

The Box Sessions: Divorce & Remarriage

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18 "Everyone who divorces his wife and marries another commits adultery, and he who marries a woman divorced from her husband commits adultery. (Luke 16:18)

In comparison with Mark 10, this passage appears much simpler. Luke records nothing of the discussion with the Pharisees about grounds for divorce. Luke 16:18a omits the phrase "against her" but otherwise reiterates Mark 10:11a. For a man to divorce and remarry is to commit adultery. This highlights the Jewish concern over a man's rights. Luke omits the comment about a woman who divorces and remarries. What differs from Mark is Luke 16:18b, though Matt 5:32b says the same thing. The meaning of 16:18b is not hard to discern, but how 16:18 fits the context of Luke 16 is another matter.

As to 16:18b, Jesus says that whoever marries a divorced woman commits adultery. It is not just the first husband who divorces and remarries who commits adultery. Nor is it only the divorced woman who commits adultery by remarriage (Matt 5:32a—"makes her commit adultery"). A second husband of a divorced woman also becomes an adulterer by marrying her. Jesus never says whether this second husband was previously married and divorced. His only point is that the man commits adultery by marrying the divorced woman.

As to how this fits the context, that is more difficult. Chapter 16 begins with Jesus' teaching of the parable of the unrighteous steward. The unrighteous steward was caught squandering his master's possessions. Knowing he would be fired, he tried to prepare for "unemployment" by offering his master's debtors a cut rate. He reasoned that once he was dismissed, these debtors would care for him. Clearly, he cared nothing about his master. His own welfare was his only concern, and he was willing to do something wrong in order to ensure future position and wealth. He served position and money, though he tried to appear to serve his master. Jesus ends the parable by saying that one will either serve money or his master. In verse 13 Jesus applies the point by saying one cannot serve both God (the master) and money. Luke says (v. 14) that the Pharisees heard Jesus' teaching and scoffed, for they loved money. They supposedly served the master (God) by ostensibly keeping his law, but in reality their concern was their position in society.

In verse 15 Jesus begins to address the Pharisees directly. After his teaching on divorce (v. 18), he tells the story of the rich man and Lazarus (this occupies the rest of the chapter).

As chapter 17 begins, Jesus turns back to teaching his disciples. So, however verse 18 is understood, it must fit the context of Jesus' rebuke of the Pharisees. Jesus begins his explicit rebuke (v. 15) by noting that though the Pharisees justify themselves in men's eyes, God knows their hearts. What men think honorable, God hates. The story of the rich man and Lazarus (vv. 19–31) vividly illustrates this point and its converse. What man esteems (the rich man), God detests, and what men detest (the poor man, Lazarus), God esteems. The overall context for this teaching on divorce (v. 18) is, then, a rebuke of the Pharisees. They claimed to be righteous and to follow the law, but they were detestable in God's sight, because, like the unjust steward, they cared for position and possessions, not their master.

In verses 16–17 Jesus speaks of the law and prophets and of the imperishable nature of the law. Then, he comments about divorce and remarriage (v. 18). Commentators disagree about whether verses 14–18 form a related unit or represent separate scattered sayings. We think the whole chapter forms a unit and that verses 16–31 illustrate Jesus' point that the Pharisees appear to serve their master but really only worry about themselves. In verses 16–18 specifically, Jesus offers two examples of the Pharisees' lack of concern for their master. They have generally ignored instructions on how to please God and be a member of his kingdom (vv. 16–17), and they have disregarded his law in the matter of divorce and remarriage (v. 18). ...

... The Pharisees also perverted OT teaching on divorce, and Jesus turns to that in verse 16. We have already seen how Deut 24:1–4 was twisted to justify divorce while ignoring the point of the creation ordinances. This is wicked stewardship of their master's teaching. They also remained silent in the midst of the Herod Antipas/Herodias affair so as not to upset the authorities. Herod and Herodias lusted after one another, but were married to other spouses (in fact, Herodias' husband was Herod's brother). Their solution was to divorce their mates so they could marry one another. John, as a good steward of his master's law, spoke against this and was beheaded. The mention of his name (v. 16) was probably meant to invoke the recent Herod/Herodias issue and thereby set the stage for Jesus' comments on divorce in verse 18.

Jesus stated God's basic outlook on divorce and remarriage, but did not include the exception clause. For Jesus to do so would unduly complicate the point of his attack on the Pharisees on this occasion. The implications of verse 18 for the Pharisees' stewardship of the law are clear. If the exception had been included, they might have retorted, "We *have* been good stewards of the law on divorce. We are following Moses when we allow divorce and remarriage. Even you understand Moses as we do, for you also allow exceptions to the general rule of no divorce." Jesus short circuited any such possible self-justification by excluding the exception.

The story of the rich man and Lazarus (vv. 19–31) vividly illustrates Jesus' point that those concerned for wealth and position rather than God ultimately lose. Verses 29–31 are Jesus' final sarcastic rebuke of the Pharisees. The rich man asks that Lazarus be sent to

warn the rich man's brothers. Abraham replies that they have Moses and the prophets. They should listen to them. Of course, Jesus' point in chapter 16 is that the Pharisees have not listened to Moses and the prophets; they have perverted them (v. 29 is subtle sarcasm against the Pharisees). Lazarus then pleads for someone from the dead to be sent to warn his brothers so they will believe. The crushing blow comes in verse 31. If they ignore Moses and the prophets (which the Pharisees have done), they would not be persuaded if someone rose from the dead (which Jesus would do, and the Pharisees would still refuse to believe).

Understood in this light, chapter 16 hangs together very well, and the role of verse 18 is clear. Jesus' exclusion of the exception clause also makes sense. To include it would only deflect Jesus' listeners and Luke's readers from the point that anyone who tries to feather his own nest, rather than remain true to his master is detestable in God's eyes.

1 Now when Jesus had finished these sayings, he went away from Galilee and entered the region of Judea beyond the Jordan. 2 And large crowds followed him, and he healed them there. 3 And Pharisees came up to him and tested him by asking, "Is it lawful to divorce one's wife for any cause?" 4 He answered, "Have you not read that he who created them from the beginning made them male and female, 5 and said, "Therefore a man shall leave his father and his mother and hold fast to his wife, and the two shall become one flesh"? 6 So they are no longer two but one flesh. What therefore God has joined together, let not man separate." 7 They said to him, "Why then did Moses command one to give a certificate of divorce and to send her away?" 8 He said to them, "Because of your hardness of heart Moses allowed you to divorce your wives, but from the beginning it was not so. 9 And I say to you: whoever divorces his wife, except for sexual immorality, and marries another, commits adultery." (Matthew 19:1-9)

Here the discussion is framed by the Pharisees' question (v. 3) which refers to Deuteronomy 24. We believe Jesus answered the Pharisees' question, so whatever Matt 19:3ff. means should fit with Moses' teaching.

At the outset, we must reject the view of some that Jesus never uttered the exception—that instead it is Matthew's or someone else's editorial insertion. This is one way to harmonize this passage with Mark and Luke. Others see it as Matthew's insertion, for that removes the apparent contradiction between verse 6 (the prohibition of divorce) and verse 9 (a ground for divorce). Though we shall address these matters shortly, our basic problem with the idea that Jesus never uttered the exception is that it undermines the inerrancy of Scripture. Matthew claims Jesus spoke the exception. As argued elsewhere,

Matthew need not quote Jesus *verbatim* in order to uphold inerrancy, but Jesus must have uttered the sense of this exception. Moreover, as we shall show, proper understanding of the clause removes the need to harmonize it artificially by attributing it to Matthew.

Matthew, like Mark, begins with the Pharisees' question, "Is it lawful for a man to divorce his wife?" Matthew adds "for any cause at all," and that puts the issue directly into the context of the Hillel/Shammai debate over the meaning of *'erwat dābār* (Deut 24:1). Undoubtedly, the Pharisees tried to trap Jesus. If he sided with the Shammai, he would demand a harder rule than was practiced in his day. That would likely enrage the "libertarians" of the day. On the other hand, if he sided with the Hillel, Shammaites would complain that he rejected the stricter understanding of the Mosaic Law and was a libertarian himself. Either way Christ would apparently lose. Instead, Jesus rejected the categories of their debate. He refused to see OT teaching as a way to sanction escape from a marriage. He posed a question the answer to which invoked creation ordinances and God's original design for marriage. After appealing to creation ordinances (vv. 4–6a), Jesus demanded that marriages not be severed (v. 6b).

The Pharisees took the offensive again (v. 7) by asking why, if Jesus was right about no divorce, Moses gave the command to give a bill of divorce and divorce one's wife. Apparently Christ had contradicted Moses. In fact, it sounded like he had made Moses (Genesis 2—no divorce) contradict Moses (Deut 24:1–4—give a bill of divorce). Few note that Jesus responded in terms of Moses' *permission*, not *command*, but the term "permission" is very important, for permission is not a command. Speaking of permission allowed Jesus to avoid contradicting Moses and making Moses contradict himself. God ordained permanence in marriage, and Christ commanded it (v. 6). Moses *permitted* divorce because the hearts of his people were stubborn (v. 8). However, Jesus never said Moses *commanded* divorce, nor did Christ command it. Even verse 9, regardless of what the exception clause means, does not *demand* divorce. As argued when we discussed Mark 10, Mosaic "permission" (not command) to divorce fits precisely the language of Deuteronomy 24, the passage invoked by the Pharisees' question (v. 7).

In verse 9 Matthew records Jesus' further teaching on divorce and remarriage. The basic teaching (minus the exception clause) makes explicit what was implicit in Deut 24:1–4 about committing adultery by remarriage after divorce. Unfortunately, the exception clause raises abundant problems. We agree with others that whatever the exception clause means here, it means the same in Matt 5:32.

In order to make progress, we must evaluate each understanding of the exception clause in light of the data of the text. Here is the key issue: does the phrase "except for *porneia*" 1) modify *only* the thought of the phrase "whoever divorces his wife," or does it 2) qualify (i.e., grant an exception to) the entire idea that "whoever divorces and marries commits adultery"? If 2) is correct, the exception clause is really shorthand for a complete sentence. Matt 19:9 is equivalent to: a) "whoever divorces his wife and marries another

commits adultery;” and b) “whoever divorces his wife for *porneia* and marries another does not commit adultery.” Which understanding is correct—1) or 2)? Regardless of which is correct, the sentence could be written as is. The best way to discover what is meant is to see how each suggestion fits the context. Most no divorce positions and Heth and Wenham’s divorce but no remarriage view understand the exception clauses as position 1) does. Divorce and remarriage positions hold view 2). First, we turn to the no divorce positions.

Inclusivist View

This view reads Matt 19:9a as: “whoever divorces his wife for any reason, even including *porneia*, and remarries, commits adultery.” The basic problem with this view is grammatical. The Greek for the exception clause in Matt 19:9 is *mē epi porneia*. Grammarians note that when *epi* has an inclusivist or additive force (as it must in the inclusivist view), *epi* is not preceded by the word *mē*. *Mē* is a strong form of negation, not inclusion. Thus, Jesus speaks of a genuine exception to the rule, not an addition or clarification of what is included in the rule.

Preteritive or No Comment View

According to this view, the Pharisees asked about the meaning of *’erwat dābār* (19:3). In verses 4–8 Jesus does not directly answer their question, but in verse 9 he speaks of *porneia*, which this view sees as a reference to *’erwat dābār* in Deut 24:1. However, he refuses to comment on it. He talks about divorce and remarriage generally, but chooses not to comment on cases involving *porneia* (i.e., *’erwat dābār*).

Several objections are in order. On the basis of our understanding of Deut 24:1 and the meaning of *porneia*, we conclude that *porneia* and *’erwat dābār* are not equivalent. Thus, the preteritive view is in trouble. As noted, some understand *porneia* as a reference to marriage to pagan idolaters, but most think it refers to serious sexual sin. The major views on its meaning are: 1) illicit sexual relations during the betrothal period; 2) incestuous marriages; 3) adultery; 4) various forms of sexual impropriety including adultery, homosexuality and bestiality. We think it important to note that if *porneia* in Matt 5:32 and 19:9 refers either to sexual sin or to marriage to pagan idolaters, it does not refer to what we have argued is the best understanding of *’erwat dābār* in Deut 24:1. Thus, if the exception clause in Matt 19:9 is Jesus’ way of refusing to comment on *porneia*, it cannot be seen as an unwillingness to comment on Deut 24:1 and *’erwat dābār*, since *porneia* should not be identified with *’erwat dābār*.

The same point can be made in a different way. If *porneia* is equivalent to *’erwat dābār*, we might expect the Septuagint (the Greek translation of the OT) of Deut 24:1 to render *’erwat dābār* as *porneia*, but it does not. *’erwat dābār* in Deut 24:1 is rendered in the Septuagint as *aschēmon pragma* (“something unseemly”). While this is not absolute proof

that *porneia* in Matt 19:9 cannot possibly refer to *'erwat dābār*, it cannot be ignored either. If the Septuagint had used *porneia*, that would have helped tie together *porneia* and *'erwat dābār*.

Second, there are grammatical problems. Proponents of the preteritive view think that in the exception clause *mē* is a simple negative that nullifies *epi*. Thus, *mē* functions as it does in Matt 26:5 (“not during the festival,” i.e., excluding the time of the festival). However, as Heth and Wenham note, *mē* by itself does not mean “except.” Moreover, in 19:9 Matthew writes *hos an mē*, not just *mē*. That means Matt 19:9 contains the conditional notion, “if someone ... not,” or “if someone ... unless” (*ean mē* in Greek). Matt 26:5 contains only *mē*, not *ean mē*, and is not a conditional statement. Matt 19:9 and 26:5 do not contain parallel constructions. The result of this grammatical point is that Jesus states a genuine exception to his rule about divorce and remarriage. He does not say, as the preteritive view claims, that he will comment on a variety of things but not on *porneia*.

Finally, the view is problematic because Jesus does comment on Moses’ teaching and answers the Pharisees, even if indirectly. His first comment (vv. 4–6) in effect informs them that their emphasis on *'erwat dābār* mistakes the OT’s fundamental perspective on marriage. Christ’s second comment (v. 8) is that they have turned a permission into a prescription. Permission was granted for a particular reason, but God’s original intentions included no permission for divorce (“from the beginning it was not so”). Verse 9 contains Christ’s third comment. If *porneia* is some sort of sexual impropriety, as we shall argue shortly, and if *'erwat dābār* is some non-sexual problem, as we have argued, then verse 9 definitely answers their questions about Deut 24:1. The Pharisees ask (v. 3) if a man is allowed to divorce his wife for any cause at all. Jesus replies that if one does it for some non-sexual reason and then remarries, he commits adultery. Both Jesus and the Pharisees knew the Mosaic Law’s penalty for adultery. By saying that groundless divorce (as would be the case if one divorced for *'erwat dābār*) and remarriage involves adultery, in effect Jesus was saying a man is not permitted to divorce his wife for just any cause at all. We doubt that the Pharisees understood him to mean anything else. We reject the preteritive view, then, because Jesus did answer the Pharisees’ questions about Deuteronomy 24 and *'erwat dābār*. His only refusal to respond was a refusal to accept the Pharisees’ incorrect general outlook on marriage and divorce.

Clarification of the Offense View

This position is built on Matt 5:32’s exception clause, but it can be handled now since the exception clauses in both Matthew 5 and 19 make the same point. According to this view, the exception clause makes the point that the woman divorced for adultery cannot be *made* an adulteress by the divorce, because she already *is* an adulteress. That is why her husband divorced her. However, the problem is that this makes sense in Matt 5:32, but not in 19:9

where Jesus comments about the one who divorces (he commits adultery), not about the one divorced (“makes her commit adultery”). Since the exception clause in both passages means the same thing, one’s interpretation of it should fit both passages. On this view, that is not the case.

In addition, on this view the exception clause in 5:32 becomes almost a meaningless tautology (“you cannot be made an adulteress if you already are one”). Why would Jesus make that point? If he were debating the Pharisees, it might make a neat debater’s point, resting as it does on a point of logic. But Matthew 5 is part of the Sermon on the Mount spoken to the disciples, not a debate with the Pharisees. When Jesus does interact with the Pharisees (Matthew 19), he makes no such point. We conclude that this view is also untenable.

Mixed Marriages View

Nothing in Matthew 19 suggests that Jesus refers to the mixed marriage situation in Ezra’s day. On the contrary, the discussion focuses on issues raised in Deuteronomy 24, and nothing in Deut 24:1–4 raises the matter of intermarrying with heathens. Many proponents of this view see this point and insist that the exception clause is Matthew’s insertion to cover a problem prevalent in the days of the early church. However, nothing in Matthew 19 suggests Matthew addresses that situation either. In addition, this form of the mixed marriages view has the added disadvantage of undermining inerrancy. We conclude that this view has insurmountable problems.

Betrothal and Incest Views

Both of these views depend on a very narrow meaning of ***porneia***, so we must ask what it actually means. We doubt that the word refers only to adultery. The more usual word for adultery is ***moicheia***, and in 15:19 Matthew distinguishes ***porneia*** from ***moicheia***. In fact, in Matthew ***porneia*** only occurs three times (5:32; 15:19; and 19:9). Two of the three are the cases in question, and the third (15:19) clearly distinguishes ***moicheia*** from ***porneia***. Moreover, ***porneuō*** (the verb) never appears in Matthew, but ***moichaō*** (5:32; 19:9) and ***moicheuō*** (5:27, 28; 19:18) do occur and clearly refer to adultery. Matthean usage focuses on ***moicheia*** and its verbal forms for adultery, not ***porneia*** and ***porneuō***.

Does ***porneia***, then, mean only sex within the betrothal period or incest? As to the former view, some claim that premarital sex while engaged is the most usual meaning of ***porneia***. In addition, the law had a specific punishment for an unfaithful betrothed wife (Deut 22:20–21). Nonetheless, several items militate against this view. For example, even if premarital sex is the most common meaning of ***porneia***, it is not the only possible meaning. In addition to Matthean uses, the word also appears in Mark 7:21; John 8:41; Acts 15:20, 29; 21:25; Rom 1:29; 1 Cor 5:1; 6:13, 18; 7:2; 2 Cor 12:21; Gal 5:19; Eph 5:3; Col 3:5; 1 Thess 4:3; Rev 2:21; 9:21; 14:8; 17:2, 4; 18:3, 9. It is dubious that all of these (especially all

of the Corinthians, Acts and Revelation references) refer to premarital sex, and even more disputable that they all refer to premarital sex during an engagement period. Neither biblical use generally nor Matthean use in particular suggest that premarital sex is the only or even the most natural meaning for *porneia*.

Second, appeal to Deuteronomy 22 about premarital sex during the betrothal period actually seals the case against this meaning in Matthew 19. In Matthew 19, Deuteronomy 24 is under discussion, but Deuteronomy 24 does not address sex during the betrothal period. Nor need it do so, since that topic was already addressed two chapters earlier in Deuteronomy 22.

Finally, nothing in Matthew 19 suggests that Jesus speaks of sex during the betrothal period. When that is the topic, Matthew is quite capable of making it clear (cf. Matt 1:18). He could have done the same in Matthew 19 but did not. We conclude that the exception clause does not relate to illicit sex during the betrothal period.

Is *porneia* incest? That seems to be the meaning in 1 Cor 5:1, and many think it is the meaning in Acts 15:29 (cf. also Acts 21:25). In addition, some claim there is evidence from first-century Palestine (the Damascus Document from Qumran) that *porneia* means incest. All of this evidence shows that *porneia* was commonly understood as incest in the time of Jesus and Matthew.

Several responses are in order. As to Qumran and biblical usage generally, suffice it to say that cases where *porneia* means incest show that it *can* mean incest in Matt 19:9, but they do not prove it does. NT usage of *porneia* shows that it sometimes has other meanings. Thus, while *porneia* can mean incest, it can have a broader meaning. A decision about its meaning in Matt 19:9 must be made on the context of Matthew 19, not solely on the possible meanings for *porneia*, since there are various possibilities. In Matthew 19 itself, there is no explicit reference to incest. If one argues that *porneia* must refer to something in Jewish law, then why single out this item from the Holiness Code in Leviticus 18? That code mentions a series of sins. Why choose this one alone? If the answer is that biblical usage favors incest, we reply that it is not clear that incest is the predominant biblical meaning for *porneia*, and we note that the objection returns us to a discussion of possible meanings, not the specific meaning of *porneia* in Matthew 19.

How, then, should one understand *porneia* in Matthew 19? Because it is not equivalent to *'erwat dābār*, and because nothing in Matthew 19 helps us identify some specific sexual sin, we think it best to understand *porneia in 19:9* as a general term referring to sexual impurities of various kinds. Could that include incest, adultery, homosexuality, bestiality and the like? We think so, and also hold that many NT uses of *porneia* use it in this general sense (cf. especially Pauline usage).

The net result seems to be that the no divorce positions about the betrothal period and

incest are unlikely on the grounds presented. In addition, as noted when discussing the inclusivist view, the language of the exception clause really does demand that Jesus is offering an exception to his general rule. These no divorce positions entail that there are no exceptions and are problematic in that respect as well.

Heth and Wenham's View

If the no divorce positions are unacceptable on the grounds presented, does a divorce and no remarriage view (Heth and Wenham's view) fare any better? Three fundamental arguments are used to support this view: 1) the historical argument; 2) the argument from the indissolubility of the marriage bond; and 3) the position of the exception clause in the protasis (the "if clause" of the sentence).

As to the historical argument, we do not quibble about whether this view was held by most of the early church fathers. However, their holding it does not make it right, especially if there is evidence against it. An initial problem is understanding the word for divorce in verse 9 (*apoluō* to mean "separate without divorcing." The exact same word is used for divorce in verses 3, 7, and 8. Since those verses discuss Deuteronomy 24, and we know that passage speaks of divorce and remarriage, not just separation, we doubt that *apoluō* in verses 3, 7, and 8 refers merely to separation and not full divorce. If that is so, it is quite unlikely that Jesus uses the same word in the next verse (v. 9) in a different sense—Grammarians note that when *apoluō* means separation in verse 9 requires clear contextual grounds, but they seem lacking. Holding it because early church fathers did will not verify it.

As to the indissolubility matter, we have already shown the problems with Heth and Wenham's argument supporting the idea. Moreover, earlier we showed that it is possible to break the marriage bond. We are now considering whether in Matthew 19 Jesus gives a ground for doing so, but there seems little question that it is possible to break the bond.

The major support for Heth and Wenham's view is the position of the exception clause. According to Heth and Wenham, Matthew could have placed the exception clause in any of three positions in the sentence to try to convey Jesus' saying on divorce and remarriage. It could come after "whoever" and before "divorces" ("whoever, except for *porneia*, divorces his wife and marries another, commits adultery"). Heth and Wenham claim that this would make the sentence mean "whoever does not put away his wife for unchastity and does not marry another, commits adultery." Of course, then divorce and remarriage would be mandatory if one's wife committed *porneia*. It is highly doubtful that Jesus says this, especially since it would **demand** not only divorce but remarriage when a wife commits *porneia*.

Second, Matthew could have placed the exception after "marries another" and before "commits adultery" ("whoever divorces his wife and marries another, except for *porneia*,

commits adultery”). With this word order, Jesus says someone commits adultery if he divorces and remarries, unless he does so because of *porneia*. Heth and Wenham reject this word order, because they think it comes close to demanding the Erasmian view, which they reject. In point of fact, this word order does not demand the Erasmian view, for written in this way the sentence could be taken to mean that *porneia* is the actual reason for *remarrying*. That is certainly not the Erasmian view.

The third possibility is the position Matthew gave the clause (“whoever divorces his wife, except for *porneia*, and marries another, commits adultery”). Heth and Wenham interpret this to mean that “whoever puts away his wife, if it is not for unchastity that he puts her away, and marries another, commits adultery.” This means that divorce, except in cases of unchastity, is wrong, and remarriage after any divorce involves one in adultery. This reading is Heth and Wenham’s view.

Admittedly, the sentence would be ambiguous regardless of word order, and the word order Matthew chose does fit Heth and Wenham’s view. However, the word order also fits other views. Heth and Wenham have concluded too much from Matthew’s placement of the exception clause. They argue that the position of the exception clause makes it qualify only the first verb (“divorces”) in the protasis (the “if” clause), but they overlook two very important facts. First, the apodosis (the “then” clause), “commits adultery,” qualifies the whole “if” clause. Their interpretation seems to relate “commits adultery” only to the phrase “marries another.” Second, they note that the “if” clause is compound (“divorces and remarries”), but they do not take that seriously enough. To say that Jesus sometimes allows divorce but never remarriage because it involves one in adultery is to ignore that “commits adultery” completes the thought of the whole “if” clause. That is, adultery results from *both* divorcing *and* remarrying, not just from one or the other. This seems the only way to take seriously the compound “if” clause and the fact that the “then” clause qualifies the whole “if” clause. Those facts of grammar fatally damage the Heth and Wenham proposal.

How does the exception clause relate to this? It grants an exception to the general rule that whoever divorces *and* remarries commits adultery. Granted, the exception clause follows only the word “divorces,” but if it followed the word “remarries,” it might give the impression that the way to avoid committing adultery when one divorces and remarries is to be sure that the reason for the remarriage is to commit *porneia* by remarrying (“whoever divorces and remarries, except when he remarries for the purpose of committing *porneia*, commits adultery”). Obviously, that is nonsensical, and it is good that Matthew avoided that potential misunderstanding by placing the exception clause elsewhere. It seems that the best way for Matthew and Jesus to make the exception a clear exception to the whole rule contained in the “if” and “then” clauses was to place the exception clause exactly where it is. As our discussion in the immediately preceding paragraph shows, however, the real issue of debate with Heth and Wenham is whether “commits adultery” relates to divorcing and remarrying (the whole “if” clause), or whether it applies only to cases of remarriage. Since Heth and Wenham lose that debate (“commits

adultery” qualifies the whole “if” clause with or without the exception clause), we conclude that their view is untenable.

Luck's View

Luck's view is a divorce and remarriage position. We have noted problems with his understanding of Deuteronomy 24, and will shortly address the most problematic part of his position, his handling of Matthew 5. As to Matthew 19, Luck agrees that the exception clause grants a legitimate ground for divorce. We agree that 19:9 teaches that groundless divorce and remarriage involve adultery; properly grounded divorce and remarriage do not. We also concur that Jesus makes this point about the divorcer. We **disagree** when Luck offers the implications of this verse for remarriage of the person divorced groundlessly (“treacherously,” to use his term). Though the passage does not address this issue, Luck thinks remarriage for the **innocent** person divorced groundlessly is permissible. We disagree. Luck thinks the **woman** groundlessly divorced (“innocent party”) is free to remarry, because he thinks the woman of Deut 24:1–4 incurs no moral stigma and can remarry. As we have seen, that interpretation is wrong. Moreover, we think Luke 16:18b (“he who marries one who is divorced from a husband commits adultery”) also implicitly rules out remarriage for this woman. If a man commits adultery by marrying a woman groundlessly divorced (Luke 16:18b), is she not also guilty of adultery by that marriage? What could make her second husband an adulterer by marrying her other than the fact that she is still bound (in God's eyes) to her first husband (who divorced her groundlessly)? But if she is still bound to her first husband, marrying a second husband is adultery **for her too**, not just for her second husband! For this reason we cannot agree that the woman divorced groundlessly is free to remarry.

Luck says that a **man** groundlessly divorced (“innocent party”) could always remarry, because polygamy is morally acceptable. We strongly disagree. We shall handle polygamy momentarily, but for now note that if a groundlessly divorced woman commits adultery by remarriage (the point inferred from Luke 16:18b), why would the same rule not apply to a groundlessly divorced husband who remarries? The only possible way this rule would not apply is if polygamy is acceptable, and we deny that it is. We conclude that neither the groundlessly divorced woman nor the groundlessly divorced man may remarry without moral censure.

Luck also considers whether the guilty party may remarry. If the man is guilty of groundlessly divorcing his wife, Luck believes he can remarry, since the Bible allows polygamy. On the other hand, what is outlawed as adultery is divorcing groundlessly just to get to the next wife. Remarriages that are not the goal of the divorce may be permissible (because polygamy is all right), but when one divorces with the intent of remarriage, that is unacceptable. We disagree because we reject polygamy, but also because the general rule

(Matt 19:9 minus the exception clause) is that whoever divorces groundlessly and remarries commits adultery, period!

As to someone guilty of *porneia*, Luck would probably say remarriage is not allowed, because the divorce was meant to discipline and drive the guilty spouse to repent and reconcile the marriage. However, nowhere does Jesus or the apostles say this is the point of divorcing someone guilty of *porneia*. Moreover, if a husband divorces a wife for *porneia* and remarries another (he can do so without committing adultery, if *porneia* allows a genuine exception to the general rule in 19:9), surely the first wife should not try to break up her former husband's new marriage.

We conclude from the preceding that Luck's view inadequately handles Matt 19:9. However, before turning to the Erasmian view, we must address the issue of polygamy to refute Luck's views on Matthew 19 entirely. Space does not here permit a full-scale discussion of whether the OT sanctions polygamy, but we believe certain forms of polygamy are clearly repudiated in the NT by Jesus' teachings. That is, polygyny and polyandry that result from groundlessly divorcing one's spouse and contracting a second marriage are ruled out. Mark 10:11, Luke 16:18a, and Matt 19:9a (minus the exception clause) all say that the man who groundlessly divorces his wife and remarries commits adultery. As argued, adultery occurs because the marriage bond is still intact with the first wife. Jesus does not want people to commit adultery. If marrying a second wife while still married to a first (polygyny) involves a man in adultery, God must be displeased. That is, polygyny is outlawed! Moreover, Luke 16:18b (see the parallel saying in Matt 19:9b and 5:32b) implicitly prohibits polyandry. Anyone who marries a groundlessly divorced woman commits adultery. In God's eyes, such a woman is still married to her first husband. That means a second husband will commit adultery (Luke 16:18b), but it also means she will become polyandrous if a second man marries her. As argued already, if the second husband commits adultery by marrying her, she would also commit adultery by marrying him. Again, God does not want people to commit adultery. If marrying a second husband while still married to the first (polyandry) is adultery, polyandry must be unacceptable!

While Jesus' teaching rules out polygamy in cases where one obtains multiple wives by groundlessly divorcing and then marrying another, what about cases where one person simply marries many spouses without divorcing any of them (e.g., Solomon or David)? Is that kind of polygyny and polyandry acceptable? We think not for two fundamental reasons. First, we appeal to creation ordinances and our discussion of what constitutes marriage. It seems hard to square the language of Gen 2:24 ("forsaking," "cleaving to," "one flesh") with multiple spouses. Jesus' appeal to creation ordinances when the Pharisees asked about grounds for divorce and remarriage seems again to underscore the notion that monogamy is God's ideal. Polygamy was practiced by some, but that did not make it moral.

Second, by implication we believe Jesus' teaching in Matt 19:9, etc. rules out polygyny and polyandry. The point is this: if one divorces groundlessly and remarries, he commits

adultery, since in God's eyes he is still married to the first spouse. When there is an existing bond with one spouse, one commits adultery when he tries to contract another bond with someone else. Of course, that principle is true whether one precedes the second marriage by formal divorce of the first spouse or whether one simply piles up spouses. Since we know God does not want adultery to be committed, and since accumulating multiple husbands or wives involves committing adultery with each new marriage, we conclude that monogamy alone is the morally acceptable pattern for marriage.

Erasmian View

According to this view, ***porneia*** is a legitimate ground for divorce (though it does not make divorce obligatory). In God's eyes ***porneia*** breaks the marital bond, so the one who divorces on this basis may constitute a new bond (remarry) without committing adultery against the first marriage. We hold this view, but recognize that several major objections to it must be answered.

The first objection is that if Jesus really does offer a ground for divorce in verse 9, he contradicts creation ordinances (vv.4–5) and his own demand (v. 6) not to divorce. It seems that Christ is saying, "God never wanted you to divorce (vv. 4–5), and I command you not to divorce (v. 6), but you can divorce on the ground of ***porneia***" (v. 9). Of course, Christ would never make such contradictory comments, so opponents of the Erasmian view conclude that the view must be wrong.

Several responses are in order. For reasons already offered, we believe the exception clause grants a genuine exemption from the no divorce rule. Moreover, we deny that Jesus contradicts himself, and we cannot believe that Matthew is such a poor thinker that he would not notice such a blatant contradiction and comment on it (or even try to remove it). These factors lead us to believe there is no contradiction and that the apparent difficulties can be explained. A way out of the dilemma begins to appear when one realizes verse 9 is not a command; it is an assessment of the sinfulness of certain actions. Had Jesus said, "I command you to divorce for ***porneia***," his words would more clearly contradict verse 6. However, Jesus never ***commanded*** anyone to divorce for any reason. Verse 9 ***allows*** divorce and remarriage without moral censure when the divorce occurs because of ***porneia***, but permission is not obligation. Moreover, in verse 8 Jesus is careful to say that Moses ***permitted*** divorce; he never says Moses demanded divorce. Thus, the exception clause does not command anything that contradicts Jesus' command in verse 6.

Having heard this explanation, one might reply that it does not remove the contradiction, because Jesus says it is morally obligatory to avoid divorce (v. 6). How can it be morally requisite to avoid divorce and then be morally permissible (v. 9) to divorce under certain circumstances? The answer stems from the way exceptions modify rules. Verse 6 gives the general rule (the ***prima facie*** duty), but general rules are only universally applicable if they have no exceptions. In verse 9 Jesus names the case that exempts one

from the rule. Some think exceptions negate the rule, but that misunderstands the logic of exceptions to universal rules. Exceptions negate the rule **only in exceptional cases, not in all cases**. Once one understands how exceptions modify rules, the apparent contradiction between verses 6 and 9 disappears.

What we argue here is consistent with our handling of *prima facie* duties elsewhere in this book. “Thou shalt not kill” is a fundamental obligation. However, we think capital punishment, self-defense, and just wars are exceptions to that rule. None of those exceptions invalidate the duty in any cases other than the exceptional ones. Anyone who thinks capital punishment, self-defense, and just wars are legitimate exceptions to the general rule about killing, exceptions which invalidate the rule **only** in the exceptional cases, should not think the exception in Matt 19:9 negates altogether Jesus’ general rule about divorce (Matt 19:6).

A second objection is that the Erasmian view necessitates two different senses for the word *apoluō* (“divorce”) in verse 9. Jesus says divorce for *porneia* plus remarriage involves no adultery. But remarriage is adulterous if one divorces for reasons other than *porneia*. In the first proposition, divorce obviously dissolves the previous marriage and allows remarriage. In the second, “divorce” cannot have the same meaning, since remarriage involves adultery. It must mean simple separation. Of course, this means Jesus uses the same word in the same sentence equivocally.

Actually, this objection is confused on several grounds. As argued previously, the exception clause is shorthand for a complete second sentence. Matt 19:9a really contains two sentences, one stating the general rule, and the other offering the exception. Since the two sentences refer to two different cases, there is no reason the same word cannot be used in two different senses to cover the two types of cases. In addition, this objection (raised by Heth and Wenham) is even more fundamentally flawed. The problem comes from failing to see the protasis (the “if” clause) as compound (“divorces” **and** “remarries”) and from a subsequent failure to recognize that the apodosis (“commits adultery”) qualifies the **whole** protasis. Those grammatical points mean that this sentence is not about the difference between a complete divorce and a mere separation. It is about the conditions under which divorce **and** remarriage involve adultery and the conditions under which they do not. Since that is the point of the verse, it is dubious that Jesus is thinking at all of divorce in the sense of separation. We conclude that the Erasmian view does not entail that Jesus equivocates in verse 9.

A third objection is that if the Erasmian view is correct, Jesus is not far from the Shammai in his views on divorce. If so, why are the disciples who hear his teaching so astonished (v. 10)? Surely, Jesus must be taking a stricter stand than the Shammai. For the sake of argument, we grant that the disciples are truly astonished (especially in view of their evident perplexity as mentioned in Mark 10:10). Even so, there are several appropriate responses. Even if Jesus’ position is not far from that of the Shammai, that does

not mean the Shammai position was an easy one or that common practice in Jesus' day followed that rule. It was much stricter than the Hillel view, and as some note, Jesus was stricter than the Shammai on who could remarry. However, our initial point is that this strict position fits very nicely with the disciples' cynical comment in 19:10. Our other point is that Jesus said something explicit which must have been rather astonishing. Jesus said that whoever divorces without grounds of *porneia* and remarries commits adultery. As we have shown, Moses talked about divorcing for '*erwat dābār*' (something other than *porneia*), but he never said that to do so involved one in committing adultery. He merely said that someone who divorced for '*erwat dābār*' and remarried was defiled. Jesus explicitly teaches the shocking truth that such cases involve the divorcer and the divorced in adultery. Moreover, when one adds to this astonishing truth the fact that these disciples knew that OT law said adulterers were to be executed, is it any wonder that they were astonished at Jesus' teaching? The Erasmian view leaves plenty of room for the disciples' astonishment.

A fourth objection is that the Erasmian view demands a loosening of God's ethical standards. In the OT, creation ordinances suggest permanence. Sins such as adultery and bestiality were grounds for execution, not divorce. Even when divorce and remarriage were allowed (Deuteronomy 24), Scripture says the woman was defiled. In the NT it appears that the rules are softened. Jesus allows a ground for divorce and remarriage and says the innocent party in such cases commits no sin. Is this not an easier standard than in the OT? How can God change ethical norms if they are grounded in his very person which does not change?

In response, we think something has changed, but we deny that God softened his ethical norms. The OT never commanded divorce, nor does Jesus, even when *porneia* has been committed. Moses said those divorced for '*erwat dābār*' who remarry are defiled, but he did not say why. Neither did Moses say anything about the moral condition of the divorcer. Jesus says the woman groundlessly divorced is made to be an adulteress when she remarries (Matt 5:32). The divorcer in such cases also commits adultery if he remarries (Matt 19:9). The only change here from the OT is that Jesus blatantly labels as adultery the remarriage of the divorcer and the divorced. That does not loosen moral standards; it underscores the guilt and names the sin of those who divorce groundlessly and remarry. The one significant change we see is a change in the penalty for committing *porneia*. In the OT those guilty of *porneia* were to be executed (though they seldom were). Jesus does not demand that they be executed; he *allows* them to be divorced. While this is a different penalty, it is still a punishment and shows that *porneia* is not morally acceptable. We conclude that nothing Jesus says softens moral rules (punishments are not moral norms; they specify penalties for breaking those rules). Nor does Jesus sanction as moral what the OT called immoral.

Finally, any view should try to explain why the exception clause appears in Matthew but not Mark, Luke, or 1 Corinthians. Opponents of the Erasmian view see this as a major

problem since the Erasmian view teaches that Matthew's Gospel with the exception clause allows divorce, whereas Mark, Luke and Paul do not allow divorce on grounds of *porneia*.

Typically, no divorce positions hold that Matthew included the exception because he wrote to Jews and wanted to emphasize something from their law, whereas Mark and Luke wrote to Gentiles who would not be acquainted with Jewish law. The exception would mean little to them. We think Matthew included the exception because of his Jewish audience, but we see no problem for the Erasmian view. We think Matthew's inclusion of the exception is explainable in light of the "changes" Jesus' teaching on divorce makes. Jesus makes explicit what is implicit in Deuteronomy 24. He teaches that whoever divorces for *'erwat dābār* and remarries commits adultery. Jews knew that OT law demanded the execution of adulterers. Now that Jesus reveals that those who remarry after divorce for *'erwat dābār* commit adultery, would he say they should be executed as adulterers? Jewish readers would also know the Shammai and Hillel debate over grounds for divorce and would wonder how the apparent permission and regulation of divorce (Deut 24:1–4) squared with Jesus' shocking teaching that remarrying after divorce for *'erwat dābār* involves one in adultery. Unless Matthew includes the exception clause, those questions that would undoubtedly be on the minds of Matthew's Jewish audience would be unanswered. By including the clause, Matthew made sure that those issues were addressed. Mark's and Paul's Gentile audiences would not key into these issues. Moreover, excluding the clause from Luke makes abundant sense, as we have argued, given the context of Luke 16.

By offering this explanation, we are not suggesting that the teaching of the exception clause is irrelevant to Gentiles. Ethical norms grounded in God's character apply to all people. Our only point is to attempt to explain why one writer includes the clause and the others do not. We see its inclusion in Matthew as his attempt to address issues that would be in the forefront of his readers' minds.

In sum, we think the best understanding of the exception clause in Matthew 19 is that Jesus allows divorce on the ground of *porneia*. Those who divorce for that reason are allowed to remarry without committing any sin by the divorce or remarriage. Whether Jesus' teaching allows the person divorced for *porneia* to remarry, Jesus does not say here. The question is addressed, however, by what he says in Matt 5:32.

Matthew 5:31–32

This teaching of our Lord is part of the Sermon on the Mount. Verses 31–32 contain one of six antitheses (vv. 21–48) Jesus uses to correct the Scribes' and Pharisees' misunderstanding of the Mosaic Law. Jesus first states the prevailing understanding and then adds his word of correction and/or amplification. Jesus makes a point about the

commission of adultery (vv. 27–30, esp. vv. 27–28), and then he turns to the matter of divorce.

In verse 31 Jesus states the typical understanding of Deut 24:1. In verse 32 he counters that perception. Once one sees how verse 32 is antithetical to verse 31, Jesus' point in verse 32 becomes even stronger. We understand his point as follows: by following the letter of Mosaic legislation (give the wife a bill of divorcement), men think they care for the rights of the woman they divorce. They reason that with the bill of divorce she is free to remarry, so some other man will care for her. She need not beg on the streets or become a prostitute. No doubt, they conclude that their moral duties are satisfied and that they are righteous before God, even though they divorced for *'erwat dābār*. In verse 32 Jesus says otherwise. The bill of divorce does not make the husband morally blameless **when the reason for divorce is 'erwat dābār**. The husband has followed the letter of the law about a bill of divorcement and thus appears to show some concern for his wife's future. But actually, he has placed her in a horrible position. The divorce has put her in a position whereby she will commit adultery when she remarries, and in the society of that day it was unlikely that she would remain unmarried. Moreover, whoever marries her (v. 32b) will also commit adultery, despite the fact that the bill of divorcement will cause him to think that marrying her will involve no sin. The divorcing husband has really placed his wife and her future husband in a very precarious position. He is not to be congratulated for what he has done.

Understood this way, Matt 5:31–32 is a powerful indictment against those who meet the letter of the law while ignoring its underlying spirit. Moreover, the verses fit nicely the pattern of the other five antitheses. In each, Jesus begins by stating the prevailing opinion about what one must do to be righteous in the eyes of the law. Then Jesus offers his “but I say” teaching that shows a further dimension to the issue. If that further aspect of the law is not fulfilled, the individual who claims to keep the law is really evil, not righteous. Only when one obeys the whole of a law (whether the law is about adultery, divorce, anger, e.g.) will one be a member of the kingdom of heaven (v. 20).

With this understanding of the context of Matt 5:31–32, let us note a few particulars. In Matthew 19, Mark 10 and Luke 16, the emphasis is on how the divorcing person's actions affect **his own** moral condition. In Matthew 5 the emphasis is on what the divorcing husband does to the woman he divorces. Given the context already explained, one can see why Jesus would focus on that matter in Matthew 5. As to the exception clause (**parektos logou porneias**), it qualifies the general teaching, functioning as it does in Matt 19:9 as shorthand for a second sentence (“whoever divorces his wife for the cause of **porneia** does not cause her to commit adultery”). The word **parektos** means “outside of,” “apart from,” or “except for.” It denotes something singled out from a large group—in this case an exception to a general rule. Linguistically, it is hard to see this as anything other than a genuine exception.

What, then, does the passage mean? Note that in 5:32a Jesus says nothing about

whether the divorcing husband remarries; he speaks merely about the effects on a wife when her husband divorces her. The phrase *poiei autēn moicheuthēnai* (best translated “makes her to commit adultery”) explains what happens to the woman. How does he make her commit adultery by divorcing her? In that culture it was understood that a woman given a bill of divorcement (v. 31) would naturally remarry. But when a woman is divorced for *’erwat dābār*, the marriage bond with her first husband is not broken. Thus, when she marries a second husband, she commits adultery with him. Jesus’ point is that the first husband is to blame for putting his wife in this untenable situation. Only if he divorces her for *porneia* does he avoid creating this situation. The situation does not arise, because it is morally permissible for the husband to divorce his wife for *porneia* (that is the force of the exception clause). The reason, we believe, is that *porneia* breaks the marriage bond, and if it is broken, divorce is permissible. Of course, if *porneia* broke the marital bond with the first spouse, remarriage will not break it again. Nor will it cause her to commit adultery against the first marriage, since that marriage was broken by the *porneia*. She is morally free to remarry. This does not excuse her *porneia*, but only notes that once *porneia* is committed, no further sin is committed by divorcing and remarrying.

What happens to the first husband if he divorces without grounds of *porneia* and then remarries? Jesus addresses that issue in Matthew 19, Mark 10 and Luke 16, but not in Matthew 5. Those passages teach that whoever divorces groundlessly and then remarries also commits adultery!

Many objections to this understanding of the significance of the exception clause in Matt 5:31–32 were answered when Matthew 19 was treated. However, two other lines of objection are worthy of note. According to the first, on our interpretation, Jesus is really uttering a banality. He is saying nothing more than “he who divorces his wife, unless she is already an adulteress, now makes her liable to become an adulteress.” We respond that this is no banality. In fact, as argued, it makes explicit why the woman of Deuteronomy 24 is defiled by being divorced and then remarrying a second husband. Neither the reason for her defilement (she remarried after being divorced for *’erwat dābār*) nor the nature of it (she committed adultery by remarrying) seems to have been understood in Moses’ day or even in the time of Christ. When the disciples heard this teaching, they were shocked (Matt 19:9–10). From our vantage point (which includes nearly two thousand years of interpreting these Gospel texts), this teaching might appear to some to be trite, but in the first century A.D., it is highly unlikely that these words were understood that way.

The second objection stems from Luck’s interpretation of these verses. He says most commentators do not take seriously enough the fact that *moicheuthēnai* (the Greek for “commit adultery”) is passive. They identify the form as passive but then translate it as active. To translate it as active focuses on the woman as though she is the sinner. Instead, the verse emphasizes what the divorcing husband does to his wife.

If the word is given its passive sense, how should it be translated? Luck rejects the

translation “she becomes an adulteress,” because it treats the verb like a noun. He also denies that the word simply means that the divorce unjustly stigmatizes the woman as an adulteress. The idea of stigmatization may be there, but only secondarily. Instead, Luck argues for “he makes her to be adulterized.” Luck explains that to be adulterized is to have adultery committed against you. This clarifies that the husband is the offender. Luck grants that this amounts to what Mark 10:11 says—“whoever divorces his wife and marries another woman commits adultery against her.” He thinks the wording of Mark 10:11 would have made the point more easily, but sees a good reason for using the passive infinitive instead. Only with that construction, says Luck, could Matthew convey in a few words the ideas of both Mal 2:14–17 and Deut 22:19. Malachi discusses those who treacherously divorce their wife just to devote themselves to another woman. Deuteronomy handles cases where a man wrongly accuses his new wife of not being a virgin on their wedding night.

In response, several problems are evident. First, though the infinitive is passive, it is usually interpreted in an active sense. What troubles us is that Luck seems to demand the passive understanding neither on grounds of word usage nor contextual considerations. The passive is necessitated because it makes the verse fit Luck’s general understanding of the divorce and remarriage issue. Second, if Matthew really portrays Jesus as saying what Luck claims, it is a tortuously difficult way to make the point. Why not record what Mark does in 10:11? It is much less ambiguously stated, and Luck admits that. He also admits he holds his view because of Malachi 2 and Deut 22:19. However, there is no contextual evidence in Matthew 5 that Jesus is correcting anyone’s understanding of those passages. Instead, Jesus’ words (v. 32) are antithetical to the common understanding (mentioned in v. 31) of Deut 24:1, and Deut 24:1–4 does not cover the issue of Deut 22:19. Likewise, it is dubious that Malachi 2 relates to Deuteronomy 24. Finally, Luck’s interpretation does not meet the demands of the immediate context in Matthew 5. Luck rightly notes that Jesus emphasizes what the man does to the woman he divorces. However, Luck’s view does not take seriously enough Jesus’ point in citing the traditional understanding of Deut 24:1. We have already explained how Jesus’ point in verse 32 is a powerful indictment of the man who thinks he is righteous because he has met the letter of the law by giving his wife a bill of divorcement. This action really puts her in a position of moral jeopardy. All of this is lost on Luck’s understanding of the passage. Nothing is said about how verse 32 is antithetical to verse 31. Jesus merely says the man has done his wife wrong by committing adultery against her. Since we think there is much more to the passage than this, we conclude that Luck’s interpretation does not do justice to the whole force of this passage.