

Does the New Testament Approve Remarriage after Divorce?

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“A text out of context is a pretext” is the slogan of all those who try and teach the art of preaching and exegesis. It is my contention that, in their original context, all the Gospel divorce texts should be understood as condemning remarriage after divorce. The full arguments for this view are set out in *Jesus and Divorce*.¹ In this article I wish to address the issue more concisely by considering the various contexts in which the divorce texts may be read: first, the broadest context, the early church’s understanding of the gospel texts; second, the narrower context of the whole New Testament witness to marriage; third, the context in Matthew’s gospel; and finally the context of the debates of first-century Judaism within which Jesus was arguing. By way of a coda I shall then consider whether the dominical condemnation of divorce and remarriage necessarily means that it is excluded in a society that calls itself Christian. The analogy with Jesus’ teaching on violence does, I shall suggest, give a model for behaviour in a world where the new creation has been inaugurated but is not complete.

The Early Church Context

Modern Protestants have by and large forgotten that their forefathers, the magisterial reformers, placed great store by the interpretations of the early church. Post-enlightenment scholarship has developed a great hermeneutic of suspicion when it comes to reading the church fathers: the automatic assumption is that they have distorted the primitive gospel and its

associated practices into a corrupt *Frühkatholismus* (early Catholicism). This was not the reformers’ view, nor of course that of the early Christian writers themselves. They believed in an essential continuity between the witness of the early church and the teaching of the New Testament. At the beginning of his *Institutes* Calvin claims that if he wanted, he “could with no trouble at all prove that the greater part of what we are saying today meets their (i.e. the Fathers’) approval.”² It may be that at last the antipatristic tide is turning, among evangelicals at least, with the publication of the *Ancient Christian Commentary on Scripture*, which shows how the Fathers understood the Bible from Genesis to Revelation.

Unfortunately the volumes on Matthew are not yet published, but for those who read French H. Crouzel, *The Early Church and Divorce* offers a superb discussion of the passages in the Fathers where the gospel divorce texts are discussed.³ To my knowledge there has been no serious attempt to refute Crouzel: even those who do not like his conclusions accept that it is the definitive study.⁴ It discusses fully and carefully all the comments of Christian writers in the first five centuries on this topic.

Among Greek-speaking fathers both pre- and post-Constantine there is total unanimity. Among the earlier group Hermas, Justin, Athenagoras, Theophilus of Antioch, Irenaeus, Clement of Alexandria, and Origen, all explicitly condemn remarriage after divorce or clearly presup-

pose this view. The Constantinian settlement, which made Christianity the official religion of the empire, might have encouraged Christian writers to identify imperial legal practice, which permitted divorce and remarriage, with Christian values, but there is no sign of that happening. Later Greek theologians such as Basil, Gregory Nazianzus, Apollinarius, Theodore of Mopsuestia and John Chrysostom all maintain the traditional Christian position that the Gospels do not permit remarriage after divorce. They regard the exception clause as authorizing or requiring separation, not permitting remarriage afterwards.⁵ That this interpretation was the way native Greek speakers understood our Lord's teaching surely indicates that it is the most natural interpretation.

The evidence of the Latin fathers is equally impressive. It is also carefully and exhaustively analysed by Crouzel. Among those who condemn remarriage after divorce are Tertullian, Ambrose, Innocent, Pelagius, Jerome, and Augustine. There is only one dissenting voice in the West, who cannot be identified, but, because he was once identified with Ambrose, is known as Ambrosiaster. He wrote between 366 and 383. His views on marriage and divorce are strongly influenced by Roman law: for example he regards adultery by a husband as much less serious than that of a wife. She may separate if her husband is unfaithful but not remarry. But when the wife is at fault, he may remarry after divorcing his wife. Ambrosiaster explains the reason for this discrimination: "The inferior cannot exercise the same law as the superior. The man is not bound in the same way by the law as the woman is, for the man is the head of the woman."⁶ But as Crouzel points out this is a misapplication of Ephesians 5, which compares

Christ as head of the church to the position of the husband as head of the household, but "this implies no inequality in the fundamental acts of marriage and the right that each spouse has over the body of the other according to 1 Corinthians 7: 3-4."⁷ This demonstrates how distant Ambrosiaster is, not just from New Testament thinking, but from the general attitude of the early church, which always insisted on the duty of mutual fidelity. Little wonder that Ambrosiaster is totally ignored by subsequent fifth-century Latin writers.

The witness of the early church thus points unequivocally to a no-remarriage understanding of the Gospel divorce texts. Since no modern New Testament scholar can ever hope to approach the Greek fathers' grasp of their mother tongue and its nuances, one will have to have extremely powerful arguments to show that their understanding is not the natural understanding of the texts.

The New Testament Context

But could not all the Fathers have misunderstood the Gospel divorce texts? Although these writers were much closer in time, place, language, and presuppositions than the modern reader is to the Gospel texts, they were not contemporaries of the evangelists, so it is not impossible that they misinterpreted Matthew. I therefore shall now review remarks in the epistles and other gospels to see whether they allow remarriage after divorce. Whether these works were written before, at the same time as, or even after Matthew does not seem clear to me, but it does not really affect my argument. They unquestionably provide a closer context for interpreting Matthew than the Fathers.

Easiest to date are Paul's epistles to the Corinthians and to the Romans, about 55 and 57 AD respectively.⁸ Paul's comments in 1 Corinthians 7:10–11 and Romans 7:2–3 are very explicit: "To the married I give this charge (not I, but the Lord): the wife should not separate from her husband (but if she does, she should remain unmarried or else be reconciled to her husband), and the husband should not divorce his wife." Here Paul makes three points very clearly. First, his teaching is based on Jesus' words: this is one of four passages in 1 Corinthians where he explicitly appeals to dominical tradition to justify his instructions. Second, couples should not divorce each other. Third, if one does leave the other, she should not remarry. Paul does not actually say that a husband who divorces his wife should not remarry, but that is surely implied. If he should not divorce his wife, *a fortiori* he should not remarry.⁹

Summing up the thrust of this passage Gordon Fee writes: "there is little question that both Paul and Jesus disallowed divorce between two believers, especially when it served as grounds for remarriage.... On the other hand ... divorce may happen.... What is *not* allowed is remarriage, both because for him that presupposes the teaching of Jesus that such is adultery and because in the Christian community reconciliation is the norm. If the Christian husband and wife cannot be reconciled to one another, then how can they expect to become models of reconciliation before a fractured and broken world?"¹⁰

If the thrust of Paul's teaching is clear, it is not so obvious what form of Jesus' teaching he was appealing to. Did Paul know the Gospel sayings about divorce in the form we now have them in the Gos-

pels or was he appealing to some tradition independent of them? If it could be proven that he knew the sayings in their Gospel form, the no-remarriage view would be home and dry. But of course this is not so easy to demonstrate, especially as the critical consensus is that the Synoptic Gospels were written after Paul's epistles.¹¹ As my case at this point does not rest on Paul knowing Matthew in its present form, but only on the observation that nowhere outside Matthew 19 is there ever a hint that remarriage after divorce might be allowed, I shall first review the remarks in Luke and Mark. Then I shall reopen the question of Matthew 19: could it be that, even if Paul did not know it in its present form, he might have known a Jesus-tradition remarkably like it?

Two cases are discussed in Mark and Luke: (i) the husband who divorces and remarries and (ii) the divorced woman who remarries. I shall consider them in turn. First the remarrying husband: "Whoever divorces his wife and marries another commits adultery against her" (Mark 10:11); "Everyone who divorces his wife and marries another commits adultery" (Luke 16:18a). Slight differences in wording notwithstanding both sayings make two remarkable points. First a husband can commit adultery against his own wife: this is implied by Luke and explicit in Mark. But under Old Testament law adultery was committed against husbands not against wives. If a married man took a second partner in marriage or without marrying her, it did not count as adultery; hence the practice of polygamy was legal. However, if a married woman had sexual relations with anyone except her husband, that was adultery by her and the third party. But this saying of Jesus introduces full reciprocity into marriage law:

infidelity by a husband is just as culpable as infidelity by a wife. The second implication of course is that polygamy is not permitted either. Divorce was supposed to give permission for a second union without the stigma of adultery. But if a second union after divorce, with the explicit permission for remarriage it entailed, counted as adultery according to Jesus, how much more second or subsequent unions without divorce.¹²

However it is also important to notice what is not said. Divorce on its own is not equated with adultery, only divorce followed by remarriage.

The same is true of the second half of the statement in both gospels: "He who marries a woman divorced from her husband commits adultery" (Luke 16:18b); "If she divorces her husband and marries another, she commits adultery" (Mark 10:12). The Lukan form of the statement is almost the same as Matthew 5:32b. The Markan form is unusual in envisaging a woman taking the initiative in divorce proceedings, which rarely happened in first-century Palestine.¹³ But what is striking about both forms of the saying is the implication that divorce does not break the marriage bond, so that sexual relations with anyone but one's first spouse is adultery.

According to Jewish law "the essential formula in the bill of divorce is 'Lo, thou art free to marry any man.'" ¹⁴ The implication of Jesus' pronouncement is that the essential declaration in the divorce formula does not work. A woman is not free to marry any man after divorce: if she does, she commits adultery. In other words she is still bound by the vow of exclusive loyalty to her husband.

Thus the two halves of the statement in Luke 16:18 and Mark 10:11-12 place

both partners under the same obligations of mutual loyalty: if either husband or wife divorces the other and remarries, he or she commits adultery against the other because they are both bound together as man and wife.

The theological logic behind this position is explained in Jesus' debate with the Pharisees, which immediately precedes these remarks in Mark 10. Asked whether divorce was legal, Jesus declared that it contradicted God's creative purpose that in marriage "they shall become one flesh." So they are no longer two but one flesh. What therefore God has joined together, let not man separate" (Mark 10:8-9). It is because God joins a couple together in marriage that the human declaration, "You are free to marry any man" has no legal effect in God's eyes, so that he looks on remarriage after divorce as adultery.

But nowhere in Luke or Mark is divorce by itself equated with adultery. "Let not man separate" is a moral injunction like "You shall love the LORD your God with all your heart," whereas "Whoever divorces and remarries, commits adultery" is case law like "Whoever sacrifices to any god, other than the LORD alone, shall be devoted to destruction" (Exod 22:20). There is often a big gap between moral ideals and case law. The former tend to express high ideals, while the latter set minimum standards of behaviour.¹⁵ I may not love my neighbour as myself, but as long as I do not kill him, or steal from him, the law will not interfere. There could be a similar gap between Jesus' "let not man separate" and his description of marriage after divorce as adultery. Clearly St Paul understood there to be a difference, for while he reluctantly tolerates separation without remarriage, he clearly forbids the latter.

Our interim conclusion is therefore that in the wider New Testament context outside Matthew's gospel there is no permission for remarriage after divorce. The teaching of Jesus as reported by Mark, Luke, and Paul is totally congruent with the teaching of the early church on this issue from the second to the fifth centuries AD. This makes it unlikely that Matthew's gospel should be interpreted differently. If it is to be dated as late as AD 85, as often suggested, it would be curious if its teaching on marriage differed so radically from the NT texts that preceded it and the early church fathers that quickly followed it. On the other hand, if it were written much earlier as tradition maintained, why did Paul and the other evangelists understand Jesus' teaching so differently? Whatever context we prefer for Matthew's gospel, it is clear that the writers closest to him in time understood Jesus to prohibit remarriage after divorce.

But before we leave the wider context of the New Testament as a whole, and focus on Matthew's gospel, I want to revert to the possibility that St Paul may have known Jesus' teaching in a form close to that found in Matthew's gospel, as has been argued by my brother David in his highly acclaimed *Paul: Follower of Jesus or Founder of Christianity?*¹⁶ Though Paul rarely cites Jesus' teaching explicitly, my brother shows that at many points there are very close parallels between Jesus' teaching and St Paul's. These parallels cover topics such as the Kingdom of God, Christology, the death of Christ, Ethics, and the Second Coming. David shows how St Paul does not simply parallel the ideas of Jesus found in the gospels, but often seems to echo their phraseology. He therefore argues "that there is massive evidence of Pauline

knowledge of Jesus-traditions."¹⁷ He suggests that the Jesus-traditions known to Paul were more extensive than our present gospels, which represent a distillation of "fuller oral traditions (such as Paul and others passed on)."¹⁸

Paul's dependence on the Jesus-traditions is explicit in 1 Corinthians 7:10, where he says "Not I, but the Lord" and then proceeds to paraphrase Jesus' teaching found in Matthew 19:6//Mark 10:9 using the same Greek word as the Gospels (*chōrizein*). But this is not Paul's first apparent appeal to the Gospel divorce texts. In 1 Corinthians 6:16 he quotes Genesis 2:24 "the two will become one flesh," just as Jesus does in Matthew 19:5//Mark 10:8. Nor is it Paul's last appeal, for after discussing divorce and remarriage he goes on to discuss celibacy (1 Cor 7:25-27) just as Jesus does in Matthew 19:10-12. It may be that the Corinthians already knew of Jesus' teaching on celibacy and were misusing it in the cause of asceticism as an excuse to break up their marriages.

The main evidence for this reconstruction of the background to 1 Corinthians 7 is (i) the similarity of Paul's teaching to what is in Matt 19:11-12; (ii) that the teaching on celibacy is adjacent to the teaching on divorce in both 1 Corinthians 7 and Matthew 19; and (iii) that Paul is, by his own confession, using the Matthew 19 teaching on divorce.¹⁹

Should this reading of 1 Corinthians 7 and Matthew 19 become accepted, its consequences for the interpretation of Matthew 19 will be profound, for it shows that Paul understood his Lord's teaching on divorce to exclude remarriage, not just in the Markan and Lukan form but in the Matthaean form too.

The Context in Matthew

The idea that Matthew allows remarriage after divorce in some cases rests on the interpretation of two short phrases. In 5:32 Jesus says: “everyone who divorces his wife *except on the ground of sexual immorality (porneia)*, makes her commit adultery.” In 19:9 “whoever divorces his wife, *except for sexual immorality (porneia)*, and marries another commits adultery.” The early church understood the italicised phrases to allow separation for sexual immorality but not remarriage.²⁰ But from the time of Erasmus onwards many Protestants have held that the exception clauses allow full divorce with the right to remarry in cases where a spouse was guilty of sexual immorality, typically adultery. It is my purpose now to determine which interpretation makes best sense within the context of Matthew’s gospel. Does the Erasmian view or the early church view make best sense of the flow of Matthew’s thought? We shall examine the two passages in turn.

First, 5:32a “Everyone who divorces his wife, *except on the ground of sexual immorality*, makes her commit adultery.” This saying is unusual in that it says the act of divorce causes the woman to commit adultery. And it is not clear in what way divorce by itself can be said to cause adultery. The likeliest explanation is that the woman will be forced by economic or social pressure to remarry and therefore, because she is still bound by marriage vows to her husband, will commit adultery against him.²¹ But this is a side issue. The real point is that the husband who initiates the divorce has thereby himself caused the seventh commandment to be broken. All the blame is transferred to the man.

This is of a piece with the rest of Jesus’

exposition of the commandment at this point in the Sermon. Contrary to much Jewish thinking, which tended to blame women for sexual sins, Jesus focuses all his attention on the male and the steps men must take to avoid falling into temptation. It is the man who looks at a woman lustfully in v. 28. It is the man who must tear out his right eye or cut off his right hand in vv. 29-30. It is the man who causes the woman to commit adultery in v. 32a or commits adultery himself in v. 32b.

Not only is the focus on the man in this section, but there is a progression in the seriousness of the man’s sin. It begins in the man’s mind, “adultery in the heart,” develops in his eyes, and then his hand. Next it becomes adultery by proxy (“make her commit adultery”), and finally he commits adultery himself by marrying a divorced woman.²²

Within this context the exception clause simply notes that should a wife have already committed adultery herself (the most likely form of sexual immorality in this context), her husband can hardly be said to have made her commit adultery, when under current Roman and Jewish law he was compelled to divorce her for her action. There is no suggestion here that by divorcing her for sexual immorality a husband gains the right to marry again. That is simply not in the frame of discussion here. The most that Erasmians can claim is that this text leaves open the possibility that an innocent husband may remarry. This text certainly does not authorize remarriage in such circumstances. All it says is that divorcing an adulterous wife cannot be construed as making her commit adultery.

On the other hand, the whole tenor of the passage suggests that an Erasmian interpretation is wrong. The point Jesus

is focussing on is the man's responsibility to be loyal to his wife: men must make every effort to avoid transgressing the commandment even in their thought life. To introduce the thought of remarriage in v. 32a, where the central concern is to prohibit men from even divorcing their wives, is surely most unlikely. It becomes even more unlikely when we reach v. 32b where marrying any divorced woman is the climax of Jesus' exposition of the seventh commandment's implications. Contextually, therefore, a reading that allows for remarriage after some divorces in 32a misses both the central thrust of this section (its focus on male waywardness) and the way it builds to its climax in 32b.

Remarriage readings also lead to an illogicality in verse 32.²³ They could also be said to offer a perverse incentive to sexual immorality. For if the only circumstance in which someone is free to remarry is when the spouse has committed adultery, one could envisage a partner in a desperate marriage encouraging the other to commit adultery just in order to ensure freedom to remarry instead of mere separation. But this type of casuistry seems far removed from Jesus' approach in this passage. In context he is condemning every kind of infidelity, not providing excuses for remarriage.

This reading of Matthew 5:32 suggests that far from giving an escape clause from Jesus' condemnation of remarriage found in the other Gospels, Matthew could be underlining the strictness of Jesus' teaching against divorce itself. According to Matthew 5:32b (whoever marries a divorced woman commits adultery), Mark 10:11-12 (whoever divorces ... and marries another commits adultery), and Luke 16:18 (everyone who divorces and marries another commits adultery), it is

divorce followed by the act of marriage that is equivalent to adultery. But according to Matthew 5:32 (everyone who divorces his wife ... makes her commit adultery) divorce by itself can lead to the breaking of the seventh commandment. As we have noted the exception clause exonerates the divorcing spouse from this charge where the partner has already been unfaithful, but we should not miss the point that in other cases of divorce, e.g., on grounds of incompatibility, the initiator of divorce is charged with breaking the seventh commandment. This is not suggested in Mark or Luke. This is what makes Matthew look stricter than the other Synoptics.²⁴

I would therefore sum up Matthew's version of Jesus' words in three statements:

1. Divorce + remarriage = adultery (5: 32b cf Mark 10:11-12; Luke 16:18)
 2. Divorce alone (except for *porneia*) = adultery (5: 32a)
- These two statements can be combined into:
3. Divorce (except for *porneia*) + remarriage = adultery (19:9).

Statement 3 is an elliptical summary of statements 1 and 2, or at least is the way a reader who has absorbed the significance of 5: 32 could abbreviate them. I now wish to argue that this is the sense that best fits 19:9 contextually, "whoever divorces his wife, except for *porneia*, and marries another, commits adultery."

In interpreting Matthew 19:9 it is again very important to read it in context. It comes in the course of a debate with the Pharisees about the justification for divorce. "Pharisees came up to him and tested him by asking, 'Is it lawful to divorce one's wife for any cause?'" This is slightly different from the way Mark

phrases the Pharisaic question: “‘Is it lawful for a man to divorce his wife’” (Mark 10:3). Matthew clearly situates the debate in the context of intra-Jewish disputes about reasons for divorce, whereas Mark simplifies the debate to bring out the essence of the dispute for Gentile readers. In Matthew 19:3 Jesus is asked to say on whose side he is when it comes to allowing for divorce: does he agree with the conservative Shammaites, who allowed divorce on very few grounds, or with the liberal Hillelites?

The debate (19:3–12) is typical of many in the Gospels:²⁵ (i) someone asks a question; (ii) Jesus attacks the very foundations of his opponents’ position; (iii) his opponents counterattack by raising objections from Scripture to his views; (iv) Jesus dismisses these objections; (v) frequently the disciples interject their difficulties about Jesus’ teaching; and (vi) Jesus reaffirms his own position and challenges his disciples to have faith and accept it.

This is the pattern in 19:16–30:

- (i) Rich Man: What good deed must I do to have eternal life? (v. 16);
- (ii) Jesus: Why do you ask me about what is good? Keep the commandments (v. 17);
- (iii) Rich Man: Which ones? (v. 18) What do I still lack? (v. 20);
- (iv) Jesus: Go sell what you possess; (v. 21). It is easier for a camel to go through the eye of a needle than for a rich person to enter the kingdom of God (v. 24);
- (v) Disciples: Who then can be saved? (v. 25); and
- (vi) Jesus: With man this is impossible, but with God all things are possible (v. 26).

The divorce debate just a few verses earlier follows the same pattern:

- (i) Pharisees: Is it lawful to divorce one’s wife for any cause? (v. 3);

- (ii) Jesus: Have you not read...? What God has joined together, let not man separate (vv. 4–6);
- (iii) Pharisees: Why then did Moses...? (v. 7);
- (iv) Jesus: Because of your hardness of heart ... whoever divorces ... commits adultery (vv. 8–9);
- (v) Disciples: If such is the case ... it is better not to marry (v. 10); and
- (vi) Jesus: Not everyone can receive this saying, but only those to whom it is given.... Let the one who is able to receive this receive it (vv. 11–12).

The most important point to grasp about this pattern is that Jesus does not back down or make concessions to the original questioner or the disciples when they object to his teaching. Instead he enlarges on his original point or restates it in a vivid way and challenges his hearers to have faith to accept his teaching.

It is this context within the standard pattern of Jesus’ confrontation with opponents that makes the Erasmian interpretation of 19:9 so unlikely. For this interpretation allowing divorce and remarriage for *porneia* makes Jesus agree with one side in the Pharisaic debate. But the whole thrust of his teaching up to this point has been that divorce is contrary to God’s creation purposes. When first asked what reasons justify divorce he said: “‘Have you not read that he who created them ... said ... ‘they shall become one flesh’? So they are no longer two but one flesh. What therefore God has joined together, let not man separate.”

The Pharisees correctly read this as a rejection of their concept of divorce, so they counterattack by quoting Deuteronomy 24:1 against him: “‘Why then did Moses command one to give a certificate of divorce and send her away?’”

We should now expect to Jesus to reject the Pharisaic position and reaffirm his own teaching. The early church inter-

pretation, which we argued above was the natural way to understand Matthew 5:32, fits this entirely. By ruling out remarriage entirely, and only permitting divorce, i.e., separation for *porneia*, Jesus does show that his views are quite different from both the Pharisaic positions. This view also explains the disciples' objection in v. 10, "If such is the case of a man with a wife, it is better not to marry."

But the Erasmian view, which permits remarriage in cases of divorce for *porneia*, just does not fit. David Catchpole sets out the issues very sharply, and because he assumes an Erasmian view, blames Matthew for making a real hash of Mark's "consistent, logical and consecutive"²⁶ account in 10:2-9. He sees Matthew zig-zagging between the Markan Jesus' no remarriage view and Matthew's divorce and remarriage view. In Matthew 19:4-6, 8 Jesus adopts "a position of extreme rigour" but this is "decisively modified" in v. 9, "so that in a discussion about the Hillelite view Jesus ultimately comes down on the side of Shammai."²⁷ He quotes Merkel, who says, "In Matthew's view Jesus is only a Pharisaic scribe."²⁸

As if this were not enough to demonstrate the implausibility of the Erasmian view, which permits remarriage, Catchpole proceeds to accuse Matthew of yet more *non sequiturs* in the verses that follow. He points out that v. 9, as he interprets it, gives no reason for the disciples' objection in v. 10: "If such is the case of a man with his wife, it is better not to marry." Catchpole comments: "Nothing in verses 3-9 contains the slightest hint that avoidance of marriage is the best policy: indeed there is nothing which might give grounds for misunderstanding.... Since even the rigorous Shammaite view of divorce belongs inside a context

where marriage is regarded as thoroughly necessary and normal, the disciples' reaction in verse 10 is not coherent. So yet more evidence suggests that Matthew's account is somewhat dislocated."²⁹

Catchpole's careful reading of the text and his candid admission of the difficulties an Erasmian interpretation poses is to be applauded. But surely an interpretation that does not force us to conclude that Matthew is illogical, incoherent, and dislocated is preferable? The early church interpretation avoids all these problems. There are no self-contradictions within Matthew 19, no clashes with Mark 10, and contextually the debate builds to a crescendo with Jesus trouncing the Pharisees and challenging his disciples to accept his teaching. As Quesnell (whose article rightly detects the relationship between Matt 19:10-12 with the preceding section) notes, "The whole thrust of the passage has been toward building up the greatness and sanctity before God of monogamous marriage, the importance of the bond between spouses, as an expression of the divine will for man from the beginning. Then in verse 10 the disciples reject this picture of life utterly."³⁰ "If such is the case of a man with his wife, it is better not to marry."

Jesus' response should not be read as a concession to the disciples, as it would be if vv. 10-12 were simply a call to celibacy. This is the way many commentators and Gospel critics have read it. Such a reading would be totally out of character in Matthew's Gospel. "The ordinary function of the disciples' speeches in the gospels is to ask questions, to misunderstand or object, or simply to advance the action dramatically. They do not enunciate the Christian ideal for life. Their objections are not accepted and confirmed by the Mas-

ter, but are refuted, or made the occasion for stronger restatements of the original teaching."³¹

Rather these verses are "a challenging formulation of the state of a man whose wife has been put away (set loose) on account of *porneia*."³² He may not remarry, so in a sense he is like others who do not marry, those born eunuchs and those made eunuchs by men. "Having rebuffed the disciples' attack in characteristic fashion—with a rebuke to them for lack of faith necessary to receive the difficult word Jesus repeats the call to understanding: He who can grasp it, let him grasp it."³³ Similar calls for faith are found in Matthew 13:9: "He who has ears, let him hear" and Mark 4:9. Read this way Matthew 19:3–12 is coherent and logical, building to a climax in the fashion typical of Jesus' disputes with his opponents. There is no need to suppose clumsy editing by the evangelist or Jesus recanting in the face of opposition. These claims are based on misunderstanding Matthew 19:9 as allowing remarriage after divorce. Within the context of Matthew's Gospel, let alone the rest of the New Testament and the witness of the early church, this is a most improbable interpretation.

The Context within Judaism

Finally we turn to the context of the life of Jesus and his teaching within the setting of first-century Judaism. We have already discussed this in passing as we looked at the other contexts, and it is discussed more fully in *Jesus and Divorce*. I am not sure whether to describe the argument based on the Jewish context as a red herring or an old chestnut! Certainly I think we should be very cautious about claims to reconstruct a picture of the historical Jesus that conflicts with the por-

traits of the canonical Jesus given by the evangelists. Too often, as Schweitzer pointed out long ago, the reconstructions of the historical Jesus and his teaching tend to be little more than scholars seeing their own face at the bottom of the well and supposing it is Christ's. In this case it seems to me quite clear what Paul, Mark and Matthew understood by Jesus' teaching, so I am loath to conclude that modern scholars really understand it better.

The argument from the Jewish context is quite simple. All Jews in the first century permitted divorce in certain cases, and a Jewish divorce always entailed the right to remarry. Therefore any Jewish reader of the New Testament would understand that when divorce was mentioned it included the right to remarry.³⁴

Now no one would dispute that Jews, Greeks, and Romans in the first century assumed that a divorce entitled one to remarry. It is plain too that the Old Testament tolerates divorce with the right to remarriage, though it also quite clearly does not like it. But full divorce was certainly legal. But does that mean Jesus must have thought the same? Could he not have taught something different from first-century Jews? For this is basically what is being said: when Jesus used the word "divorce" (*apolyein*) he must have been using it in the sense that contemporary Jews used it.

This seems implausible to me for three main reasons. First, Christian readers (even form-critics with their criterion of dissimilarity) have always supposed that at some points at least Jesus did disagree with contemporary Jews. Why are there all the dispute stories in the Gospels if Jesus only taught what his contemporaries believed?

Second, it is clear that the Pharisees

expected him to disagree with them about divorce. As both Matthew and Mark observe, the Pharisees came to test him (Matt 19:3; Mark 10:2). This is one of several episodes in which Jewish leaders come to debate political or theological issues with Jesus to make his heretical views public (Matt 16:1; 21:23; 22:15, 23, 34). They were out to prove that he disagreed with their interpretation of the law of the Old Testament. But if the divorce-with-remarriage view is correct, Jesus is just another Shammaite Pharisee, as Goulder puts it: “the radical Jesus disappears in qualifying phrases, and emerges as a rabbi of the school of Shammai.”³⁵

Third, it is a recognised principle of linguistics that the precise sense of a word does not exist in the word alone, but in the utterances in which it is embedded. So it is quite unwarranted to argue that because *apolyein* means “to divorce” (permitting remarriage) in the mouth of the Pharisees, it cannot mean “to separate” (without remarriage) in the mouth of Jesus.³⁶ It is the context that must decide the exact nuance in each case. I have already given my reasons for believing that when Jesus talks of *apolyein* he is talking merely of separation without the right to remarry: it is the only sense that fits the context.

But there is a final consideration. Even the Erasmians who hold that Jesus did allow remarriage after divorce for *porneia* admit that according to Jesus *apolyein* did not always allow remarriage after divorce.³⁷ Basically they break down Matthew 19:9 into two cases: (i) whoever divorces his wife and marries another commits adultery; and (ii) whoever divorces his wife in the case of *porneia* and marries another does not commit adultery.

In the second case the divorce is full

and proper because remarriage does not count as adultery. However in the first case, not even the husband is free to remarry without committing adultery. In other words the legal form of divorce does not give the right to remarriage. So we ought to render the first case: whoever separates from his wife and marries another commits adultery. One might well argue that it is awkward to say the least to have Jesus using *apolyein* in two different senses simultaneously, and that this is another argument against the Erasmian interpretation.³⁸ The early church view is free from this problem for when Jesus uses the word *apolyein* it always means “separate from.” But that is not my main point. It is that the Erasmians must admit that Jesus is using *apolyein* in a different sense from his Jewish opponents. As Erasmians do allow that Jesus taught that divorce in non-*porneia* cases is adulterous, they are saying that this is not real divorce but merely separation.

Finally if we admit that Jesus is using *apolyein* in a different sense from the Pharisees, that he meant “separate” but they meant “divorce,” is this not to accuse him or Matthew at least of being obscure? Not at all. It is a great example of Jesus’ verbal dexterity. It demonstrates his command of language and the debate. No one can read the Gospels without being amazed at his vivid and striking use of language. He takes up old terms and gives them new meanings. Dupont notes that in another dispute with the Pharisees about purity Jesus does just the same sort of thing.³⁹ They follow the Old Testament law that says what you eat and touch makes you unclean, but Jesus says: “It is not what goes into the mouth that defiles a person, but what comes out” (Matt 15:1–20). Jesus takes familiar Jewish terminology and fills

it with new meaning. He does the same when discussing divorce.

My brother David observed that this type of quip or pun is entirely characteristic of Jesus' teaching, both in John's gospel and the Synoptics.⁴⁰ Talking with Nicodemus Jesus reinterprets what being "born again" means, with the woman of Samaria the meaning of "living water," and with the Pharisees the meaning of "blindness" (John 3:3–7; 4:10–14; 9:38–41).

The Synoptic Gospels often show Jesus picking up a term used by someone else and giving it a different meaning. Jesus "was told, 'Your mother and your brothers are standing outside, desiring to see you.' But he answered them, 'My mother and my brothers are those who hear the word of God and do it'" (Luke 8:20–21; cf. Matt 12:46–50; Mark 3:32–35). At his trial and on the cross he was accused of saying, "I am able to destroy the temple of God, and to rebuild it in three days" (Matt 26:61; 27:40; Mark 14:58; 15:29). John 2:21 explains what Jesus meant: "He was speaking about the temple of his body."

When children were brought to Jesus, he speaks first of children and then of "little ones." It would be easy to equate the two, but more careful reading shows "little ones" are not necessarily youngsters but humble believers (Matt 18:5–6; Mark 9:42). Finally one could argue that Jesus enjoyed this sort of quip from an early age! Having at last found him in the temple Mary scolds him: "Behold, your *father* and I have been looking for you in great distress." He replies: "Did you not know that I must be in my *Father's* house?" (Luke 2:48–49). In the light of these examples it could be argued that it would be strange if Jesus had not used *apolyein*, "divorce," in a different sense from his opponents.

Thus all four contexts in which we can

read the teaching of Jesus on divorce and remarriage point in the same direction: separation was allowed for *porneia*, i.e., in situations where Jewish and Roman law required divorce for sexual immorality, but remarriage was never approved. No one, not even ardent defenders of the Erasmian view, contests that the early church held this view. But if one holds that the Erasmian view is the original sense of Jesus' teaching, it becomes a great mystery how the early church came to hold the view that remarriage after divorce was wrong. Second-century Christians would have had both apostolic tradition and non-Christian practice endorsing the right to remarriage. What on earth could have persuaded the whole church to adopt the strict discipline of no remarriage after divorce? This was no minor adjustment to doctrine or ethics. It potentially affected the life style of every member of the church and every potential convert. It does not seem likely that it could simply be based on the ignorance of Gentiles reading the Gospels, who did not know Jewish customs that divorce entailed the right to remarry.⁴¹ For similar principles prevailed elsewhere in the Roman Empire: divorce allowed you to remarry. So why should second-century Christians suddenly have started reading the Gospels in a way that was contrary both to contemporary custom and the traditions that they had inherited from the apostolic age? I find this scenario historically most implausible. With St. Paul, St. Mark, and St. Matthew I believe that only our Lord could have persuaded his followers to make this immense change in marriage discipline and break with both Jewish and classical tradition.

Final Reflections

Although this essay has concentrated on showing that the New Testament nowhere approves of remarriage after divorce, we must not miss the very positive context in which this new teaching is given. This new approach to marriage is possible because Christ has initiated the new creation:

By quoting Genesis 1:27 and 2:24 to undermine Deuteronomy 24:1–3, Jesus was in fact making it clear that the story to which he was obedient was that in which Israel was called by YHWH to restore humankind and the world to his original intention ... the last days must fulfil the creator's intention.... (Jesus) believed himself to be inaugurating the great time of renewal spoken of in the prophets, when the law would be written on the heart's of YHWH's people.⁴²

The church is the place where the principles of the new creation should be lived out. In similar fashion Jesus instructs his disciples to practice forgiveness and avoid violence as befits the messianic age, when the wolf will lie down with the lamb.

Though Jesus inaugurated the new creation at his first coming, it will not, however, be perfected until his second coming. This makes the "last days," the time between the first and second advents, much more like the Old Testament era than we often recognize.⁴³ The Old Testament looks forward to the fulfilment of the promises of a new covenant, a new David, and a new creation. It views the laws as setting a floor for behaviour, not establishing the ideals for human society. Genesis 1–2 portrays creation as it ought to be, with harmony reigning between man and God, man and wife, man and the animals. This is the goal for which the prophets yearn and which Jesus proclaims

has begun to be fulfilled in the kingdom that he has brought.

The Old Testament tells how the first creation fell, and life as we now know it began. Disobedience, dissension, and violence replace obedience, harmony and peace. The flood is sent because the earth was full of violence (Gen 6:11, 13). And after the flood laws are introduced to stop mankind from destroying itself with unbridled violence. "Whoever sheds the blood of man, by man shall his blood be shed" (Gen 9:6). Yet despite authorizing the death penalty for murder, the Old Testament regards even the killing of the guilty as somehow polluting the executioner. The Israelites need cleansing after slaying the Midianites in a war the LORD told them to undertake (Num 31:2–20). David was forbidden to build the temple because he had shed too much blood (1 Chron 22:8–9).

It looks as though the Old Testament has a similar ambivalence towards marital failure. Genesis 2 sets out the ideal of life-long harmonious monogamy. Much of the rest of Genesis illustrates the sorrows of bigamy. Yet the law certainly envisages the possibility of divorce, as is inevitable in a world where dissension and violence are ever liable to break out. Like capital punishment divorce may be necessary in a sinful world. It is provided for the hardness of the human heart. Like capital punishment divorce can curb even worse excesses. But neither is desirable.

This Old Testament situation still prevails in society at large, and so its provisions are still very relevant today. We need police and armies to counter violence. We need divorce to deal with marital breakdown. But what about the church? Is it living in the new creation or the old? How far do Old Testament principles apply in

church life? The church of course is supposed to demonstrate the life of the new creation and be full of love, joy, and peace. Regrettably sanctification is not completed by conversion, nor even later in life! So the Old Testament situation often reproduces itself in the life of the individual believer and the church at large. And this applies to marriages as well as other relationships. I am therefore led to conclude that sometimes the church may with a heavy heart have to sanction divorce among its own members, and exceptionally as some bishops in Origen's day did, even tolerate remarriage "to avoid worse evils." But like Origen we should not fail to point out that it is contrary to our Lord's teaching.⁴⁴

We should remind people that it is not just in marriage that the Christian is called to demonstrate the love of Christ for the church, but that the divorcee can show that love even more poignantly.

A married person as a Christian is called on in faith to express before the world God's love in its aspect of forgiveness. This is the same love which was preached through the OT figures of love and marriage too. Hosea and his "wife of prostitution" (Hos 1-3); Ezechieel and harlot Judah (Ezek 16); Malachi and "I hate divorce" (Mal 2:10-16). The Christian's love for the person to whom he has committed himself is called on to remain faithful even when rejected; and to pursue relentlessly, powerfully, sweetly, even when its object flees it—as men did God's.⁴⁵

ENDNOTES

¹W. A. Heth and G. J. Wenham, *Jesus and Divorce*, 3rd ed. (Carlisle: Paternoster Press, 2002).

²John Calvin, *Institutes of the Christian Religion*, ed. J. T. McNeill (Philadelphia: Westminster, 1960) 1:18.

³Henri Crouzel, *L'Église primitive face au divorce* (Paris: Beauchesne, 1971).

⁴Here I am thinking of the most learned professor of Church History at the Presbyterian theological college in Belfast, John Barkley, who first told me what the early church held. In his gruff Ulster brogue he said: "They did not allow remarriage after divorce. They were quite wrong of course." The reviewer of Crouzel's book in the *Journal of Ecclesiastical History* was equally emphatic: "It would be difficult to praise too highly Père Crouzel's scholarly study of the Church's teaching and practice..." He shows that the evidence for "a tradition (permitting remarriage after divorce) is so meagre as to be virtually negligible" (J. J. Hughes, *Journal of Ecclesiastical History* 24 [1973] 61).

⁵Crouzel, 360.

⁶Quoted by Crouzel, 272-273.

⁷Crouzel, 273.

⁸J. A. T. Robinson, *Redating the New Testament* (Philadelphia: Westminster, 1976) 54-55.

⁹G. D. Fee, *The First Epistle to the Corinthians* (New International Commentary on the New Testament; Grand Rapids: Eerdmans, 1987) 296.

¹⁰*Ibid.*, 296.

¹¹For a summary of the consensus views see D. Wenham and S. Walton, *Exploring the New Testament Volume 1: A Guide to the Gospels and Acts* (London: SPCK, 2001) 205-206, 223-224, 297. But J. A. T. Robinson, 116 suggested the Synoptics reached their final form in the late 50s or early 60s approximately contemporary with Paul's epistles, while my father argued in J. W. Wenham, *Redating Matthew, Mark and Luke* (London: Hodder and Stoughton, 1991) that all the Synoptics were written before the First

Epistle to the Corinthians.

¹²G. J. Wenham, "Gospel Definitions of Adultery and Women's Rights," *Expository Times* 95 (1984) 330-332.

¹³The case of Herodias is often cited, but, as J. Dupont, *Mariage et divorce dans l'évangile* (Bruges: Desclée de Brouwer, 1959) 63 observes, she just abandoned her husband. It could be that Jesus is just aware of what was possible under Greek and Roman law, so C. E. B. Cranfield, *The Gospel according to St Mark* (Cambridge: Cambridge University Press, 1959) 322.

¹⁴*m. Git. 9:3.*

¹⁵Cf. G. J. Wenham, "The Gap between Law and Ethics in the Bible," *Journal of Jewish Studies* 48 (1997) 17-29.

¹⁶D. Wenham, *Paul: Follower of Jesus or Founder of Christianity?* (Grand Rapids: Eerdmans, 1995).

¹⁷*Ibid.*, 381.

¹⁸*Ibid.*, 411.

¹⁹*Ibid.*, 246.

²⁰For a discussion of the meaning of this term (*porneia*) see Heth and Wenham, 183-184. It covers a wide range of sexual sins condemned in the OT law.

²¹So R. F. Collins, *Divorce in the NT* (Collegeville: Liturgical Press, 1992) 167.

²²As an OT scholar I find it surprising that after fifty years of redaction criticism and more recently literary criticism the modern commentaries on Matthew that I consulted do not read Matthew 5:27-32 as a consecutive unit, but as independent sayings without an intrinsic relationship to each other.

²³Dupont sets out the illogicality most

lucidly. If according to v. 32a remarriage is allowed after divorce for *porneia*, but in no other situation, v. 32b has absurd consequences. It must be paraphrased "'Whoever marries a divorced woman is adulterous if this woman has not behaved culpably towards the husband who divorced her. But he is not adulterous if this woman has been divorced for misbehaving.'" Dupont points out that this difficulty is reduced if just the innocent husband has the right to remarry, but not his guilty wife. But if she is not allowed to remarry, that implies she is still bound to her husband, and he to her. Thus when he remarries, he is effectively taking a second wife and is thus, at least in the eyes of God, a polygamist (J. Dupont, 131-132).

²⁴G. J. Wenham, "Matthew and Divorce: an Old Crux Revisited," *Journal for the Study of the New Testament* 22 (1984) 95-107; and "The Syntax of Matthew 19:9," *Journal for the Study of the New Testament* 28 (1986) 17-23.

²⁵Other examples in Matthew include 15:1-20; 20:20-28. Briefer examples of the pattern include 9:10-17; 12:10-13; 19:13-15; 21:23-27.

²⁶D. R. Catchpole, "The Synoptic Divorce Material as a Traditio-Historical Problem," *Bulletin of the John Ryland's Library* 57 (1974) 97.

²⁷*Ibid.*, 94.

²⁸H. Merkel, *New Testament Studies* 14 (1968) 207 quoted in Catchpole, 94.

²⁹Catchpole, 95.

³⁰Q. Quesnell, "'Made Themselves Eunuchs for the Kingdom of

Heaven,'" *Catholic Biblical Quarterly* 30 (1968) 335-358; quote from 342.

³¹*Ibid.*, 343.

³²*Ibid.*, 346.

³³*Ibid.*, 347.

³⁴"A valid divorce by standard ancient definition implied the right to remarry... No ancient Jewish reader would have read Matthew otherwise," says C. S. Keener, ... *And Marries Another* (Peabody: Hendrickson, 1991) 44. The same insistence that Jewish convictions about divorce must determine the interpretation of the New Testament texts is the heart of D. Instone-Brewer's argument in *Divorce and Remarriage in the 1st and 21st Century* (Cambridge: Grove Books, 2001) and his forthcoming *Divorce and Remarriage in the Bible*.

³⁵M. D. Goulder, *Midrash and Lection in Matthew* (London: SPCK, 1974) 18 quoted by R. F. Collins, *Divorce in the New Testament* (Collegeville: Liturgical Press, 1992) 185.

³⁶The same principle would apply if the argument were based on the supposed underlying Hebrew or Aramaic, for the probable terms (roots *slh*, *ptr*, *sbq*, and *nsl*) appear to be broad terms for "send away, dismiss" whose precise sense is determined by the context.

³⁷E.g., John Murray, *Divorce* (Philadelphia: Presbyterian and Reformed, 1976) 25: "It follows from what has been said that the man who divorces his wife (except for the cause of fornication) is not thereby at liberty to remarry any more than the divorced wife. If the woman commits adultery by remarriage, this is so because she is still in reality the wife

of the divorcing husband. And if so, the divorcing husband is still in reality the husband of the divorced woman and consequently may not marry another.”

³⁸See Dupont, 131–147; Heth and Wenham, 133–135.

³⁹Dupont, 145–147.

⁴⁰In personal conversation.

⁴¹So Instone-Brewer.

⁴²N. T. Wright, *Jesus and the Victory of God* (London: SPCK, 1996) 285–286.

⁴³For an attempt to work out this relationship between the testaments see G. J. Wenham, *Story as Torah: Reading the OT Ethically* (Edinburgh: T and T Clark, 2000) especially 129–155.

⁴⁴Crouzel, 82–83.

⁴⁵Quesnell, 356.

Divorce and remarriage, however, do violate permanence until death. Therefore, these practices are viewed negatively by God, but are tolerated under certain circumstances and regulated, primarily for the benefit of women involved, in order to mitigate their most evil effects (Deut 24:1-4, etc.; see below).¹ The Right of Men to Divorce Their Wives, But Not to Take Them Back After They Remarry Two Old Testament legal prescriptions indicate circumstances under which a husband may divorce his wife if he chooses. The first is Deuteronomy 21:10-14, which allows an Israelite man to divorce a foreign captive woman whom he has married if she does not please him. She is then free to go where she wishes, with the obvious implication that she may remarry. Later on, in the New Testament, when Jesus was asked about divorce, He replied that Moses gave permission to divorce because of the hardness of their hearts. He said that in the beginning it was not this way. Jesus continued² Obviously, a couple composed of two born-again Christians does not fall under the Pauline privilege. Divorce and remarriage for any reason are truly unthinkable for two people who sincerely love God and are trying to serve Him. Scripture references are taken from the New American Standard translation of the Bible. Excerpt taken from Answers to 200 of Life's Most Probing Questions, Copyright 1984 by Pat Robertson. What Obligations Do Marriage Partners Have to Each Other? To many, the New Testaments teaching on divorce and remarriage seems to be both impractical and unfair. The plain meaning of the texts allows for divorce only in cases of adultery or desertion, and it does not permit remarriage until the death of ones former spouse. But are these proscriptions the final word for Christians today? Are we correctly reading the scriptures that address these issues?³ David Instone-Brewer is senior research fellow in Rabbinics and the New Testament at Tyndale House, Cambridge, and a member of the Divinity Faculty at the University of Cambridge and the British Association of Jewish Studies. His other books include Divorce and Remarriage in the Bible: The Social and Literary Context (Eerdmans).