we like

better.”

If this is correct (and I think it is), then Jesus wasn't trying to give them the rules about marriage and divorce; they already knew what God and Jesus had taught. Jesus was sadly pointing out the tragic way those people were living right then.

Look at the verse: When you divorce your wife so you can go marry someone else, you're committing adultery. And when you go find someone else to marry, and that person has also been married and divorced, then all of you are committing adultery.

You think you are so righteous, and you seek to justify everything you do as if you're always right. But the fact is, all of you are a bunch of adulterers. And you're doing it over and over again, because you obviously have no regard for what God had said about the sanctity of marriage.

1 Corinthians 7:10-11 – Paul & Jesus on Marriage and Divorce

The church at Corinth had apparently written to Paul with some questions on various issues. One of those issues was regarding marriage and divorce. In 1 Corinthians 7:10-11, Paul says, "But to the married I give instructions, not I, but the Lord, that the wife should not leave her husband (but if she does leave, let her remain unmarried, or else be reconciled to her husband), and the husband should not send his wife away."

Paul uses two terms in this passage: "leave" from the Greek word *choristhenai* and "send away" from the Greek word *aphienai*. According to Thayer's Greek-English Lexicon, *choristhenai* (Strong's #5563) in 1 Corinthians 7 means "to leave a husband or wife: of divorce;"

And, according to Thayer, *aphienai* (Strong's #863) in 1 Corinthians 7 refers to "a husband putting away his wife." Essentially, the first refers to something you do yourself (choosing to leave), while the second is something you do to someone else (making your spouse leave).

The result, though, is the same since both refer to a separation between husband and wife. It should be noted that, as Paul wrote this, according to Roman law, a divorce was considered complete when one spouse left; there was no need for any further legal proceeding.

Notice he said that one was "unmarried" after the other had left. Thus, when Paul speaks of leaving or sending away, he is apparently referring to divorce.

The command to the Christian is: stay married; do not leave. But if you do leave (therefore separated/divorced), do not marry someone else. God's true desire in the matter is reconciliation. (This is similar to 1 John 2:1 in that the ideal is first presented: "Do not sin," followed by, "If anyone does sin, we have an Advocate with the Father, Jesus Christ the righteous.")

Both husband and wife are commanded to maintain their marriage commitment. If one leaves, or sends the other away, it is a sin. If that one then marries someone else, it is apparently a further sin (contrary to Paul's instruction). This is consistent with what Jesus taught when He said that to do so is to commit adultery.

1 Corinthians 7:12-16 – Paul on Marriage and Divorce

☐1 Corinthians 7:12-16

Jesus had discussed what the Law said about marriage and divorce in Matthew 19:9, but that was not all that was to be given on the subject.

In v10-11, Paul commented on the subject in connection with what Jesus had already given ("not I, but the Lord").

But then in v12-16, Paul gave further instructions beyond what Jesus had personally given. He specifically said, "I say, not the Lord," which most scholars see as meaning that Jesus did not speak of the issue that Paul herein addresses.

Paul gives this instruction to Christians married to non-Christians. As he refers to them as "the rest," it is commonly accepted that v10-11 then refers to Christians married to Christians. There is, however, another (and perhaps more pertinent) difference between these two groups.

As just mentioned, in v10-11, Paul addresses the one who is tempted to leave the marriage. In v12-16, on the other hand, he addresses the one whose mate is leaving (or has left) the marriage.

His command to such at first seems basically the same as in v10-11: the Christian is not to leave his/her mate nor send her/him away. Just because that spouse is not a Christian does not allow one to divorce.

Stay together; it would be wrong to divorce.

But Paul also gives some positive reasons to stay together in marriage:

1. v14 Your marriage is recognized by God who surely seeks to bless both the believer and the unbeliever in that marriage, as well as their children.
2. v15 "God has called us to peace." Or, as Jesus said in Matthew 5:9, we are to be peacemakers, not people who bring about division.
3. v16 The marriage may likely help in converting the unbeliever (see also 1 Peter 3:1).

So... even if your spouse is not a believer, stay married. It would have been better if you had married a Christian, or that your spouse also became a Christian when you did. But even if that one remains an unbeliever, stay married anyway. Good things can and do still happen.

But then Paul makes a statement that differs from what was said in v10-11.

In v15 Paul speaks about what to do if one's **mate** instigates a divorce.

He says, "Yet if the unbelieving one leaves, let him leave; the brother or the sister is not under bondage in such cases."

Paul does not command one who is deserted to reconcile for such is not possible except by the one who leaves (thus the command in v10-11).

As noted above, according to Roman law (and as Thayer indicates), the marriage was now legally over.

To the Christian in v10-11, Paul said don't leave and don't marry another, but to the one already deserted, Paul says, "You are not under bondage."

Meaning of "Not Under Bondage"

What does Paul mean by "not under bondage?" Some hold the view that it refers to a release from marital obligations, but not a release to marry again:

- David Lipscomb, in his commentary on 1 Corinthians (Gospel Advocate Company, Nashville, Tennessee, 1935), states: "The meaning most likely is that the believer can regard the unbeliever's act as final, and need

not seek to live with him, while yet in such cases remarriage is not approved. The Christian should be prepared to restore the marriage relation when possible, and this certainly is safe ground."

- Carl Holladay, in his commentary (Sweet Publishing Company, Austin, Texas, 1979) states: "Although this is taken by some commentators to mean 'is not bound to that husband anymore, and therefore free to remarry,' this is hardly possible. ³First, because the context demands that it be read 'is not under obligation.' Second, because it is unlikely that he would concede here what he did not concede earlier (cf. 7:11). Here the meaning is that the believing spouse is not obligated to make what are obviously futile attempts to maintain the relationship."
- Hugo McCord, (Firm Foundation article) said: "[Paul] did give a release from the obligations due to her husband who had left her, but he did not give a remarriage privilege. If he had, he would have been allowing desertion as a ground for divorce and remarriage, whereas Jesus had allowed only fornication."

On the other hand, many understand "not under bondage" to mean that the marriage bond is broken or destroyed and the Christian is free to marry again. Accordingly, the following points are made:

- Indeed some have said that Paul is merely giving a release from marital obligations, but no such release is not needed from Paul. The unbeliever had already divorced the Christian and left! Therefore it would make no sense for Paul to give any further release to the one deserted other than the freedom to remarry.
- Some have stated that Matthew 19:9 is everything given on the subject of marriage and divorce, but Paul's comments make it clear that such is not the case; there was more to be revealed than just what Jesus had said. This is consistent with the principle of progressive revelation.
- For instance, Jesus did not mention that widows are allowed to marry again, but we know such is permitted because Paul states it later in this same chapter (v39). Also, in John 3:16, Jesus said that those who believe in Him will have eternal life. Many have said that this is everything on the subject of salvation and so they disregard Acts 2:38, etc. But they err in doing so because there was further revelation on the matter.
- Likewise, Jesus gave His instruction on marriage and divorce, but there was more to come later. Jesus and Paul both instructed one who is married not to divorce/put away his/her spouse. But Jesus apparently did not give any command concerning Christians who were deserted.
- Paul, on the other hand, did. He is therefore not contradicting Jesus, and his words need not be contrived to fit what Jesus said in Matthew 19:9. Paul is simply giving further inspired teaching *beyond* that which was already given by Jesus.
- Some claim such a view presents a contradiction with the one reason allowed by Jesus. There is, however, no such contradiction. In Matthew 19:9 (and the other gospel accounts), Jesus essentially said (by condemning those who did): don't instigate a divorce. He commands the believer not to put away a spouse (other than for the cause of fornication). And that's exactly what Paul said in v12-16. To the Christian, Paul said: don't instigate a divorce.
- But Paul also acknowledged that the Christian's spouse may instigate the divorce. Again, this is a situation that Jesus did not cover! Jesus did not give any command about what to do if one's spouse leaves. But Paul did; he said, "Let him leave, you're not under bondage then."
- The word bondage is from the Greek word *dedoulotai* (Strong's #1402). Thayer gives this meaning for its use in v15: "to be under bondage, held by constraint of law or necessity, in some matter." In what way were they bound by law? Being bound in marriage seems to be the most logical understanding of what Paul wrote.

- The first rule in Biblical hermeneutics (interpreting and understanding the Bible) is to determine what a passage meant to the original readers. Only after doing that can we rightly apply it to us today. So what would the people in Corinth have thought when they read “not under bondage?”
- Scholars say there was a great similarity in that time between a certificate stating that one is free from the marriage bond, and a certificate stating that one has been given freedom from slavery. The rabbis of that day did too and wrote: "The essential formula in the bill of divorce is: 'Lo, you are free to marry any man.' The essential formula in a writ of emancipation [from slavery] is: 'Lo you are a freedwoman: Lo you belong to yourself'" (Mishnah Gittin 9.3).
- According to Dr. Brewer, "When Paul said that the divorced person was no longer "enslaved/under bondage," his readers in Corinth would have immediately understood that he was referring to the words in their divorce certificate that they were "free to marry any man.... This was the only phrase which had to occur in a divorce certificate, and it embodied the whole purpose of the certificate. The certificate was necessary to prove to any future husband that she was legally entitled to remarry. (Greek and Roman divorce certificates also contained similar phrases.) There can be no doubt that any first century Jew reading the words 'not enslaved' in the context of divorce would assume that Paul meant they were free to remarry."
- It is also necessary in interpreting v15 to look at the entire passage to see what else Paul wrote about being bound or in bondage. Look at 7:25-27 where Paul speaks of being "bound" in marriage.
- He uses the Greek *dedesai* (Strong's #1210), which certainly seems to be related to *dedoulotai* (after all, they are translated most similarly in English). Thayer says *dedesai* means "to bind, i.e. put under obligation, sc. Of law, duty, etc.... to be bound to one: of a wife, Romans 7:2; of a husband, 1 Cor. 7:27."
- This is a very similar meaning to *dedoulotai*. It seems the most natural understanding of "not under bondage" is that such a one is no longer bound by law to the marriage.
- In v27-28, Paul said, "Are you bound to a wife? Do not seek to be released (Greek *lusin*--Strong's #3080). Are you released (Greek *lelusai*--Strong's #3089) from a wife?"
- Thayer gives this meaning of *lusin*: "a loosing of any bond, as that of marriage; hence once in the NT of divorce."
- Concerning *lelusai*, Thayer says it means: "To loose any person tied or fastened; of a single man, whether he has already had a wife or has not yet married; to loose one bound, i.e. to unbind, release from bonds, set free."
- Both these words mean to be set free--apparently including the idea of being divorced by one's mate (the divorce being instigated by the mate, similar to the case of v12-16). Whether or not Paul has in mind one divorced or one not yet married ("virgin" as in v28 and v34), he does clearly show that being released is synonymous with not being bound.
- This is important and relevant in that v28 says that someone who is released (or no longer bound) is allowed to marry without sinning.
- Later in v39, Paul once again says one is free to marry if no longer bound to one's spouse (in this case, due to the death of the spouse).
- The most compelling evidence comes by comparing what Paul said to these two groups. The Christians in v10-11 were told not to marry again. On the other hand, the Christians in v12-16 were told they were "not under bondage." If these two statements mean the same thing (as some contend), then why did Paul separate these into two groups? Would not one statement then cover all marriage situations?

- More importantly, Paul said that Jesus spoke about the first group, but not about the second. If the command to both groups is the same, how can this be?! This is a strong and certain indication that Paul gave a different command to the second group than he did to the first. To believe otherwise would necessitate an explanation of this contradiction.

What about the "guilty party?"

Regarding Matthew 19:9, a common question arises in regards to one who is guilty of fornication and is therefore put away by his/her spouse.

Has such a one (the guilty party) forever forfeited the right to be married?

First, Paul's statements in 1 Corinthians 7:10-11 would imply that anyone who leaves his/her mate should attempt to reconcile rather than marry another spouse. This ought surely to apply to one who, in a sense, left their spouse by being unfaithful. This certainly seems to be God's ultimate will and thus should not be hindered. In fact, it may be that the guilty one would be responsible to remain unmarried and continue every effort to reconcile until such is either successful or no longer possible (i.e., spouse remarries or dies).

There are many who contend that such a one is never again permitted to marry (regardless of whatever the previous spouse may do). It is said that because of the nature of that particular sin, he/she has forever lost the right to enjoy the benefits of marriage, and that God has placed the demand of eternal celibacy on one who has thus sinned.

Wayne Jackson, in an article for Christian Courier entitled, "Divorce and the Guilty Party," says:

The notion that the "guilty party" may remarry contemplates a union that is without scriptural authority. The New Testament grants the right of marriage to: the never-married-before person (1 Cor. 7:2); the widowed (Rom. 7:3; 1 Corinthians 7:39); and the innocent victim in marriage breached by adultery (Mt. 5:32; 19:9).

Where is the authorization for the guilty adulterer to remarry? There is none. Divorce and remarriage are allowed only within the scope of divine authorization. All other sexual unions are prohibited. While this generally is viewed as a "hard saying," it is a necessary restriction for the ultimate benefit of society as a whole.

In response, it should be noted that 1 Corinthians 7:2 says: "But because of immoralities, let each man have his own wife, and let each woman have her own husband." Paul did not say this was referring to the "never-married-before person" as was suggested. In fact, according to 1 Corinthians 6:9, Paul wrote this statement to people who had previously committed fornication and adultery, and he gave no clarification that excludes such people from having a wife or husband.

(If marriage is going to be forbidden to all those who commit fornication, will this then be applied to those who commit fornication before being married?)

It should also be noted here that the three persons to whom "the New Testament grants the right of marriage" also leaves out those who Paul said are "not under bondage" because it was the spouse who wrongly instigated the divorce (7:12-16).

David Pharr, in an article for The Spiritual Sword entitled, "May the Guilty Party Remarry?", also takes the position that the guilty party is never allowed to marry again. He writes:

The issue is not whether the marriage is broken. Neither is the issue whether the man and woman become free from each other. The issue is whether God grants to the guilty party the right to marry. It is sometimes argued that once the marriage is broken there is no obligation of fidelity toward one another, and that therefore to enter into marriage with another could not constitute a violation of the marriage contract.

But there is more involved than the end of obligations between the parties. There is also obligation to honor Divine restrictions. God gives the innocent party the right to remarry. He does not give the same right to the one whose fornication caused the break of a union which God had ordained should last for a lifetime.

Pharr also quotes **J.D. Thomas** ("Divorce and Remarriage (9)," Firm Foundation, April 4, 1978):

The original marriage called for a union until death, which each spouse was obligated to uphold. The only thing that can ever break the marriage bond while both parties are alive is fornication, and that only for the innocent party! "Except for fornication" is the one justifying ground for remarriage to another, but the guilty party does not have this justifying ground. It is possible only for the innocent spouse. The guilty one is therefore still under all obligations toward the first marriage that he ever was, in the sense of being "bound to it" by God's law. Nothing has happened to give him freedom. He still has an obligation that remains. If he should later repent, this will remove his guilt, but not his status.

Again, there is no dispute that such a one has committed a sin for which there will be, if not confessed and forgiven by God, severe and eternal consequences. And even if forgiven, there will likely still be some serious consequences to one's home and family and life circumstances.

The question remains, however, is such a one forever forbidden from enjoying the blessings of marriage due to this one particular sin? Has God indeed placed upon such a one the punishment of eternal celibacy?

It would be incorrect to say there is an automatic forfeiture to marriage no matter what.

What if the offended one chooses to forgive and NOT instigate a divorce? Does "God's Law of Eternal Celibacy" still apply? If the offended one allows, would not that guilty party be allowed to continue to enjoy the privilege of marriage?

It is obvious that one who has been unfaithful in marriage should genuinely repent, and ask for forgiveness, and do his/her best to save the marriage if at all possible. The offended innocent party is not required to continue the marriage, but if willing, then the marriage may continue with all its benefits.

Thus the guilty party has not automatically forfeited the right to be married.

Some other points to consider:

- In the NT, there is actually no specific command given concerning the guilty party; neither Jesus nor Paul specifically discussed the guilty party. There is no specific statement either allowing or forbidding them to marry again. It is simply not discussed.
- It is, however, discussed in the Old Testament. Deuteronomy 24 shows an example of one who was put away for "uncleanness." That one was apparently permitted to marry again. In fact, the law was clear that the first husband could not come and take her again, thereby ensuring her right to be married to another. (In other ancient Near Eastern cultures, a man could apparently leave his wife and then reclaim her within five years, even if she had remarried in the meantime. The law given by Moses prevented such from occurring.)
- Some questions still remain: If the innocent one is free, to what is the other bound? If the marriage bond is broken, thereby allowing one to marry again, then why not the other? It seems the only purpose to forbid marriage to the guilty one would be to punish him/her, but that seems inconsistent with Biblical teaching on God's forgiveness (see Hebrews 8:12 and 1 John 1:9).
- In 1 Corinthians 7, Paul gives his personal advice against being married "in view of the present distress." But he does not forbid marriage to anyone (other than those in v10 in view of their hopeful reconciliation).
- In v8-9, Paul spoke about those who were unmarried and those who were widows. The word unmarried is from the Greek word *agamos* (Strong #22); it is the negative of *gamos*, meaning "married." It apparently is

a reference to people who are divorced as it is contrasted in v34 to those who are virgins (never been married).

- Paul advises such people to remain single; but he then says in v9, "But if they do not have self-control, let them marry; for it is better to marry than to burn." Paul makes no qualifications about which divorced people are allowed to marry again. Apparently, if they were truly *agomos*, meaning that they were no longer tied to another, they were free to marry without sin (as he says in v27-28).

Finally, Pharr writes:

It is argued that if the guilty party cannot remarry he/she is thereby sentenced to a life of celibacy and that this would be too harsh a sentence. It is thought that if there is true repentance, the person should not be required to forfeit marital bliss for the rest of life. Such, however, is indeed the awful consequence. Truly "the way of transgressors is hard" (Pro. 13:15). Some actions have irreparable consequences.

Jesus said: "...there be eunuchs for the kingdom of heaven's sake" (Matt. 19:12). This describes those who for the sake of doing right and for the sake of serving the Lord keep their sexual desires under control, even, as necessary, foregoing marriage. The only advice regarding marriage we can give the penitent "guilty party" is that he remain celibate, and that he give himself so completely to the Lord's service that marriage, being thereby of secondary importance, is not a burning desire.

Yes, some have willingly given up the right to be married so that they might be better able to do the work that God has called them to do. But did either Jesus or Paul require such of anyone (as is suggested)? **Matthew 19:10-12 (the passage cited above)**

After Jesus made it clear that God did not approve of His people divorcing for any reason at all, they responded that perhaps it was then better not to get married (if they were not allowed to divorce and marry as freely as they had been).

Jesus seemingly acknowledged their right to remain unmarried, but He said, "Not all men can receive this statement, but only those to whom it has been given."

Matthew Henry, in his commentary on this passage, wrote:

He disallows it, as utterly mischievous, to forbid marriage, because *all men cannot receive this saying*; indeed few can, and therefore the crosses of the married state must be borne, rather than that men should run themselves into temptation, to avoid them.

In 1 Corinthians 7:7, the apostle Paul also acknowledged that not all are able to live celibately. He wrote, "Yet I wish that all men were even as I myself am. However, each man has his own gift from God, one in this manner, and another in that."

Like Paul, some may be blessed to remain single without suffering with temptations of the flesh, and thereby be perhaps better able to serve the Lord. But both Jesus and Paul recognize that not all are able to do so.

- Indeed some will struggle with the temptation of fornication. To such people Paul says clearly that they should marry instead of burn (with passion or, as some interpret, eternally in hell).
- Again, God's plan to overcome such temptations is given in 1 Corinthians 7:2: "But because of immoralities, let each man have his own wife, and let each woman have her own husband."
- Would this not apply as well to the one who has already struggled with such? Is the guilty party required to continually burn with passion? Is this how God deals with those who sin but then repent? God designed marriage as a remedy for sexual impurity.

- 1 Corinthians 10:13 “God is faithful; He will not allow you to be tempted beyond what you are able, but with the temptation will provide the way of escape also, that you may be able to endure it.”

Finally, it was God who said, “It is not good for man to be alone.” Should that statement not be taken into account in this situation?

What Did Jesus Mean by Commits Adultery?

In Matthew 19:9, Jesus clearly and boldly condemned the common practice of divorce “for any reason.” Specifically, He said that one who wrongly divorces and marries another “commits adultery.” Since men and women have often failed to live as Jesus commanded, there is (and ought to be) a great concern regarding what Jesus meant by that phrase.

That He was clearly and boldly condemning the common practice of divorce "for any reason" is hopefully not under dispute. Jesus plainly taught that to divorce (except for the reason of fornication) and marry again was sinful.

What is disputed is the specific meaning of "commits adultery." Following are three possible interpretations and applications:

1. Refers to Sexual Adultery and Applies to Jews Only

- This position is consistent with the typical and literal meaning of the word adultery, which is from the Greek *moichatai* (Strong's #3429). Thayer says it primarily refers to "unlawful intercourse with another's wife."
- In the Old Testament, the word adultery is taken from the Hebrew *na'aph*. This word is used many times to refer to the actual sexual act, such as is forbidden in the 7th commandment.
- To apply this to Jews is consistent with the proper context of the passage, i.e., Jesus answering a question about the Law of Moses and how He interpreted Deut 24 about the valid reason(s) for instigating a divorce.
- Jesus told them they were wrong in granting divorces “for any reason at all,” thus divorces granted by Hillelite rabbis were unlawful and invalid.
- Dr. Brewer (*Biblical Divorce and Remarriage*) explains: "This dispute [between the Shammaites and the Hillelites] did not just concern a seemingly obscure interpretation [not just hypothetical], because if the Hillelite interpretation was incorrect then all the divorces which had been granted by Hillelites on the basis of "any matter" were invalid.
- “This would include virtually all, if not actually all, the divorces at that time, because the Shammaite divorce was so much more difficult to obtain. Jesus was, in effect, declaring that all these divorces were invalid.
- “Jesus then pointed out a further consequence of his teaching: if any of those divorcees had gotten married to another (which would probably include virtually all of them) while not obtaining a legal and proper divorce, they were not really married, and were committing adultery.
- “They were committing adultery because they were still married to their original spouse, while living with someone else.”

So if you were a Jew at the time of Jesus living under the Jewish Law and had instigated a divorce for an invalid reason, then you had not lawfully ended that prior marriage.

Which means if you’re having sex with some other person to whom you are not lawfully married, then you are committing the sin of adultery.

This particular view does recognize God's eternal intent that marriage be for life, but it suggests that Jesus' use of the term "commits adultery" here in this passage applies specifically and only to the Jews of that time under Jewish law who had wrongly interpreted and applied the law in Deut 24.

2. Refers to Sexual Adultery and Applies to All People

- This position and interpretation is also consistent with the normal meaning of the term and its typical usage. However, it does not limit what Jesus said to the context of Jewish Law and Deut 24, but rather applies it to all people of all time.
- Specifically, the interpretation is: "Whoever (whether Jew, Christian, or other) divorces his wife, except for immorality, and marries another woman commits sexual adultery with that subsequent spouse."
- The above view thus appears to place the emphasis of "commits adultery" on what occurs with the subsequent spouse. Thus, by this position, Jesus said that one who wrongly divorces and marries another is committing literal sexual adultery with that next wife/husband.
- It is further contended that the sin of physical adultery occurs continuously throughout the course of the marriage. The term "commits adultery" is in the present tense and thus often refers to an action that is ongoing. It is commonly referred to then as "living in sin" or "living in adultery."
- Some indicate that the sin of adultery is actually committed only at those times when physical relations occur in the subsequent marriage. Hugo McCord (Firm Foundation article) says it would be more accurate to "speak of the word's denoting the iterative or repetitive or interspersed action of a couple's living in adultery." In other words, if this is the case, then one would not really be living in constant adultery, but rather sinning only on such occasions. [More on this point later.]

3. Refers to Figurative Adultery and Applies to All People

Another view places the emphasis of "commits adultery" on what happens more in connection with the original spouse and interprets the term perhaps more figuratively than literally.

According to this position, Jesus said that one who wrongly divorces and marries has committed an act of unfaithfulness against his/her first spouse and has broken that marriage vow and/or covenant.

Accordingly, the following arguments are given:

- It is not uncommon in Scripture for Bible terms and words to be used in a figurative sense regardless of their primary meaning. For example, the word "baptism" primarily refers to immersion in water, but it is also used figuratively by Jesus in reference to the overwhelming sufferings of His life (Matthew 20:22) and also by Paul in reference to Moses and the Israelites (1 Corinthians 10:2).
- Another example of figurative language is found in 1 John 3:15; there it says, "Everyone who hates his brother is a murderer." John was speaking figuratively to show that hatred is just as bad as murder. (In Matthew 5:21-26, Jesus similarly refers to the command against murder and then indicates that anger against a brother is likewise sinful.)
- Likewise, there are several occasions of the word adultery being used figuratively to denote unfaithfulness or the breaking of vows.
- Israel's unfaithfulness to God is often referred to as adultery. Concerning Israel's sin of idolatry, Jeremiah 3:8-9 says, "And I saw that for all the adulteries of faithless Israel, I had 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. And it came

about because of the lightness of her harlotry, that she polluted the land and committed adultery with stones and trees." Ezekiel 23:37 says, "They have committed adultery with their idols."

- Jesus seemed to use the word figuratively in Matthew 5:28 (just before speaking about marriage and divorce) when He said that looking at and lusting after a woman is "committing adultery." He also spoke of people unfaithful to God as an "evil and adulterous generation" (Matthew 12:39; 16:4; Mark 8:38). Likewise, James referred to people who were unfaithful to God as "adulteresses" (James 4:4).
- The Bible teaches that marriage is a covenant between a man and a woman before God. In Proverbs 2:16-17, the writer speaks of an adulteress who "...leaves the companion of her youth and forgets the covenant of her God." Malachi 2:14 as well speaks of "...the wife of your youth [who is] your companion and your wife by covenant."
- It is thus suggested that Jesus may be intending to use the word 'adultery' to refer to unfaithfulness and the breaking of the vows of the marriage covenant. The Hebrew word *na'aph* (Strong #5003) normally translated as adultery, is actually translated as "break wedlock" in Ezekiel 16:38 (KJV).
- It is said that some older versions of the Bible (such as the Great Bible and Tynsdale Bible) actually translated *moichatai* in Matthew 5:32 and 19:9 as "breaks wedlock." Some thus think that this is exactly what Jesus intended by His statement. He is perhaps saying that one who wrongly divorces and marries another is indeed "breaking wedlock." By the act of divorcing and marrying again, that one is being unfaithful to his/her vow and covenant with the first spouse.
- In Mark 10:11, the text says, "commits adultery **against her**," thus showing the focus of "commits adultery" is NOT on what he does with the next wife, but what he does to the original wife!
- If husbands and wives would think more about the vows they made to each other and God and the covenant they made with one another and God, if they would seek to be more what God intended them to be (1 Peter 3:1-7; Ephesians 5:21-25; Philippians 2:3-4), then perhaps their marriages would be strong enough to endure those circumstances that would otherwise lead to divorce. Perhaps it is significant that Matthew's account in 5:32ff has Jesus speaking on the importance of keeping vows right after speaking on marriage.

Is "Commits Adultery" a Continuous Action?

Regardless of how one chooses to define adultery (whether literal or figurative), there is no question or dispute that the practice of divorcing just to marry someone else is contrary to the will of God and thus sinful. The question that remains is in regards to whether the sinful action is point in time or continuous.

Was Jesus condemning the sexual act that would occur continually in a subsequent marriage (thus perhaps warranting another divorce or, at least, a cessation of marital relations)? Or was He focusing His condemnation specifically on the sinful act of divorcing and marrying without a proper cause?

What does the Greek language indicate about this issue? Of primary interest is the fact that "commits adultery" is grammatically in the present indicative. Many have contended that the present indicative has to indicate a continuous action.

Furthermore, they have thus promoted the idea that such a one (who wrongly divorced and married again) would be committing the sexual sin of adultery every time they had relations with their new spouse.

But does the present indicative have to indicate a continuous action? Perhaps not; some Greek scholars state that present indicative may be either point or continuous action.

- Clinton Hicks did a study at Harding University Graduate School of Religion on every occurrence of the present indicative in the gospel of Matthew. He found 719 such occurrences. Of that number, how many were deemed **MUST BE CONTINUOUS ACTION**? Only 45. 45 times out of 719. A total of 226 were deemed **DEFINITELY NOT CONTINUOUS ACTION**, while the remaining 448 were **NOT UNDER CONSIDERATION**. According to Hicks' research, continuous action seems to actually be the least common intent of the present indicative.
- Greek scholar Carroll Osburn likewise says, "Thus it cannot be said that the present indicative in Matt. 19:9, or any other Greek text, 'cannot mean other than continuous action,' for any such argument blatantly disregards the several idiomatic uses of the present indicative in which continuity is not explicit. Greek syntax requires that each occurrence of the present indicative be understood in terms of its context to determine whether continuity is involved" (Restoration Quarterly, 1981).

Are there any mitigating factors in the text itself that might indicate whether the phrase in question is intended to be point in time or continuous action? According to Greek scholars, there are various rules and procedures that help to dictate such.

For instance, if the first part of a sentence on which the subject is conditioned is linear, then the conclusion is generally also linear. Likewise, if the first part of a sentence on which the subject is conditioned is punctiliar, then the conclusion is generally also punctiliar.

As one scholar stated it, "The tense of the participle is relative to the time of the leading verb."

So how does this apply to Matthew 19:9 et al? Leaving out the "exception" for the time being, Jesus said, "Whoever divorces his wife and marries another woman commits adultery." According to the rules just stated, if "divorces his wife" and "marries another woman" are grammatically linear, then "commits adultery" would likely be linear.

But, according to some Greek scholars, it's not. Both actions, divorcing and marrying, are punctiliar; they are both point in time actions. So what is the implication?

The conclusion would then likely also be punctiliar. "Commits adultery" appears to occur at the same point in time (concurrent) as does the singular point in time action of divorcing and marrying another woman.

For more on this and other lessons, see [The Doctrines That Divide Us](#), available on Amazon.com.